



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, April 25, 2023

6:30 PM

Oakley City Council Chambers located at 3231 Main Street, Oakley, California 94561.

Unless stated otherwise on the agenda, every item on the agenda is exempt from CEQA Guidelines Sections 15060(c), 15061(b)(3), 15273, 15378, 15301, 15323 and/or Public Resources Code Section 21065.

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

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

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A complete packet of information containing staff reports and exhibits related to each item is available for public review prior to an Oakley City Council and/or City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority meeting at Oakley City Hall, 3231 Main Street, Oakley, CA 94561. Any writings or documents provided to a majority of the Oakley City Council, Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency or Oakley Public Financing Authority regarding any item on this agenda will be made available for public inspection, during regular business hours, at the front counter in the Main Lobby of the Oakley City Hall located at 3231 Main Street, Oakley, CA 94561. Agendas may be picked up at the Oakley City Hall located at 3231 Main Street, Oakley, CA 94561 for no charge. To request information regarding placement on the City's agenda e-mail distribution list, please contact us at (925) 625-7000.

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Clerk's office at (925) 625-7000.

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

Information Regarding Public Comment

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

1. OPENING MATTERS

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

- 1.1 Call to Order and Roll Call of the Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority**
- 1.2 Pledge of Allegiance to the Flag**
- 1.3 Proclamation Recognizing April 23-29, 2023 as National Library Week and Update from Oakley Library Manager Lisa Cano-Loomis**
[National Library Week Proclamation](#)
- 1.4 Update from the East Contra Costa Historical Society, including the "Oakley through Time" Banner Project (Juli Del Barba Favalora, Carol Jensen and Doreen Pierce Forlow)**
- 1.5 Update from East Contra Costa Fire Protection District (Scott Wannamaker, Assistant Fire Chief)**

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.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.

3.1 Approve Minutes from the Regular Joint City Council/City Council Acting as the Successor Agency to the Redevelopment Agency and Special Public Financing Authority Meeting held March 28, 2023 (Libby Vreonis, City Clerk)

[Memo](#)

[Minutes 3-28-23](#)

3.2 Approve Minutes from the Special City Council Meeting held March 29, 2023 (Libby Vreonis, City Clerk)

[Minutes 03-29-23Sp.](#)

[Exhibit A to Minutes 03-29-23Sp.](#)

3.3 Approve Minutes of the Special Meeting of the Oakley City Council held April 11, 2023 (Libby Vreonis, City Clerk)

[Minutes 04-11-23Sp](#)

3.4 Approve Minutes from the Regular Joint City Council/City Council Acting as the Successor Agency to the Redevelopment Agency/Public Financing Authority Meeting Held April 11, 2023 (Libby Vreonis, City Clerk)

[Minutes 04-11-23Reg](#)

3.5 Accept Report Out of Closed Session Memo (Derek P. Cole, City Attorney)

[Memo](#)

3.6 Approval of the City of Oakley's Contra Costa Transportation Authority (CCTA) Growth Management Program Compliance Checklist for Allocation of Fiscal Year 2021/22 and 2022/23 Local Street Maintenance and Improvement Funds (Kevin Rohani, P.E., Public Works Director/City Engineer)

[Staff Report](#)

- 1. Resolution
- 2. GMP Checklist
- 3a. LSM Annual Reporting Form
- 3b. CIP FY 2022-2023
- 3c. Annual Element Progress Report
- 3d. Resolution 02-13
- 3e. Resolution 88-20
- 3f. Resolution 110-20
- 3g. Resolution 92-08
- 3h. Mailing Labels

- 3.7 Ratify Election: Adopt Ordinance No. 02-23 Authorizing the Levy of a Special Tax on Parcels of Land within Tax Area Zone 187 within the Oakley Special Police Tax Area for Police Protection Services for the Brownstone project (Subdivision 8803) located on the north side of Brownstone Road approximately 500 feet west of Main Street (APN 034-210-009) (Kevin Rohani, P.E., Public Works Director/City Engineer)**

Staff Report

- 1. Zone 187 Signed Ballot
- 2. Ordinance No. 2-23
- 2a. Exhibit A - Boundary Map
- 2b. Exhibit B - Rate Schedule

- 3.8 Waive the Second Reading and Adopt an ordinance adding Text Amendments to Article 12 of Chapter 1 of Title 9 of the Oakley Municipal Code (“Special Land Uses”) – Adding Three Subsections to Address Drive-Through Restaurants, Carwashes, Gas Stations (RZ 04-21) (Ken Strelo, Planning Manager)**

Ordinance

4. PUBLIC HEARINGS

5. REGULAR CALENDAR

- 5.1 Consideration to Adopt a Resolution to Oppose Initiative 21-0042A1, the Taxpayer Protection and Government Accountability Act (California Business Roundtable Ballot Measure) (Joshua McMurray, City Manager)**

Staff Report

- 1. Draft Resolution
- 2. Initiative Text

6. REPORTS

6.1 CITY MANAGER
(a) City Manager

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

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

(b) Requests for Future Agendas

7.WORK SESSIONS

8.CLOSED SESSION

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

9.ADJOURN



PROCLAMATION
National Library Week
April 23 – 29, 2023

WHEREAS, libraries provide the opportunity for everyone to pursue their passions and engage in lifelong learning, allowing them to live their best life; and

WHEREAS, libraries have long served as trusted institutions for all members of the community regardless of race, ethnicity, creed, ability, sexual orientation, gender identity, or socio-economic status; and

WHEREAS, libraries strive to develop and maintain programs and collections that are as diverse as the populations they serve and ensure equity of access for all; and

WHEREAS, libraries adapt to the ever-changing needs of their communities, continually expanding their collections, services, and partnerships; and

WHEREAS, libraries play a critical role in the economic vitality of communities by providing internet and technology access, literacy skills, and support for job seekers, small businesses, and entrepreneurs; and

WHEREAS, libraries are accessible and inclusive places that promote a sense of local connection, advancing understanding, civic engagement, and shared community goals; and

WHEREAS, libraries are cornerstones of democracy, promoting the free exchange of information and ideas for all; and

WHEREAS, libraries, librarians, and library workers are joining library supporters and advocates across the nation to celebrate National Library Week.

NOW, THEREFORE, BE IT RESOLVED that I, Aaron Meadows, Mayor of the City of Oakley along with the members of the Oakley City Council, hereby proclaim, National Library Week, April 23-29, 2023. During this week, we encourage all residents to visit their library to explore the wealth of resources available.

April 25, 2023

Aaron Meadows, Mayor



MEMORANDUM

Office of the City Clerk

Date: April 25, 2023

To: Mayor and Members of City Council

From: Libby Vreonis, City Clerk

Cc: Joshua McMurray, City Manager

Subject: Minutes of the 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 held March 28, 2023

During the regular City Council meeting held April 11, 2023, Councilmember Fuller pulled item 3.1, the meeting minutes for March 28, 2023, and submitted revisions regarding work session item 7.1, specific to the mutual aid portion of the discussion. The Council directed the City Clerk to review the minutes and video and bring the minutes forth for consideration at the next meeting.

I have reviewed the original minutes, the revisions submitted, and the meeting video and have included suggested changes. The revisions submitted by Councilmember Fuller are provided in red. I have made strike-throughs. Comment boxes include my proposed revisions. For clarity of the proposed changes, I am available to walk through the proposed changes during the April 25, 2023 meeting if there are any questions.

**Minutes of the 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 held
March 28, 2023**

1) OPENING MATTERS

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

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

1.2 Pledge of Allegiance to the Flag

Councilmember Fuller led the Pledge of Allegiance to the Flag.

1.3 Proclamation declaring March 2023 as National Prescription Drug Abuse Awareness Month (Mariella Sanding, Contra Costa County MEDS Coalition)

Mayor Meadows announced Ms. Sandling will not be in attendance this evening.

1.4 Presentation by Mt. Diablo Resource Recovery (MDRR): SB 1383 Rollout in Oakley (Sal Evola, Mount Diablo Resource Recovery)

Sal Evola with Mount Diablo Resource Recovery (MDRR) provided a PowerPoint presentation.

Councilmember Shaw inquired where residents will place their pail if they do not currently have green waste.

Mr. Evola indicated everyone can have garbage recycling and organics with the cost and they will expand their center to offer workshops on composting.

Councilmember Shaw inquired if that is provided with no increased costs.

Mr. Evola confirmed that is correct.

Councilmember Fuller inquired if someone will be checking to see that residents are putting green waste in the green waste bin before it is collected.

Mr. Evola indicated their focus is education and outreach, then enforcement, and enforcement will not start this year but when implemented, it will be a three-strike process. He mentioned there will be no digging in the carts; by flipping the lid, they can tell what is visually apparent.

Councilmember Fuller inquired if there will be any weight limit.

Mr. Evola commented that most households in 100% compliance are within weight limits. He suggested residents wait until the night before garbage day to put waste in the green container as a best practice.

Mayor Meadows inquired if there are cameras on the trucks to monitor what is going in.

Mr. Evola mentioned they use the 3rd Eye system that helps monitor contamination with commercial service now and they are exploring it for residential service; it also provides photo documentation.

Vice Mayor Williams commented that Mr. Evola mentioned four of Oakley's commercial businesses are out of compliance. She inquired when the commercial requirements were rolled out and how many businesses are complying and for those out of compliance, if there are any fines.

Mr. Evola mentioned before 2020, if a commercial business was generating more than 4 cubic yards of garbage, it had to have organic service, and in 2020, it changed to 2 cubic yards of garbage. He thanked City staff for working with MDRR staff to directly contact local businesses to get them into compliance. He did not have total numbers on how many businesses are compliant but mentioned Oakley is the most compliant city. He mentioned the organics containers are included in their rates and is mandated, so they have provided containers and education to businesses not in compliance. He explained the City adopted a NOIC that kicked compliance out to 2024.

Mayor Meadows inquired with commercial service if it is a requirement for 2 cubic yards.

Mr. Evola commented that SB 1383 applies to each and every commercial and residential customer. He explained the law prior to SB 1383 was AB 1826 that prior to 2020, required organic service if 4 cubic yards of garbage existed; after 2020, it required organic service if 2 cubic yards of garbage existed. He mentioned SB 1383 is intended to bring the number down to zero and apply to each and every customer, unless the customer has an exemption from the City. He mentioned some commercial businesses are exempt because they do not generate any organic waste.

Mayor Meadows inquired if MDRR provides bins to everyone that doesn't have one.

Mr. Evola mentioned that they provided bins to the four customers not in compliance.

2) PUBLIC COMMENTS

Mayor Meadows announced one online comment was submitted by Diane Merritt and will be made part of the meeting record. Ms. Merritt commented to thank the City of Oakley for its financial support for the Senior Center.

Bud Chaddock commented on Laurel Plaza and mentioned the consultant at the previous Council meeting who was paid for his opinion, suggested having small, communal businesses like in the Downtown as big box is not what the people want anymore nor is it a benefit to our city.

Donna Chaddock commented that during the March 14th City Council meeting she reiterated her view that she has had since March 2020 regarding Laurel Plaza and she was misquoted. What she said is that Shelley Fitzgerald didn't take any money from corporations, it was from ordinary citizens, and the Councilmembers should vote with integrity. She mentioned the consultants during the previous Council meeting commented that the City lacks infrastructure to bring in big businesses and suggested shopping clusters could be considered for more retail as Oakley awaits population growth. She suggested the Council listen to the residents and the consultants the City of Oakley is paying for.

3) **CONSENT CALENDAR**

- 3.1 Approve Minutes from the Regular Joint City Council/City Council Acting as the Successor Agency to the Redevelopment Agency/Public Financing Authority Meeting Held March 14, 2023 (Libby Vreonis, City Clerk)**
- 3.2 Accept Report Out of Closed Session Memo (Derek Cole, City Attorney)**
- 3.3 Approving the Agreement with Ranchettes at Neroly, LLC for "Stormwater Management Facility Operations and Maintenance Agreement, and Right of Entry" for Subdivision 9284 Ranchettes at Neroly and authorizing the City Manager to execute the agreement (Kevin Rohani, P.E., Public Works Director/City Engineer)**
- 3.4 Filing of Fiscal Year (FY) 2022-23 Annual Reports for the City's Maintenance and Services Community Facilities Districts and Police Services Special Tax (Kevin Rohani, P.E., Public Works Director/City Engineer)**
- 3.5 Annexation No. 9 (Elm Lane Apartments) to the City of Oakley Community Facilities District No. 2018-1 (Fire Protection Services) (Kevin Rohani, P.E., Public Works Director/City Engineer)**
- 3.6 Award of Contract for a Professional Services Agreement for On-Call Stormwater Program Services with Geosyntec Consultants for Fiscal Year 2023/24 and Fiscal Year 2024/25 (Kevin Rohani, P.E., Public Works Director/City Engineer)**
- 3.7 Annual Progress Report on Implementation of the 2015-2023 Housing Element with SB 341 Reporting Requirements (Ken Strelo, Planning Manager)**
- 3.8 Consideration of a Resolution Approving the City's Investment Policy for Fiscal Year 2022/2023 (Tim Przybyla, Finance Director)**

Councilmember Fuller pulled item 3.1.

Mayor Meadows pulled item 3.5.

Vice Mayor Williams pulled item 3.7.

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

Item 3.1

Councilmember Fuller requested Ms. Chaddock's comment that Shelly Fitzgerald did not accept money from any corporations be incorporated into the minutes as a correction. It was moved by Councilmember Fuller and seconded by Vice Mayor Williams to approve the minutes with the correction. (5-0)

Item 3.5

City Manager Joshua McMurray commented that staff would like to pull the item and continue it to a date uncertain.

Item 3.7

Vice Mayor Williams pulled the item to provide visibility and requested the chart be placed on the screens that shows how many different types of housing in the 10-year period. She inquired if 85% is not affordable and how Oakley compares with other cities in terms of progress.

City Manager Joshua McMurray commented that the City has a good track record of having projects come to life and projects constructed; however, the City has limited control; it does what it can with state mandates to apply affordable housing overlay to remove as many barriers as possible and make the housing essentially a by right approval, but they have not hit marks on low to very low units with this past RHNA period. He mentioned he is not certain how Oakley compares with other cities in terms of progress.

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

Mayor Meadows returned to Public Comments (Item 2.0) to provide Kari Arnold an opportunity to speak as she submitted a public comment card.

Ms. Arnold shared that she recently moved from Knightsen to Oakley and when living in Knightsen, there was a grow house for marijuana down the street from her house; Sheriff's Office response to the site became frequent, there as a beating, someone was tied to a tree and there was a killing. She mentioned when she heard about Continente Ranch's proposal to have a grow farm, she wanted to express her experience and concern.

4) PUBLIC HEARINGS

4.1 City of Oakley 2023-2031 Housing Element – Approval of a General Plan Amendment Adopting the City of Oakley 2023-2031 Housing Element (Ken Strelow, Planning Manager)

Planning Manager Ken Strelow presented the staff report and a memo regarding the HCD conditional approval letter dated 3/27/23 and a summary of clerical errors. He mentioned if the Council approves, staff will make changes and send to HCD tomorrow.

Chelsea Payne with Ascent Environmental provided a PowerPoint presentation.

Councilmember Fuller mentioned pages 111-112 do not seem to correlate with the sites shown; in particular, he expressed concern regarding Site L as he does not want to see 200-300 units of housing there.

Ms. Payne commented that there were candidate rezone sites and other potential sites reviewed and considered so that might be where he is seeing that site; staff will confirm. She explained with this action, the Council is not committing to those sites; it shows the City is considering enough sites to meet RHNA; the process of rezoning sites will take place over 3 years and that is a public process; this is an initial list so sites here may remain or fall off the list.

Councilmember Fuller commented that a community meeting was held 4/20/22 and he is curious to know if an ASL interpreter and blind interpreter were offered. He indicated he did not see any notice on the flyer that accommodation could be made..

Mr. Strelo responded that they did not have those services at that meeting held at the Oakley Recreation Center; they had Spanish translation and a live interpreter, and the building has ADA access. He added staff has no additional information other than the information on the flyer. He mentioned if there are any requests for future meetings, staff is happy to make meetings as inclusive as possible.

Councilmember Fuller indicated one of the most significantly marginalized groups in the community exceeds the norm of the area, the percentage of people that live here that are disabled and their socio-economic status is one of the most marginalized and affected groups of affordable housing and it needs to be addressed.

Ms. Payne commented she would agree with that. She mentioned disabled are considered in the special need groups in the Housing Element and they are addressed in the Fair Housing Assessment so that data is reflected here.

Councilmember Fuller mentioned it is state law and the City's intent to not congregate affordable housing in one area, but rather disperse it city wide.

Ms. Payne confirmed that is correct.

Vice Mayor Williams commented that she understands the City was hit with a builder's remedy because it did not hit the last target. She inquired if the Council certifies this, if the City is guaranteed to meet it this time.

Mr. Strelo confirmed that is correct.

Vice Mayor Williams inquired if there is a benefit to starting the work sooner even though they have a 3-year period.

Ms. Payne explained if the City does not meet the rezone target, the Housing Element would be non-compliant and HCD would decertify it which would open the City back up to builder's remedy.

Vice Mayor Williams commented that there is an action item to work with the County on reducing fees. She inquired about any potential repercussions there might be to the City.

Mayor Meadows mentioned it is not just the County but also special districts.

Mr. Strelo mentioned the action item is to review the fees and meet as necessary to try and discuss any reduction needed and he does not believe there is penalty if those fees are never reduced.

Councilmember Fuller inquired which state agency this goes to.

Ms. Payne responded it goes to the Department of Housing and Community Development (HCD).

Mayor Meadows opened the open public hearing.

No public comments were submitted.

Mayor Meadows closed the public hearing.

Councilmember Fuller addressed community rehabilitation grants to rehabilitate housing already here that may be in need, disbursing affordable housing and getting it out, minimal or no housing for the income level of people needing housing, and two areas where there is overpayment of rent. He mentioned the City needs to address disabled; he can't get behind that the most marginalized groups are disabled and have the greatest needs for affordable housing yet there was no interpretation, no ASL, and no blind interpreter for the community meeting.

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

5) REGULAR CALENDAR

5.1 Emergency Management Program Assessment Report (Joshua McMurray, City Manager)

City Manager Joshua McMurray presented the staff report. He introduced Chris Godley with Aegis Emergency Management. He mentioned the Assistant to the City Manager will oversee the program when the position is filled.

Chris Godley with Aegis Emergency Management provided a PowerPoint presentation.

Councilmember Fuller thanked Mr. Godley for recognizing people with disabilities and animals. He mentioned the report indicates the City does not have a warning system. He inquired why Oakley does not have it and if it would be advantageous to have it.

Mr. Godley explained that the City doesn't maintain its own warning system but has it through the County. He mentioned it may be challenging for a city this size to develop and maintain technology and staffing to administer warnings. He added that Oakley Police have Nixle.

Councilmember Fuller inquired if they can pinpoint it to Oakley.

Mr. Godley explained that geofencing technology is becoming better and better over time, especially for wireless private broadband carriers to execute alerts.

Councilmember Fuller inquired who will be the person to contact in Oakley.

Mr. Godley mentioned executive staff could activate alerts; however, he would prefer Mr. McMurray to address the question.

Mr. McMurray mentioned the Assistant to the City Manager will be the point of contact and the City's PIO.

Councilmember Shaw inquired if the emergency management plan incorporates a mutual aid agreement with other cities for events such as large fires.

Mr. McMurray commented it does and depending on the severity of the disaster, Oakley may need to depend on other cities and the County.

Mr. Godley commented that the City is already enrolled in the California Master Aid Agreement so it will receive assistance for first responders and Emergency Management requires separate mutual aid agreements for other things after the event.

Vice Mayor Williams mentioned the E. Cypress relevant evacuation zones. She inquired if there is a time frame when staff will finalize this plan.

Mr. McMurray mentioned they will bring someone on board for the position and then look at the timeline but he anticipates it will be within this calendar year.

Vice Mayor Williams commented that she understands Nixle doesn't count as a warning system. She inquired if there are grants or something they can work on to reach a specific targeted audience and get to those areas.

Mr. Godley mentioned the County indicated it can provide better support to the City for general public preparedness and the community emergency response team (CERT) can bring information to residents.

No action was required of the City Council.

5.2 Authorization for the City Manager to Execute a Purchase and Sale Agreement with Kent A. Ipsen for the sale of property located at 3070 Main Street (APN 037-200-010) (Joshua McMurray, City Manager)

Mr. McMurray presented the staff report.

No public comments were submitted.

It was moved by Councilmember Shaw and seconded by Vice Mayor Williams to adopt the resolution.

Councilmember Fuller requested an amendment to the motion for sale proceeds to be allocated to legal defense funds to sustain the lawsuit filed by O'Hara Properties.

City Attorney Derek Cole commented that it is not agendaized under this item to allocate this significant amount of funds so he does not believe the Council has authority under the Brown Act to amend the motion to include this direction; however, it could be made in the future.

Councilmember Fuller indicated he will request a future agenda item at the end of the meeting.

Mr. Cole indicated that requesting a future agenda item is the best way to proceed; if there is Council consensus, staff can bring back the item to attribute the money to a specific purpose. He mentioned under the Brown Act, this agenda item does not tell the public the City is committing funds to a specific use.

Motion was unanimous and so ordered on the resolution as presented. (5-0)

Mayor Meadows announced a brief recess at 8:04 p.m. The Council reconvened at 8:16 p.m.

6) REPORTS

6.1 CITY MANAGER (a) City Manager

City Manager Joshua McMurray announced there will be a community meeting tomorrow at 7:00 p.m. at the Oakley Recreation Center to discuss the 55-acre park; it will be recorded, and staff will launch an online survey for community input. He also announced that Science week begins Saturday at 10:00 a.m. at Ironhouse Sanitary District and ends April 7 at the Recreation Center, Oakley's Got Talent auditions are April 5 at 6:00 p.m. at the Oakley Recreation Center, Taste of Oakley tickets are on sale, Friday Night Bites will be held April 7, 5:00-8:00 p.m., Art in the Park is April 15 at Civic Center (registration is open online for the Rock the Chalk portion of the event), Major League Fishing will be held April 19-21 (registration will be held April 18 at the Oakley Recreation Center), Economic Development held its second small business forum and registration is open for the next workshop to be held April 27 (Online Marketing and E-Commerce), social media will go out linking library sessions that have been recorded, and registration is open for the next Entrepreneur Workshop on April 21 (CA Sales Tax Compliance).

Vice Mayor Williams mentioned she received a lot of questions regarding the last fishing tournament and comments that the City didn't publicize it. She inquired what the City is doing to publicize the fishing tournament.

Mr. McMurray mentioned it was supposed to go through Oakley but it was switched at the beginning of the year to now go through Russo's; registration will be held in Oakley and staff will push out publicity through social media.

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

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

Councilmember Fuller reported that during the last meeting and during this meeting he saluted the flag during the Pledge of Allegiance. He explained why the salute can be used. He mentioned the American Legion Post 202 in Brentwood is trying to expand into Oakley and is

looking for members. He thanked Whiskey, Tango, Foxtrot for providing a discount to first responders, veterans, and others.

Vice Mayor Williams reported she attended the environmental quality policy review where lots of bills were reviewed. She explained the group is through CalCities to help fix some of the unfunded mandates related to environmental quality. She mentioned they received from the Revenue and Taxation Committee, Sales Tax Modernization with e-commerce and there is focus to protect local revenues, state budget and legislation, and they are creating easier pathways for federal and state funding. She mentioned they are also working on making accountability go where funding is for homelessness. She addressed two bills in Government Transparency that CalCities is sponsoring, one regarding the Brown Act that will allow virtual options and the other regarding City Council salaries to increase diversity and allow more outstanding community members to come forward. She mentioned in Housing and Economic Development, there is a letter CalCities would like everyone to issue, and to approve SB 35 projects, in Public Safety there is a bill proposed to amend Prop 37 to increase accountability for repeat offenders, in Transportation, Communications and Public Works they are adding new regulations for flexibility with complying with advance clean fleet regulations, there is a new waste packaging coming where California will receive \$5 billion between 2027-2037 to clean up plastics mess, a direct cost from manufacturers, and under SB 54, all materials must be recyclable and decomposable by 2032 with imposition of a \$50,000 fine per day (manufacturers) if violated.

Councilmember Shaw reported she attended Tri-Delta Transit's Appreciation Day on 3/16 where Tri-Delta honored 2 transit workers who were accident free for a number of years, she attended the birthday celebration and bench dedication for Alexis Gabe on 3/17 (she thanked Chief Beard for his work and support to the family), she attended the Ironhouse Sanitary District (ISD) meeting on 3/21; there is an opening at LAFCO for the special districts member alternate seat-Director Morgan and President Morrow have been nominated for the seat by ISD-and ISD is talking about rebranding. She also reported she attended the Tri-Delta Transit meeting on 3/22 and the Oakley Park and Ride lights are on and there is a new means-based pilot program for 6 months where they will give ADA applicants \$22 to cover 8 one-way trips per month and they are bringing back the summer youth program, reducing the price from \$60 to \$30 for a 3-month unlimited pass for 5-17-year olds from June 1 to August 31. She announced on 4/27, Tri-Delta is hosting a Shred-it event with the City of Oakley; the drive-up event at the Park and Ride begins at 9:00 a.m. and there is no limit, they are taking shredding until trucks are full, and they have one truck and are hoping to secure a second truck. She also reported attending the San Joaquin Joint Powers Authority (SJJPA) meeting virtually on 3/25; there was a long discussion regarding decommissioning the Antioch train station and while Antioch's Mayor made a lot of arguments against closing the station, Supervisor Burgis, City staff, and former Mayor Kevin Romick spoke to make sure it moved forward. She also reported she attended the Center of Human Development ribbon cutting on 3/27 in Pittsburg. She shared she will be shadowing Senator Glazer tomorrow at the Capitol and will discuss funding options for E. Cypress and funding for Tri Delta.

Mayor Meadows inquired if there are 2 members running for the LAFCO position.

Councilmember Shaw explained that special districts get to nominate 2 people, but only 1 will be selected.

Mayor Meadows reported he also attended the SJJPA meeting and Supervisor Burgis brought it; Antioch would have kept station if not for her. He also reported he attended the CCTA

meeting and he regularly meets with the Executive Director of CCTA to discuss revenue sources for E. Cypress and Laurel. He also reported he attended the MCE meeting where they approved an \$800+ million budget.

(b) Requests for Future Agendas

Councilmember Fuller requested two items: 1) funds from the sale of 3070 Main Street be used to allocation for defense of the O'Hara property lawsuit and 2) funds from the sale of surplus property located at the northwest corner of APN 037-160-018 be used to allocation for defense of the O'Hara property lawsuit.

Mr. McMurray mentioned with the surplus property, the City is in the 60-day waiting period now.

Councilmember Fuller indicated when the property is sold.

Vice Mayor Williams inquired what happens if funds are earmarked and not used for the lawsuit.

City Attorney Derek Cole commented that staff can include a provision to earmark the funds for litigation for the City's cost of attorney fees or any damages and if the lawsuit settles or resolves and there are funds remaining, those funds will go back to the General Fund. Vice Mayor Williams supported it.

Vice Mayor Williams requested an item to look at modernizing participation at City Council meetings. Councilmember Fuller supported it.

Mayor Meadows requested an item to review facility needs for staff when they reach build-out. Vice Mayor Williams supported it.

7) WORK SESSIONS

7.1 Work Session-Police Department Staffing (Joshua McMurray, City Manager and Paul Beard, Chief of Police)

Chief of Police Paul Beard addressed staffing levels, candidates in queue, and the Police Department structure. He shared the vision for a full-service Police Department, staffing issues, and provided an explanation of additional services. He addressed challenges: workspace concerns, special ops sergeant, fleet, equipment, trainers. He also addressed an "over hire" proposal: over hire timelines, move a position from the 24-25 FY. He covered mutual aid: explanation, LEMA document, Department Policy 327, and mutual aid stats: 4 major incidents last year requiring mutual aid (Alexis Gabe, office involved shooting, Seattle suspect shot, another officer involved shooting). He also discussed the dispatch project: the reason the agenda item was brought forth, Strategic Advisory Services consulting exploration of Brentwood Dispatch, and cost factors pending.

No public comments were submitted.

Vice Mayor Williams mentioned that it sounds like from the presentation, the Chief feels comfortable with staffing but Police has pretty much outgrown the building. She inquired if allocating funds for equipment and space would be a better use of resources.

Chief Beard responded it would be as they need equipment. He shared they are a 40-person department and only have 24 helmets; he doesn't want to share helmets. He also shared they have only 32 rifles that are important for users not to share for accuracy and proficiency.

Vice Mayor Williams commented that it sounds like for better police safety and to keep officers safe will be to equip them rather than hire more bodies.

Chief Beard expressed he is confident that in 2023, Oakley will see a healthy department doing all functions discussed today and the community should be well served, including their investment in doing patrol doing work.

Vice Mayor Williams inquired if numbers are available for the Brentwood Police ratio of number of officers to residents.

Chief Beard did not have those numbers.

Councilmember Henderson commented that having a traffic officer back is huge. He inquired if the special team will be in place before July 4th to handle fireworks issues.

Chief Beard responded that they may have one sergeant and one officer, but not all four.

Councilmember Henderson inquired if they are working on capital replacements for future budget.

Chief Beard inquired if he was referring to vehicles or persons managing the services.

Councilmember Henderson confirmed he is referring to vehicles. He would like to know if they are planning for the future so capital replacements will be in the budget.

Chief Beard explained it is in progress; if they get to a fully healthy fleet, he anticipates they will need to replace approximately 3 vehicles per year; the vehicle replacement plan will work hand-in-hand with the budget.

City Manager Joshua McMurray mentioned the City of Brentwood has a population of 66,455 with 72 sworn Police officers, a ratio of approximately 1 officer per every 922 residents (in response to Vice Mayor Williams's inquiry).

Councilmember Fuller suggested the Council bifurcate into 3 areas of discussion instead of trying to discuss all at once.

Staffing

Councilmember Fuller commented there will be 1 new officer hired each year. He inquired how many total officers there will be.

Chief Beard responded that they are looking to have 42-43 officers including 2-3 over hires, over time, not all at once.

Councilmember Fuller inquired where money will come from to fund over hires. He inquired how they will sustain enough space and officers with population growth to keep up with the momentum.

Chief Beard mentioned they need to be reasonable how fast and far they grow. He explained that 1 officer per year is for fiscal year 24/25; they propose to add 2 officers that year, but he suggests moving 1 officer from that year to fiscal year 23/24 to hire in Jan 2024.

Mr. McMurray further explained that they have planned for two officers in 2025, 2027 and 2029 so they would take 1 of 2 officers in the fiscal year 24/25 budget and placing in 23/24 budget and hire in Jan 2024.

Councilmember Fuller inquired if there is funding for that.

Mr. McMurray explained they have cost savings that will provide for it. He explained with over hires, when an officer is off paid status is when they would hire to backfill a position so there is no impact on the Police budget.

Mayor Meadows commented it is not a true over hire; they are just hiring on an as needed basis.

Councilmember Fuller commented that he favors increased staff and safety that may require more work space to accommodate that growth and that takes funding; how that is put together is important too.

Mayor Meadows commented that Brentwood's ratio of officers to residents is just about 1.1, Oakley will be about .9.

Councilmember Shaw inquired if it would be beneficial to have a substation to provide space for more officers as the department grows.

Chief Beard indicated the modeling of substations is beneficial; the officer responds to duty at the main station and works from the substation that would consist of a workstation, office equipment, a break room and restroom.

Councilmember Shaw inquired if the Police station can be built upward.

Mr. McMurray explained that the building was not designed for it; sometimes when restructuring a building it can cost more.

Councilmember Shaw inquired what the policy is for personal rifles.

Chief Beard responded they do not currently have a policy to address it but he purchases good rifles.

Councilmember Shaw commented she understands the struggles and appreciates having a tour of the Police Department; it opened her eyes not only to officers but to needs for the evidence room and equipment issues.

Vice Mayor Williams inquired if the City's grant writers can look to see if grants are available to transition the City's fleet to carbon neutral vehicles.

Mr. McMurray explained it is in the City's climate action plan to become carbon neutral and the City has a grant writer who is aware of the needs for staffing and equipment, including vehicles;

however, no grant are available now, but they expect grants to open later this year. He mentioned they are fully invested in seeking funding to support operations.

Vice Mayor Williams inquired how we know that the ratio of 1:1000 is the right number for Oakley and why we are committed to that number.

Chief Beard explained the number is supported by calls for service, response times, caseloads, and other data points to come out with a general answer and numbers will vary year to year, but 1 officer for every 1,000 residents is a great base line.

Councilmember Shaw shared that her husband wrote a grant for an electric Police motorcycle, and she would love to look into it for Oakley.

Dispatch

Councilmember Fuller inquired if it is more costly if the City moves to having Brentwood dispatch and if there is a measure where they might improve service and citizen engagement.

Chief Beard mentioned the consultant met with Brentwood's City Manager, Chief of Police, and dispatch supervisors and the report is still being refined so staff is awaiting to see how feasible it is. He shared that Brentwood has a lower vacancy rate for dispatch services than the Sheriff's Office; Brentwood is down 1 person and the Sheriff's Office is down more.

Mayor Meadows mentioned the Sheriff's Office has more dispatchers though.

Chief Beard indicated he believes they may have 22 dispatchers.

Councilmember Fuller inquired if the Council will get a report.

Chief Beard mentioned the Strategic Advisory Services group will provide a full report.

Councilmember Fuller inquired if the report will compare level of service, i.e. response time, complaints, etc.

City Manager Joshua McMurray mentioned the report is not to that level of detail; it will look at big ticket items to begin discussion.

Vice Mayor Williams inquired if dispatch is more of a police function or community function, or in other words, if it benefits police officers or the community with response times to switch dispatch.

Chief Beard mentioned the County has served him well for 33 years; they are looking to see if Brentwood may be a better fit for Oakley Police; they still need to flush it out.

Vice Mayor Williams inquired if the report might provide compare and contrast and if there are any benefits that can be identified now.

Chief Beard mentioned the report will not provide a comparison; once they get the report, staff can make an assessment on their own.

Mayor Meadows inquired which cities the Sheriff's Office currently serves.

Chief Beard responded it serves the cities of Danville, Pittsburg, Orinda and Lafayette.

Councilmember Shaw commented switching to Brentwood would be a huge overhaul; it is not just changing location; it comes with training, licensing agreements, IT involvement, etc. She mentioned County technology seems delayed, but it may be a matter of whether it is worth the cost to switch.

Chief Beard mentioned technology would change the way they retain records, the way officers see information to respond to calls, and the County is looking to change its system.

Mutual Aid

Councilmember Fuller commented that the mutual aid agreement is a voluntary document; anytime the Chief or City finds its officers in danger, the City can walk away or terminate the agreement. He expressed Oakley's officers are trained and respond well, they are highly professional addressing systemic racism and operate as a Class A organization; he wants them to trust us and it is important for officers to know they are safe. He mentioned Antioch approaches Police force from a different perspective that is more aggressive than Oakley and he doesn't want to open Oakley's officers to abuse of the power structure in Antioch so he is looking for a solution. He mentioned Oakley is responsible and he wants it clear that everything that goes on will come back to Oakley. Councilmember Fuller said he had confidence in Chief Gates when he was Chief of Police. Chief Gates stood with his officers, and it was well known that if officers encountered a hostile situation from outside the Department the Chief would stand with them to ensure their safety. Councilmember Fuller further stated that Mayor Thorpe said he had limited control holds in his officers, and other oppressive actions and that resulted in a drop in the murder rate. Mayor Thorpe indicated that all police were racists. Councilmember Fuller said he did not want Oakley officer subjected to that form of discourse and rhetoric.

Commented [LV1]: Councilmember Fuller commented that the mutual aid agreement is a voluntary document; anytime the Chief or City finds its officers in danger, the City can walk away or terminate the agreement. He expressed Oakley's officers are trained and respond well, they are highly professional addressing systemic racism and operate as a Class A organization; he wants them to trust us and it is important for officers to know they are safe. Councilmember Fuller said he had confidence in Chief Gates when he was Chief of Police as Chief Gates stood with his officers and it was well known that if officers encountered a hostile situation from the outside, the Department and the Chief would stand with them to ensure their safety.

Chief Beard commented that he and Chief Ford see the mutual aid agreement the same way and acknowledge the same document. He shared that full-blown mutual aid is rare; he is operating under his authority and policies, and he takes accountability for his officer's actions.

Councilmember Fuller commented he doesn't think Dr. Ford is getting the same support as Chief Beard and he would like the City Managers also sign as it carries heavier weight; he likes the idea of a letter signed and that is public so if the Mayor wants to change it or there is political pressure, this is in place and worked out ahead of time. Councilmember Fuller stated he did know Chief Ford but Councilmember Fuller said he had doctorate from the University of San Francisco and extensive service as on the San Francisco Police Department. Councilmember Fuller stated he believed Chief Ford would respond in a professional manner, but perhaps Mayor Thorpe would attempt to intervene.

Commented [LV2]: Councilmember Fuller commented that he doesn't think Dr. Ford is getting the same support as Chief Beard and he would like the City Manager also sign as it carries heavier weight; he likes the idea of a letter signed and that is public so if the Mayor wants to change it or there is political pressure, this is in place and worked out ahead of time. Councilmember Fuller stated he did not know Chief Ford, but knows he has a doctorate from the University of San Francisco and extensive service on the San Francisco Police Department and believes he would respond in a professional manner.

Chief Beard commented the document is on file (LEMA). He mentioned the document doesn't achieve everything Councilmember Fuller is speaking to. He indicated he doesn't want to get into commentary regarding another jurisdiction. He expressed it pains him there is any slight question mark that Oakley Police would hesitate to respond to provide mutual aid, no matter how they operate. He mentioned he wants any question mark off his department, and he is happy to sign a letter that states what has already been stated if that is the Council's direction.

Councilmember Fuller said that he wanted a document in place that would encompass that Oakley officers would be under Oakley PD standards. Councilmember Fuller went on to say that the City Manager should also sign, and perhaps the Antioch City Council also. Councilmember Fuller said he thought this in case the Mayor decided he did like what was going on with Oakley officers, and wanted action against Oakley officers. Councilmember Fuller stated he believed that was the direction the Antioch Mayor was following. Councilmember Fuller said he would like the city managers to agree ahead of time in case there is such a situation with the Antioch Mayor.

Chief Beard said there was a document already on line that outlined what Councilmember Fuller discussed. Chief Beard said he was grateful to work for the council but disagreed with the letter concept.

Commented [LV3]: This discussion took place earlier (see page prior)

Councilmember Shaw inquired if Chief Beard could choose to send officers for mutual aid because he signed LEMA. Chief Beard said they were in agreement that Oakley would supply officers.

Chief Beard responded that is correct if they have resources to respond.

Councilmember Shaw mentioned our police officers adhere to Oakley policies and answer to Chief Beard and this would be true of any complaints by citizens; they would get directed to Chief Beard.

Councilmember Shaw mentioned the indemnification/liability limitation provisions in LEMA address some concern and the District Attorney has also signed this. She shared she looked at Policy 327 and Lexipol who helps create Oakley policy that is also used by Brentwood and Antioch for policy (almost identical) and Lexipol provides updates.

Commented [LV4]: Councilmember Shaw mentioned the indemnification/liability provisions in LEMA address some concern and the District Attorney has also signed this. She shared she looked at Policy 327 and Lexipol who helps create Oakley policy.

Chief Beard said there was an agency (private) called Lexipol that drafted policies for agencies review and such work took a burden of administrative work off of police agencies.

Councilmember Shaw indicated it is also used by Brentwood and Antioch for policy (almost identical) and Lexipol provides updates.

Councilmember Shaw mentioned that not being able to use certain control holds (use of force policies under AB 1196) is a state restriction as of 9/30/2020; it is not city specific.

Councilmember Shaw mentioned military equipment under AB 481 (2021) effective January 1, 2022, provided agencies had to have a policy by May 2022 and surrounding agencies have equipment so they are great resources. She explained this is a state-wide bill and all agencies had to do it; it is not the Antioch Mayor doing these things. Chief Beard said there was an agency (private) called Lexipol that drafted policies for agencies review. Such work took a burden of administrative work off of police agencies. She mentioned she appreciates Chief Beard staying out of politics; she doesn't want officers to hesitate to provide aid and appreciates that they give us aid and that we give them aid.

Commented [LV5]: This comment was provided earlier in the discussion. Please see prior comment.

Councilmember Shaw said local agencies update their policies in accordance with state and federal law. Councilmember Shaw said Antioch and Brentwood had identical police policies except for a couple of minor changes. Councilmember Shaw stated Mayor Thorpe had said he had arranged for his police department not to use certain control holds. Councilmember Shaw said that the state had mandated this so Mayor Thorpe was just complying with state law. Councilmember Shaw said that the state had mandated no more military equipment so Mayor Thorpe was just responded to state law. The governor imposed this on police departments. Councilmember Shaw said these were things she did not even know about. The state demanded them on agencies.

Commented [LV6]: These comments are already addressed in above paragraphs.

Vice Mayor Williams mentioned Councilmember Shaw took all of her points and she also applauded Chief Beard for staying out of politics. She expressed it is important to promote things we do here, not point out shortcomings of other cities and she doesn't want to disparage other cities. She mentioned even though Antioch's Mayor likes to take credit for those things, it was the state that required them.

Councilmember Fuller commented that the military equipment policy was up to individual cities to purchase, and individual cities have their own use of force policies **sanctioned by POST**; **that each city makes its own policies in conjunction with POST**; there is no uniform policy for the entire state that applies to weapons; we tailor what we need to do our own good. **That is what we do. Tailor what we need to our own goods.** **(During these comments Chief Beard raised and lowered his chin many times.)** He mentioned he would appreciate a letter with the City Manager's signing to cooperate. **Councilmember Fuller also would appreciate Mr. McMurray signing such a letter.**

Commented [LV7]: Summarized in prior sentence.

Commented [LV8]: Body language not typically provided in minutes as it can be subjective.

Commented [LV9]: Summarized in prior sentence.

Councilmember Henderson commented that the Council is getting way too much into the weeds of letting Chief Beard do his job; mutual aid is set up, policies are in place, and they should let the Chief do his job.

Councilmember Shaw commented **(continued)** she doesn't agree with these letters. She inquired if they would go to each city with a letter. **If the City wanted to change something we could talk about it but a letter from each city would be too much.** She indicated that is the purpose of LEMA and it can be updated to include Council suggestions. She also indicated other cities can have different use of force policies but officers are still held to the Chief's standard; they are assisting other agencies but are still subject to Oakley policy. **The Oakley City Policy, the City Manager, these are the people who make those decisions. Until there is a state policy in place we have to go by the county policy and we just can't go state by state. Councilmember Shaw said when the suspect involved with Alexis Gabe was shot in Washington we had not mutual aid agreement with that city. It's ridiculous.** She mentioned the LEMA agreement works and she is concerned if they start getting into that level of detail, what happens with the agency they haven't thought of; they are getting into weeds and should let law enforcement do its job.

Commented [LV10]: Councilmember Shaw commented (continued) she doesn't agree with these letters. She inquired if they would go to each city with a letter. She indicated that is the purpose of LEMA and it can be updated to include Council suggestions. She also indicated other cities can have different use of force policies but officers are still held to the Chief's standard; they are assisting other agencies but are still subject to Oakley policy approved by the Chief of Police and City Manager. She mentioned until there is a state agreement in place, they have to go by the County agreement; they can't just go agency to agency. She mentioned the LEMA agreement works and she is concerned if they start getting into that level of detail, what happens with the agency they haven't thought of such as the situation in Washington; it's ridiculous. She commented that they are getting into the weeds and should let law enforcement do it job.

Chief Beard expressed that he sees credibility of the concerns of each Councilmember; however, if he does something drastically different than other agencies he would be looked at with suspicion and doesn't want that to impact his officers receiving less assistance or aid when needed.

Councilmember Fuller requested clarification of what he meant by the statement about suspicion.

Chief Beard commented it may be more important for Councilmember Fuller to define his statement on social media; he expressed he had to deal with his officers asking him if he is going to stop aiding Antioch. He explained he is trying to avoid a solidarity situation **if Oakley did not respond to mutual aid those agencies would react solidarity and not respond to Oakley's request for mutual aid** and Councilmember Fuller's words have been characterized that Oakley will not support Antioch Police but that may not be what he meant so he requested Councilmember Fuller clarify his position on social media.

Commented [LV11]: Chief Beard commented it may be more important for Councilmember Fuller to define his statement on social media; he expressed he had to deal with his officers asking him if he is going to stop aiding Antioch and the answer is no. He shared that concerns then came up if Oakley stops aiding other agencies, how can Oakley expect other agencies to assist us; these other agencies would show solidarity with Antioch PD. He mentioned Councilmember Fuller's words have been characterized that Oakley Police will not support Antioch Police but that may not be what he meant so he requested Councilmember Fuller clarify his position on social media.

Councilmember Fuller commented he never said Oakley would stop; they have a responsibility to our officers and if they are being led into fire, they should respond but be protected.

Councilmember Fuller stated he had twenty-years as a police officer with LAPD, including the housing projects in the 1992 riots. Councilmember Fuller said Chief Beard had thirty years of experience. Talk about experience. We have a responsibility to ensure our officers are protected. Some people have the visualization that of Adam 12 that when an officer puts out a help call all the officers run in. That's not good. If there are 22 letters that's a drop – there are many letters that go out in regard to mutual aid. ~~We have a threat to the officers in the community.~~ He mentioned if they have a threat for officers to be there, Oakley has responsibility to deal with it; hearing him say his department would run into suspicion and he did not think that Chief Beard ran his department like that and Councilmember Fuller did not think that Dr. Ford ran his department like that either. ~~and is not how his is run nor Chief Ford's.~~

Chief Beard responded that he appreciates that and feels they need to offer that to Chief Ford.

Councilmember Fuller commented he wants both to say that; what he is hearing from others is that they are vulnerable, ~~Councilmember Fuller does not like to hear Oakley's officers are vulnerable. Councilmember Fuller said during the 1992 riots he was in LAs housing projects. One of the reasons officers stepped up to the task was they knew they were supported by the department. Councilmember Fuller explained there was an incident where he was called to run a skirmish line and a commander and two deputy chiefs were ther in support. A suspect was down and an AR 15 was out there. The officers stood there and performed admirably because of the support. That support he wants to give to Oakley officers. Councilmember Fuller said to blame the letter on him – Councilmember Fuller insisted – but we still needed an agreement, and he wants to support our officers.~~

~~Chief Beard commented he doesn't want to be in a position that he is not supportive of aiding another agency. Chief Beard said he did not want to be involved in such a letter.~~

Commented [LV12]: Chief Beard commented that he doesn't want to be involved in a process that would indicate he is not supportive of aiding another agency.

Vice Mayor Williams commented that asking the City Manager and Chief Beard to sign a separate letter when there is already a document in place is creating a situation and it is clear Chief Beard does not feel comfortable with it.

Councilmember Shaw mentioned she did not say that officers respond to mutual aid no matter what; she wanted to clarify what mutual aid was in a statement she made; if action is needed, action is taken. She mentioned officers can respond anywhere if there is an immediate danger of life or property or if the person is fleeing a crime. She mentioned if Oakley officers see something happen in front of them, they cannot not do it because it is not in our city.

Mayor Meadows commented he is with the majority of Council; Police need to be able to do their job and have agreements in place to do it and he wants to offer resources but not tell the Chief how to do it.

8) CLOSED SESSION

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

Mayor Meadows announced the closed session item. He mentioned the meeting will be adjourned after closed session and the next regular meeting of the City Council will be held April 11, 2023.

9) ADJOURN

There being no further business, the meeting was adjourned at 10:17 p.m.

Respectively Submitted,

Libby Vreonis
City Clerk

**MINUTES OF THE SPECIAL MEETING OF
THE OAKLEY CITY COUNCIL
HELD MARCH 29, 2023**

7:00 PM

**Oakley Recreation Center located at 1250 O'Hara Avenue, Oakley, California
94561**

1.Call to Order and Roll Call

Mayor Aaron Meadows called the meeting to order at 7:00 p.m. in the Oakley Recreation Center located at 1250 O'Hara Avenue, Oakley, California. Vice Mayor Anissa Williams and Councilmembers George Fuller, Hugh Henderson and Shannon Shaw were also in attendance.

Mayor Meadows led the Pledge of Allegiance to the Flag and introduced Public Works Director/City Engineer Kevin Rohani.

2.Introductions

Public Works Director/City Engineer Kevin Rohani introduced the City's consultant, Brian Fletcher, Principal with Callander Associates. He mentioned the meeting will be an interactive process to receive community input.

3.Formal Presentation of the Park Master Plan

The site is located at the north end of Sellers Avenue, APNs 037-191-038 and 032-081-017.

Mr. Fletcher provided a PowerPoint presentation.

4.Community Input Session

- (a) Program Elements
- (b) Project Background and Goals & Objectives
- (c) Opportunities & Constraints

Mr. Fletcher reviewed the purpose of the meeting including the background, site introduction, previous efforts, goals and objectives, funding, physical limitations, project process, opportunities and constraints, and potential programming. He invited everyone to visit stations at tables around the room. The tables were as follows:

Table 1: Project background, goals and objectives, process, and opportunities and constraints

Table 2: Field sports, site boundary and parking

Table 3: Active recreation

Table 4: Passive recreation

Table 5: Themes and programming

Exhibit A is attached hereto providing the data summary.

Mr. Fletcher mentioned the next community workshop will be held at the end of May. He encouraged everyone to visit the project website, <https://oakley.citizenlab.co/en/projects/oakley-community-regional-park-1> and also to take the online survey: <https://www.surveymonkey.com/r/OakleyRegionalPark> that is open until April 19.

5. Adjourn

There being no further business, the meeting was adjourned at 8:45 p.m.

Respectfully Submitted,

Libby Vreonis
City Clerk



March 31, 2023

Community Meeting #1 Data Summary

Oakley Regional Park Master Plan

Most popular Field Sports amenities based on sticker votes

1. Baseball
 - a. HS/College/Pro, 22 votes
 - b. Little League, 16 votes
 - c. Pony, 8 votes
 - d. Bronco, 0 votes
2. Soccer
 - a. 11v11, 5 votes
 - b. U-10, 2 votes
 - c. Overall, 2 votes
 - d. U-12, 1 vote
 - e. U-8, 0 votes
 - f. U-6, 0 votes
3. Softball, 1 vote
4. Cricket, 1 vote
5. Lacrosse, 1 vote
6. Other Amenities added during the event are classified as 'Active Recreation' and was included within that section.

Most popular Active Recreation amenities based on sticker votes

1. Kayak Launch Dock, 34 votes
2. Shoreline, 24 votes
3. Multi-use Trails, 22 votes
4. Pickleball, 12 votes
5. Disc Golf (18 holes), 11 votes
6. Bocce Ball Courts, 6 votes
7. Fitness Court, 6 votes
8. Tennis, 5 votes
9. Other amenities added during the event:
 - a. Community Pool, 6 votes
 - b. Riding Arena, 4 votes
 - c. Dog Park (Small & Large), 3 votes
 - d. Disc Golf (9 holes), 2 votes
 - e. Corn Hole, 1 vote
 - f. Volleyball (Sand or Cement), 1 vote
 - g. Jet Ski Launch, 1 vote
 - h. Mini Golf, 1 vote

Most popular Passive Recreation/Play amenities based on sticker votes

1. Nature Play, 19 votes

BURLINGAME

1633 Bayshore Highway, Suite 133
Burlingame, CA 94010
650.375.1313

GOLD RIVER

12150 Tributary Point Drive, Suite 14
Gold River, CA 95670
916.985.4366

SAN JOSE

2025 Gateway Place, Suite 285
San Jose, CA 95110
408.275.0565

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 R dndn| #Jhj lrqda\$ dun#P dvvhu#Sdq##
 P dufk#64#5356#
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2. Destination Play Area/Fully Accessible, 18 votes
3. Fishing, 18 votes
4. Community Pavilion, 17 votes
5. Picnic Area, 13 votes
6. Picnic Meadow, 13 votes
7. Shaded Picnic Shelter, 12 votes
8. Standard Play Area, 1 vote
9. Other amenities added during the event:
 - a. Large fountain area to assemble and create memories, 1 vote
 - b. Facilities for birding/wildlife observation
 - c. Water feature at play area

Most popular Themes & Programming amenities based on sticker votes

1. Outdoor Classroom, 34 votes
2. Community Garden, 18 votes
3. Agricultural Fields, 8 votes
4. Other amenities added during the event:
 - a. Living historical Area (farm animals, garden, etc), 1 vote
 - b. History of area/farms/native Americans, 1 vote

Most popular Gilbert House Programming amenities based on sticker votes

1. Wedding Events, 16 votes
2. Corporate Events, 7 votes
3. Other amenities added during the event:
 - a. 24 Hour Library, 2 votes
 - b. Welcome/Information Center, 1 vote

Most popular amenities based on survey results

TBD

Additional Notes Mentioned

- Provide loading/unloading zone near kayak launch for easy access.
- Natural turf for sports field is preferred opposed to synthetic turf as it gets too hot.
- Provide indoor batting cages, concessions and restrooms.
- Provide warming bleachers and shade over bleachers.
- Provide multiple fields to host multiple games/tournaments at once.
- 90' baseball fields can easily be used for smaller fields.
- Baseball fields to have portable mounds.
- Provide a space for food truck events.
- Will fencing around fields be temporary or permanent?
- Provide field lights.
- Provide storage for all sports. Including storage for soccer goals.
- City lacks tennis courts.

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- Keep light pollution and amplification in mind during design phase.
- Provide informative panels to learn about restoration area.
- Public access to restoration areas.
- Provide space and historical areas for school field trips.
- Is there any saved barn wood?
- Provide a community garden with education on farming. Example parks: Ardenwood historical farm in Fremont, Sunol Ag Park and Tilden park in Berkley.
- Provide opportunities within park for fishing tournaments to be held.
- Highlight historical significance of the land for education purposes.

**Minutes of the Special Meeting of the Oakley City Council
held
April 11, 2023**

1) Call to Order and Roll Call

Mayor Aaron Meadows called the special meeting to order at 6:00 p.m. in the Oakley City Council Chamber located at 3231 Main Street, Oakley, California. Vice Mayor Anissa Williams and Councilmembers George Fuller, Hugh Henderson and Shannon Shaw were also present.

2) Pledge of Allegiance to the Flag

Councilmember Henderson led the Pledge of Allegiance to the Flag.

3) Public Comments

None.

4) Closed Session

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

Mayor Meadows read the agenda item. The City Council held its discussion in its antechamber and returned to its chamber thereafter.

5) Adjourn

There being no further business, the meeting was adjourned at 6:26 p.m.

Respectively Submitted,

Libby Vreonis
City Clerk

**Minutes of the Joint Meeting of the Oakley City Council/Oakley City
Council Acting as the Successor Agency to the Oakley
Redevelopment Agency/Oakley Public Financing Authority held
April 11, 2023**

1) OPENING MATTERS

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

Mayor Aaron Meadows called the meeting to order at 6:31 p.m. in the Oakley City Council Chambers located at 3231 Main Street, Oakley, California. Vice Mayor Anissa Williams and Councilmembers George Fuller, Hugh Henderson and Shannon Shaw were also present.

1.2 Pledge of Allegiance to the Flag (Sophia Williams, 5th Grade Laurel Elementary School Student)

Mayor Meadows introduced Sophia Williams who led the Pledge of Allegiance to the Flag.

2) PUBLIC COMMENTS

Juan Venegas, field representative for Carpenter Union Local 152, commented that labor standards language (apprenticeship, health care and local hire) is critical for future construction projects, he explained the benefits, and asked the Council how it can better support the working class in Oakley.

Carol Manning expressed opposition to the proposed cannabis facility at the Continente Ranch and expects any Councilmember that owns commercial land/buildings or has a professional relationship with Continente, recuse his/herself from any future vote as it related to this issue. She read testimonials from people trying to kick their addiction to weed. She asked the City to consider that families do not want this. She mentioned Antioch has seen zero benefit from allowing it. She asked the Council to vote against it.

Rebecca Mears submitted an online comment which has been made part of the meeting record and is available through the City's website.

3) CONSENT CALENDAR

3.1 Approve Minutes from the Regular Joint City Council/City Council Acting as the Successor Agency to the Redevelopment Agency and Special Public Financing Authority Meeting Held March 28, 2023 (Libby Vreonis, City Clerk)

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

3.3 Award of Construction Contract to Campanella Corporation for the demolition of the Sheriff Annex Building – Capital Improvement Project Number 271 (Kevin Rohani, P.E., Public Works Director/City Engineer)

Councilmember Fuller requested to pull item 3.1.

Vice Mayor Williams requested to pull item 3.3.

It was moved by Councilmember Shaw and seconded by Vice Mayor Williams to approve item 3.2. Motion was unanimous and so ordered. (5-0)

Item 3.1

Councilmember Fuller submitted revisions to the minutes regarding the Council's discussion on mutual aid.

It was moved by Vice Mayor Williams and seconded by Councilmember Henderson to continue the item to the next meeting to allow the City Clerk to review the proposed changes. Motion was unanimous and so ordered. (5-0)

Item 3.3

Vice Mayor Williams commented that she pulled the item to bring attention to it and it's a good time to look at the City's policy to support Oakley businesses, such as here where they came in close to the lowest bid.

It was moved by Vice Mayor Williams and seconded by Councilmember Shaw to approve item 3.3. Motion was unanimous and so ordered. (5-0)

Mayor Meadows announced he will return to Public Comments as he had a buried speaker card. See comment (item 2.0, supra).

Mayor Meadows announced item 5.1 (infra) will be heard before Public Hearing items.

4) PUBLIC HEARINGS

4.1 Zoning Ordinance Text Amendments to Article 12 of Chapter 1 of Title 9 of the Oakley Municipal Code ("Special Land Uses") – Adding Four Subsections to Address Drive-Through Restaurants, Carwashes, Gas Stations, and Self-Storage (RZ 04-21) (Continued from January 24, 2023) (Ken Strelo, Planning Manager)

Determine the Proposed project is Exempt from environmental analysis under the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3).

Planning Manager Ken Strelo presented the staff report and provided a PowerPoint presentation.

Vice Mayor Williams inquired who maintains the property to ensure performance standards are enforced, i.e., litter.

Mr. Strelo explained it is applicable to the use, the person or business operating the use, and ultimately the property owner in a code enforcement matter; however, if a business is not meeting the standards, the use permit could be brought back for reconsideration. Mayor Meadows inquired who maintains the common area.

Mr. Strelo explained compliance is the goal so if there were an issue with the litter, staff would go to the property owner and hopefully the shopping center has a maintenance agreement. He mentioned commercial property standards need to be addressed in the future.

Councilmember Fuller requested clarification that only up to 2 drive-through restaurants/car washes can be built in a 5-acre area and only up to 3 can be built in an 8-acre area, which Mr. Strelo confirmed is correct. He inquired if this would apply to the current CUP situation at Laurel Plaza or if it would be grandfathered.

Mr. Strelo mentioned this specific ordinance would not apply to applications already in place; this would apply to applications deemed complete after the ordinance is effective.

Mayor Meadows opened the public hearing.

Public Comments

Diane Merritt suggested drive-throughs should be placed away from housing, closer to the freeway; they are getting obnoxious, creating problems and issues, and she wants to see the City do better. She expressed that she is not in favor.

Shelly Fitzgerald commented that the ordinance to address oversaturation and incompatibility has morphed into something completely missing the mark, the corridor was poorly planned, and updating the ordinance now will address future incompatibilities throughout the city to provide buffers and a proactive approach to sensitive uses. She addressed a comment made by City Attorney Derek Cole during the Council meeting held January 24 which she disagreed with as there are examples of other shopping centers that are thriving without these sensitive uses. She provided examples of other cities that have adopted buffers or bans on sensitive uses to protect cities and guide growth.

Liz Elias expressed opposition to the ordinance because it has no teeth; it is written like a facilitation for developers and removing buffers between schools is a bad idea. She added Oakley doesn't need any more sensitive use businesses; Oakley needs more things to do. She suggested the Council vote no and go back to the drawing board.

Conan Moats echoed what Liz and Shelly said and what so many in the community have said for a long time. He mentioned it is clear why the ordinance has been proposed, considering the items that follow it on the agenda. He expressed he is in favor of case-by-case adjudication and here it is clear the Council is trying to do what the developers want; there is no coincidence about the size of buffers, and the ordinance doesn't pass the smell test. He also expressed health and safety concerns. He indicated the ordinance will only give a green light to more types of businesses residents do not want in the community.

Marci Lozoya, Lu Kovalick, Joe Kovalick and Paul Seger submitted online comments which have been made part of the meeting record and are available through the City's website.

Mayor Meadows closed the public hearing.

Vice Mayor Williams referred to the sensitive uses section to add in. She inquired if that would give the City more strength if the Council has denied a CUP because it is next to a sensitive use and if it could be used to support one of the 5 findings which City Attorney Derek Cole confirmed

is correct because it would define when there are sensitive uses and when they are incompatible, providing the Council and Planning Commission more guidance.

Vice Mayor Williams mentioned there is a provision that up to 2 drive-through restaurants/car washes can be built in a 5-acre area. She inquired if the Council can deny it if it is adjacent to a sensitive use.

Mr. Cole mentioned there are other factors they would need to know but generally if it doesn't fit within these standards, the Council can deny it.

Vice Mayor Williams inquired what kinds of standards need to be put in for sensitive uses and if they need to be put in the zoning ordinance.

Mr. Cole explained they are defining sensitive uses in page 1 and in every section.

Councilmember Fuller commented he has reservations regarding the saturation, but they certainly need to be conditioned if they will be drive-throughs. He shared he has heard from many sources merchants are going toward drive-throughs and he is not happy about it, nor is he happy with smell and noise. He inquired how they address the buffer so the community doesn't need to continually go through this. He mentioned it has been totally removed and he keeps hearing it's because we can't do that, but they still haven't addressed the issue. He mentioned during the January 24, 2023 Council meeting, the Council said it would continue this item until judgment is made in court and now they are kind of backing out of that covenant. He expressed that residents have suffered so much over this issue; it's time to litigate. He mentioned the Council provides the legislation and the court can decide in its judicial capacity, and this would be for the benefit of residents. He mentioned he knows Blackhawk can continue it and that means they are not building which is fine.

Mayor Meadows commented he can support the ordinance if they remove self-storage.

Mr. Cole requested clarification if he would remove section 5 of the ordinance and otherwise supports the rest of the ordinance which Mayor Meadows confirmed is correct.

Vice Mayor Williams inquired what happens if no motion is made.

Mr. Cole indicated it dies.

Vice Mayor Williams commented that everyone is aware this was brought here because we're having issues; if anyone on Council did this in the past decade, they wouldn't be having this conversation. She mentioned he is frustrated it is taking so long and she brought it a long time ago, but she doesn't want to condemn a future generation to the same thing. She added that she wants to make sure what they are agreeing to is what the community is asking them to do that anyone could have done in the past 10-20 years to avoid the situation there are now in and if that is not the case and they don't feel that this will address that in future; she would continue again because she wants to make sure it's right.

Mr. Cole commented that ultimately the Council makes the decision, and he believes he and staff have presented a comprehensive package. He explained the ordinance would create strong performance standards, but at the end of the day would still allow discretion of a future Council and future Planning Commission. He addressed the issue of the school is confined to one specific location in the city and while it might be the cause for what they are looking at here, it would apply city wide.

Councilmember Fuller commented he heard there is a motion on the floor.

Vice Mayor Williams clarified she is only asking clarifying questions; no motion has been made.

Councilmember Fuller commented they are going back to same and that is why he was going to second it. He mentioned people continue to fight for children because somewhere along the way something was broken and children are not safe in elementary schools nationwide; they are targets. He expressed he is looking out on an audience in our community that have brought this forth repeatedly and they are sad, depressed and feel hopeless as no matter what happens they want a solution, but they don't want anymore, and we keep saying they can't; they have to do this. He mentioned this is isolated but now they can go to Orchard Park and build around that and if it is challenged, they will go to court, so now they are worried about marijuana growing up around schools.

Councilmember Shaw commented she understands this is about sensitive use, but this is for the whole city and they have areas that need gas and future development which is why the ordinance needs to be so broad. She reminded everyone that this ordinance will cover the entire city and protect sensitive uses.

Vice Mayor Williams mentioned there is an element of circulation, walkability, etc. She inquired what would be the proof of circulation if someone brings an application. She inquired if traffic studies analyze the pedestrian portion and if that would be used as justification for approving or not.

Mr. Strelo commented that if an application came in tomorrow for a drive-through or car wash, there would be a traffic memorandum that will look at established City guidelines, i.e., how many trips are generated by that use and any unsafe situation created by the site plan, fences, or bushes, but these types of things would not by default be required. He mentioned the ideas proposed here came from the discussions from the two CUPs throughout the year and the ideas came from the recommendations proposed to happen adjacent to the other two uses. He mentioned if an application comes in tomorrow, it would not be required to do any studies mentioned here. He mentioned he is not trying to sell the ordinance to the Council, but this would give staff more teeth than it currently has, and the applicant would still be required to have a CUP; this would give staff additional criteria to analyze the application.

Vice Mayor Williams inquired after staff receives an application and has analyzed it and brings it forward to the Planning Commission or Council, what studies will they have to back their decisions, so they are buffering themselves so if they deny something they are able to back it up if they are subject to a lawsuit. She asked if an application is submitted today if there is a study to back up walkability.

Mr. Strelo explained they have given specific criteria and benchmarks for applications to meet. He shared that staff is writing this ordinance with the mindset to have higher standards for new businesses and design of new development to meet; they are not looking at it from the standpoint of if there are tools in here if it is challenged. He mentioned there are measures that address walkability; it would be pretty easy to do an analysis whether a project hits those marks.

Vice Mayor Williams inquired if they need to provide staff direction if they continue the item.

City Manager Joshua McMurray commented that there has been a considerable amount of time put into this ordinance; staff has tried to listen to Council direction and community input and has tried to capture all opinions and viewpoints and develop standards and codes that staff would

have to apply and use as part of its analysis. He requested if the Council is going to continue the item, it provide specific direction so staff can try to hit the mark if staff fell short.

Councilmember Fuller agrees with Mr. McMurray. He mentioned staff has attempted for years to put this together and it is frustrating for residents, merchants and staff as they have competing forces. He moved to continue the item until the judge in Contra Costa County issues a ruling and then have the item return with hope that they will get enough clarification from the bench to give some direction for the City to resolve the disputes.

Mayor Meadows commented that the judge isn't hearing this ordinance.

Councilmember Fuller commented that the ordinance is not going before the judge, but the judge will be addressing many of the issues they are discussing and if they can't settle to the happiness of everyone, they should go with the judge's final decision. He mentioned even if they take action now, they could be back here 18 months to 2 years from now because they're worried about a lawsuit, but the lawsuit is in motion and they are awaiting a ruling. He suggested judicial review is warranted.

Vice Mayor Williams made an alternate motion to approve this item because it addresses that an applicant can come in tomorrow and we have nothing, and this provides direction. She mentioned she heard people say we need entertainment, and she agrees but those businesses are not knocking on the City's door and she wants to make sure they are remaining business-friendly while protecting. She mentioned she wants to keep storage units in the proposed ordinance as part of the motion.

It was seconded by Councilmember Shaw.

Mr. Cole clarified that the motion is to waive the first reading and introduce the ordinance and there would be a second reading if this is approved tonight.

AYES: Shaw, Williams. NOES: Fuller, Henderson, Meadows. (2-3)

Mr. Cole announced there is no other action to be taken unless the Council wishes to make another motion, otherwise the item has officially died.

Mayor Meadows moved to waive the first reading and introduce the ordinance removing section 5. Vice Mayor Williams seconded.

AYES: Meadows, Shaw, Williams. NOES: Fuller, Henderson. Motion carried. (3-2)

Mayor Meadows announced a brief recess at 7:45 p.m. The Council reconvened at 7:54 p.m.

4.2 Quick Quack Car Wash at Laurel Plaza Conditional Use Permit (CUP 02-20) and Design Review (DR 08-20) – Request for approval to construct and operate a 3,596 square foot drive-through car wash facility; APN 035-510-009 (Ken Strelo, Planning Manager)

Determine the proposed project falls within the scope of an existing Initial Study/Mitigated Negative Declaration (SCH #2008012068) analysis.

Planning Manager Ken Strelo presented the staff report and provided a PowerPoint presentation.

City Attorney Derek Cole mentioned he provided a memo in the agenda packet that applies to this item and the next item that describes the obligation to support any decision with substantial evidence. He noted there is currently litigation, the property owner has filed an opening brief, and the City is due to file its responsive brief, but there were discussions were to have this item and the next item to be brought back to the Council for consideration and the property owner has said that if these projects are approved with the additional modifications, it indicated it will accept and there is no need for litigation. He mentioned the Council's obligation is to support any decision it makes with substantial evidence, meaning that the Council, if it favors the projects, it must be able to meet all 5 elements with substantial evidence and he has defined what substantial evidence is. He indicated even though these items are being brought back in the context of litigation, this is public hearing and there will evidence taken, the Council will hear comments tonight and have received written comments and letters, the Council has the record from before, all of which is evidence, and it is the Council's obligation tonight to support any decision it makes with substantial evidence.

Vice Mayor Williams inquired what happens if the sound studies exceed what is allowed by the General Plan. She commented that the language does not seem very substantial; it mentions there are things they can do to buffer, but she wants to know what actual things can be included. She mentioned if they don't pass the first sound study, they don't get their certificate of occupancy and that has merit, but once they are 7-8 months down the road it seems vague; it says the City Council may call back the CUP. She inquired if they could include language to specifically say this must be put in place to provide a buffer. She mentioned at one point they were told there were going to be back-up buildings and she wants to know if they can condition it to include that those must be built if it doesn't pass that sounds study, or just stronger language in general.

Mr. Strelo mentioned the language is left with some flexibility as there could be other options available. He indicated it would be difficult for him to make a recommendation about what they should do. He mentioned if it were the case, it would be difficult to know the extent they are exceeding and what type of additional attenuation would be required to bring that level down. He added that staff could potentially encourage them to sway toward certain things, i.e., more landscaping in the rear and things like that, but there could be several options to attenuate sound. He mentioned they could even do something on site maybe. He explained in the old plan, the blowers were on the northern side of the tunnel and it was a completely different plan; it's not something they could just add back with this plan, but there is a trash enclosure or something in the north that could help to dissipate sound, but as it is, they have silence blowers, turning of the tunnel, and they added material in the tunnel to further reduce sound. He mentioned staff is willing to entertain ideas but not recommend specifics.

Vice Mayor Williams commented Quick Quack has made many changes and she appreciates it. She inquired if they are looking at sound as it hits homes behind or now that the tunnel has been turned is it being looked at how it impacts pedestrians. She asked what the General Plan looks at in this regard.

Mr. Strelo responded that the levels this would create and any areas near it would not be above any General Plan threshold; it is simply just not a loud enough type of use at any distance of the property line. He added that the sound that is measured and the models that are done look at sound levels at the property line and standards for outside private use (private rear yard). He mentioned there has been discussion on first and second stories; for inside of homes, it is anticipated that even with an open window, decibels are reduced by about 12 and for a noticeable decibel change you need about 3 decibels of change louder or quieter. He mentioned with windows closed, even without the most up to date construction, it could be up to 20+

decibel reduction, a drastic reduction from what is currently anticipated there. He mentioned with first and second stories, it ultimately is looking at interior noise levels and based on the levels shown through the model, once you factor in the natural attenuation of a home, it's going to be well below, probably well below exterior as well, but again exterior looks at the rear yard, not someone on a roof or balcony.

Councilmember Fuller mentioned his questions are in regard to the sound study. He inquired if someone is present for the actual study.

Mr. Strelo mentioned the acoustical engineer is present.

Councilmember Fuller inquired if the school or school district was ever contacted for any information regarding the study for Quick Quack for their input. He mentioned he is not finding a variable for anything to do with the children or the school and would like to know why since the school boundary is within 400 feet of the project and there are children walking by.

Claire Pincock with MD Acoustics, LLC mentioned she wouldn't know anything about contacting the school as she is just the acoustical consultant, but in terms of the noise levels at the school, based on comments from last year and the most recent model which the Council should have, she included the noise level at the school and the projected interior noise level which is below the World Health Organization recommendations. She mentioned as for children walking by, typically for noise ordinances or General Plan limits, regulating the noise levels at sidewalks and roads is pretty infeasible; it's a really difficult thing to do; there isn't much precedence for that and she isn't sure she has seen a case where something is regulated at a sidewalk so in this case she did what she could and she looked at the levels at the school and the projected interior noise levels.

Councilmember Fuller inquired if she or her firm interviewed anyone at the school and what variables they used to ascertain measurements, and if there was a variable excluded. He asked if she or anyone in her firm ever walked over, called, emailed, or contacted a school official or school district employee and asked what they thought.

Ms. Pincock explained they are consultants, and it is not for them to contact neighbors or local businesses; they simply do the sound study. She mentioned she is not sure what they would ask the school specifically; they take ambient measurements, make their models, and make sure everything aligns with the code and General Plan guidelines.

Councilmember Fuller asked if they contacted the school and she confirmed they did not.

Councilmember Fuller inquired if they ever contacted pediatric audiologists.

Ms. Pincock mentioned the responsibility of studies is for CEQA purposes to ensure there is not a major impact and to ensure they are within the guidelines of the City code and General Plan and that is all that they are authorized to do with the study.

Councilmember Fuller inquired why they would walk away from children who will habitually come into contact with it. He mentioned If they are measuring something on a scientific survey they should take into account all variables. He inquired if there is a school and kids walking by why they would rule them out as a variable.

Ms. Pincock mentioned there are no concerns about audiology and hearing loss; typically the threshold for hearing loss if looking at OSHA requirements would be 90 or as low as 85, depending on what you're looking at, and in no case outside of properties would there be levels

above 85; and as for brief contact for people walking by, she can say based on her expertise there is no concern for hearing, including pediatric hearing.

Councilmember Fuller inquired if the measurement standards are set for adults.

Ms. Pincock responded that they set them for everyone, but OSHA is primarily for workplace. She shared she has researched extensively pediatric hearing, primarily for her own children, and the lowest level overall she has ever seen of concern is 70, and that is not something that is going to be happening beyond.

Councilmember Fuller mentioned the most recent study he sees have calculations based on first floor. He inquired if all calculations in her study were based on the first floor.

Ms. Pincock mentioned today she included a model with the second-floor levels as it is a question the Council brought up and the Council should have that available.

Councilmember Fuller inquired if it was in the report and she confirmed it is.

Councilmember Fuller asked how many stories and she confirmed 2 stories.

Councilmember Fuller commented that the east side is 50, the west side is 55; and inquired what the decibel level would be for 2 stories.

Ms. Pincock mentioned for the most recent study she measured where there were balconies and windows, and the second stories are 49 or below.

Councilmember Fuller inquired about the median measurement of noise.

Ms. Pincock mentioned it is not a helpful metric because the noise level is important at the location of the receiver and not an average of the measurements around the tunnel. She inquired if he is talking about the median of the homes.

Councilmember Fuller inquired if there were any outliers in the measurements.

Ms. Pincock inquired if he is referring to other measurements taken at other Quick Quack tunnels.

Councilmember Fuller inquired if any outliers were thrown out.

Ms. Pincock indicated no, the data used was calibrated from different tunnels; every point measured represents the loudest of what she measured, not the average of what she measured.

Councilmember Fuller inquired about outliers.

She mentioned they were all where she expected them to be and they aligned within 5 decibels of what she expected.

Councilmember Shaw commented they already addressed the certificate of occupancy if the first noise study is not complied with. She suggested stronger language and change "may request" to "must" and give time to the applicant to mitigate. She mentioned she wants to be guaranteed if a second study doesn't fall in place, they are making sure it gets corrected or she wants it to come back.

Mr. Strelo mentioned staff can modify the condition and direction on the time to remedy would be good.

Councilmember Shaw inquired if there can be two separate companies perform the studies for 2 separate opinions.

Mr. Strelo requested clarification if she means between the first and second study.

Councilmember Shaw clarified she means the first study at the soft opening and then a second study at 7 months. She explained she wants to make sure they are being very clear and have a fresh perspective.

Mr. Strelo mentioned it can be done.

Councilmember Shaw mentioned this is in litigation and there has been talk about the sale of a property being used to fund the litigation. She inquired if this money would have other uses if the City was not involved in litigation.

City Manager Joshua McMurray commented that staff is working on many different things the Council has requested and they have a lot of competing interests and needs; the many items require tens or millions of dollars, and they need every penny to complete these for the community. He mentioned absent defending a lawsuit; the money they have been trying to generate is to deal with higher profile, very expensive projects such as E Cypress.

Councilmember Henderson requested clarification on the sound study. He inquired if there was testing done south of the project.

Mr. Strelo mentioned the model shows the site plan images; it does measure to all directions.

Councilmember Henderson commented that the tunnel is facing toward Laurel, so the maximum noise would be projected to the south, the direction of the school and roadway.

Mr. Strelo responded that the sound is fairly focused out of the tunnel and disperses to either side, which Ms. Pincock can better explain.

Ms. Pincock inquired if there is a specific spot.

Councilmember Henderson commented he wants to make sure they didn't just test to the north where houses are; he want to make sure they tested in the direction of the school and intersection.

Ms. Pincock commented that the study focused on the homes because that is what the General Plan guidance is for; however, in the most recent study, she included the school because it came up as a question and at the school façade, it is 54 decibels; however, that is not an outdoor area; it was primarily to calculate the indoor noise levels. She mentioned one area of the General Plan talks about outdoor usable areas and that is where the noise limit applies; the intersection and sidewalk don't count as outdoor usable areas and are not areas they are supposed to analyze.

Councilmember Fuller commented on page 3 of the letter from Greenfire Law there is a request by their client that at the time this is notified they be allowed to have their own sound engineer

test. He inquired if the Council needs to take action on that or if it can be handled administratively.

Mr. Strelo commented that staff have already written it into the requirement. He shared he has a list of Laurel Plaza interested parties who have given staff permission to email them, and he believes those residents are in their email list, but staff would allow and encourage anyone to do their own study on the same day so they can compare readings.

Vice Mayor Williams inquired if the decibels inside the school would be 54.

Ms. Pincock responded that is outside the school, it would be 29 inside.

Vice Mayor Williams mentioned the General Plan doesn't count with kids outside for recess, etc. She inquired where at school does the measurement apply, at the corner or further in.

Ms. Pincock mentioned she put the receiver in location where there was window and where the most amount of noise would be coming in from the car wash so the actual playground areas and places where children would be outside are far below that, the building attenuation would be under 50 and the playground area would likely be under 45 from the car wash.

Vice Mayor Williams inquired where they are taking measurements from for the future sound studies, the same places, with the houses, the schools, and if it must pass all of that.

Ms. Pincock commented that she would expect the area where the car wash is closest, the house directly to the west, and homes directly to the north, and depending on the Council's interpretation of the General Plan, whether they would include the second floor.

Mr. McMurray indicated the General Plan guides the study so they must have a standard requirement to direct applicants when doing a study and the requirement and intent of the study is to address noise at the property lines to the north where residents are.

Mayor Meadows opened the public hearing and received comments from the applicant.

Efrain Corona, Vice President of Development with Quick Quack Car Wash, commented there is a lot of work that has gone into the project and thanked staff. He shared he is available for any questions. He mentioned they reached out to the superintendent and principal, and they had no issues with the proposed use. He shared they are confident with the consultant's sound study and will stand behind it.

Councilmember Fuller commented that the final report doesn't say there was a reply from the school and the researcher says there is no need to which is contradictory. He asked why there is no written confirmation in the study.

Mr. Corona commented that they are following and complying with standards and have gone above and beyond to comply with the code, and they are doing more than any other project they have worked on.

Public Comments

Shelly Fitzgerald provided a PowerPoint presentation and spoke on behalf of the residents and property owners of Woodglen Estates and the surrounding community. She indicated they request the Council uphold the decision made by the previous Council to deny the application for the CUP. She mentioned the site is not appropriate for a car wash of this magnitude. She

commented that the noise studies provide more questions than answers and conflicts with multiple elements of the General Plan as they have pointed out before. She mentioned car washes are not allowed by right in retail business zoning and they are not as conditionally permitted. She mentioned the April 12, 2022 staff report provides that "Uses that are incompatible with residential uses due to noise, vibration, or other characteristics are not permitted in locations that may impact existing or future residential development." She mentioned we should be done. She commented that this site exists within a school zone (CA Penal Code §626) and abuts a residential zone, which is to be protected against "intrusion of incompatible land uses and disruptive traffic" (General Plan 2020), Policy 2.2.3. She mentioned the first study conducted by MD did not take into consideration Table 1 that requires allowable noise levels to be lowered by 5 decibels for simple tone noises so by not adhering to this rule, the study assumed Quick Quack would be in compliance by being at the highest allowable noise level at 55 decibels at the nearest receptors of homes with a total combined noise level of 58 decibels. She mentioned on page 20 of the study, they accurately indicated the receptors sites have 2 floors and the project would exceed the allowable noise level at 50 decibels in accordance with Table 1. She mentioned after making changes and re-doing their study, the second study shows they did take into consideration the table; however, on page 20 of the second study, only one floor of receptor sites is depicted. She shared these are two-story homes, tri-level, with living quarters on the second floor. She added although they indicate the noise level would comply, being at the maximum threshold of 50 decibels, the total combined noise would come in at 57 decibels. She mentioned with the receptor sites being two-story homes, the omission looks like it is intentional. She inquired how the planner did not pick up on this and if he pushed it through hoping it would go unnoticed or if he did not do a thorough job looking at the data. She mentioned the sound study commissioned by private citizens found that noise generated by the planned car wash is expected to exceed the 50-decibel noise limit by being up to 60 decibels at residents to the north. She commented this study took into consideration the table, the elevation changes at the project property and residential properties, the current sound wall height which is less than 5 feet on the project side, the orientation of the car wash tunnel moving from north to south, and potential future shops. She mentioned MD assigns a residential noise limit of 55.1 decibels because it is the lowest hourly noise level measured at the center of the project site. She indicated their commissioned study uses a base 50 decibels noise level limit included in the General Plan. She mentioned MD's noise limit decibel likely underestimates the ambient noise level at the residences because their measurement was conducted at the center of the project site. She mentioned since the most affected residences are farthest from the nearest roadways, the ambient noise level would likely be lower than 55.1. She compared how studies compare to the reality of living behind a car wash. She shared a study by Bollard Acoustics for a Quick Quack on Watt Avenue in Sacramento which indicated the noise level at the nearest property lines would be 54 decibels and that would comply with the daytime noise level criteria. She played a video recording of the actual noise at that car wash and indicated living with this noise level 13 hours a day, 365 days per year cannot be described in a study on paper. She commented that with all of their studies, the best-case scenario would be the very highest level of threshold allowed by our ordinance. She mentioned after speaking with Monica, the person who took the video, she said the noise became so unbearable that they moved and sold their house at \$50k below market and she gave up the fight because it was affecting her mental well-being and she was angry all the time and couldn't take it anymore. She shared this type of noise will be generated by Quick Quack, whether the dryer end points toward the houses as originally designed or toward the sidewalk which is currently a safe route to school; 3 trees and another sound study will not change that. She asked the Council to keep in mind that the blowers and vacuums are not the only noise that comes with a car wash at this intensity; there will be slamming doors, yelling people, loud music, aging and breaking parts of equipment and it will go on and on. She shared 900 people have signed petitions opposing both of these projects (Quick Quack and McDonald's). She added these are concerns that the community has brought to the Council's attention and all of these

concerns apply to both drive-through uses, including safety, traffic, noise, and blight. She mentioned in the Land Use Element, Chapter 2, page 17, Commercial Use, “because this designation encompasses a broad range of uses, the allowed uses and development form on a particular site, will depend not only on the zoning, but also on the characteristics of surrounding land uses, uses that are incompatible with residential uses due to noise, vibration, or other characteristics are not permitted in locations that may impact existing residential development.” She commented that these are more policies for them to look up. She mentioned the first goal of Oakley’s Noise Element is “to protect residents from the harmful and annoying effects of exposure to excessive noise.” She mentioned they understand the intent of the ordinance is to not allow incompatible uses to push the limits of allowable decibels, but rather to protect the sensitive uses from intrusion of those incompatibilities. She mentioned Judge Danielle Douglas put it well when she stated in a recent ruling that “the County (or cities) determination that a project is consistent with its General Plan is subject to great deference and will only be reversed if it is based on evidence from which no reasonable person could have reached the same conclusion and the party challenging a City’s determination of General Plan consistency has the burden to show why. Based on all the evidence in the record, the determination was unreasonable.” She defined deference and respectfully asked the Council to uphold the decision of the former Council made last year.

Conan Moats was called to speak and was not present.

Tosha Gray commented it is important to note she doesn’t live in Woodglen nor have children attending Laurel Elementary School; however, she has worked in OUESD for several years in the past and has experience with general behavior of elementary school students. She requested the Council uphold the decision of the previous Council as its use conflicts with multiple elements of the General Plan which they laid out previously and will lay out again tonight. She mentioned car washes are not allowed by right in retail business zoning. She mentioned the last sentence of the staff report dated April 12, 2022, states that “Uses that are incompatible with residential uses due to noise, vibration, or other characteristics are not permitted in locations that may impact existing residential development.” She commented that this site exists within a school zone and abuts a residential zone; this use will impact the existing elements of that area. She mentioned they already spoke about the noise levels and this level of noise will be generated by Quick Quack whether the dryer ends point to the houses or to the pedestrian traffic (she asked the Council which is worse) on the sidewalk that is a safe route to school where children are crossing the intersection to school. She inquired if they are suggesting that the continuous decibels emitted toward the pedestrian traffic will not impede or distract pedestrians’ awareness of surrounding traffic hazards. She mentioned 54 decibels at the school façade means that at the intersection and crosswalk where children are crossing is even louder than that and she believes the allowable decibels is 50. She asked the Council to imagine with noise like in the video that was shared, children navigating a crosswalk. She mentioned car horns in that video are very faint. She pointed out that earlier staff mentioned discretion with the ordinance. She mentioned it seems they are standing before the Council tonight because the Council seems intimidated to exercise that discretion by the developer’s threat of costly litigation.

Mary Rooney commented that last May, the Council voted with the community agreeing the drive-through businesses at Laurel Plaza are not consistent with intended uses for the area and would change the essential character of the area from the intent of the General Plan. She explained that 2 drive-through restaurants were removed in 2008 because they didn’t fit within the intent of the area, and she is speechless why they are back here again. She mentioned the Council should leave the decisions as they stand and take them before the court. She added that Laurel Elementary, Freedom High School and O’Hara Park Middle kids walk through there and it is just the wrong location. She requested the Council consider it is the wrong thing to do.

Jaime Spohn commented it is unfortunate that they are here again; the individual in the video expressed too much stress; this entire action and the fact that they are here again is an extreme amount of stress. She mentioned she can't understand why businesspeople would continue to consider something that jeopardizes the well-being of those residing around the plaza and children at the surrounding schools less than a mile of the intersection and hundreds of kids walk past Laurel Plaza daily. She urged everyone to go watch the pedestrian traffic. She agreed with Shelly; there are plenty of legal reasons to continue with 2022 decision, an already settled decision, and these are not acceptable compromises. She mentioned she heard that possibly canceling litigation would help approve costs for improvements on E. Cypress, but it is not right for an error committed in another area to be at the expense of Laurel Plaza. She mentioned it is hard to understand how the current Council set aside a decision made under the objectives of the General Plan. She requested the Council to continue to deny the CUPs and let the judge decide.

Bud Chaddock commented that they are here again talking about the same thing that should have been done by now. He shared that he heard there are codes for this and that. He asked if children are just code numbers. He mentioned maybe they should have child protective codes that way. He commented this is not like any other city; Oakley is strong; it pays professionals to talk about what it needs to do but then don't do it; it is sad. He mentioned this needs its day in court; it is a process they should be able to have, and the judge is able to decide these things. He added if the Council takes that away, it takes away residents' rights; they have a right to go in and do it and he believes the City will get what the people want. He compared it to the Titanic, changing seats from one side to another to make it safe, and it is like that situation with children, safety and road, for a quick profit. He mentioned it seems these are all stacked decks; shuffling is being done with special interest money. He suggested the Council go along with what Shelly said and give the judge with the expertise the matter and share the video with the judge.

Donna Chaddock commented that she was here in March 2022, the City Attorney Cole presented his findings prior to the vote from the Council who denied the CUP and Mr. Cole's comments (taken from the minutes she pulled online today) included that he had not seen that level of participation in the community since 2010-2011. Members of the community provided evidence for why the CUP should be denied. Cole mentioned (if) it went to court; the findings would send the message that both sides presented evidence and that he drafted the findings in mind that both sides had presented evidence. He went on to say that the applicant must meet the burden on all 5 elements/findings. Mr. Cole mentioned that again tonight. After this information to the Council was presented, the Council voted 3-2 to deny the CUP 1 year ago. She mentioned she hasn't seen 1 person in the 2 years she has been participating come into the Chambers and express that they are in favor of McDonald's or Quick Quack. She shared they participated in drafting the City's vision and mission statements and not 1 person in any of those meetings said they wanted fast food and car washes; it was completely the opposite. She mentioned paid consultants have presented their initial findings to the Council and they're all saying the same thing. She addressed each Councilmember: Shaw-you get to vote tonight on this issue, you'll bow to somebody, are you going to listen to what they have been saying for 2 years or listen to corporations, she gets to choose; Williams-she appreciates that she asks great questions and digs deep to find answers; Meadows-he is a property manager and she knows where his interests lie; Fuller-she appreciates his candor and he asks hard, tough questions and sometimes people don't want to hear those questions; Henderson-she doesn't know him but he is a retired police officer and she believes police officers have integrity, please vote with integrity on this issue.

Liz Elias commented that the word conditional in conditional use permit doesn't mean guaranteed; it is subject to interpretation and further evidence and decisions. She mentioned

she is finding a great deal of dichotomy in the sayings and vision and mission statement held by Oaley; flags around town say Oakley is a “Great Place for Families in the Heart of the Delta” but how is that when there is nothing for families to do; there is an excess of underused parks and no actual recreation. She added Oakley does not need another Quick Quack; it is very juvenile of the developer to take this to court when he didn’t get his way. She mentioned the Council is elected by its citizens and its one job is to listen to people in the community who elected them and act accordingly. She mentioned there is a Quick Quack in Brentwood and other car washes in Oakley; they don’t need more of this nonsense.

Marci Lozoya spoke on behalf of her family who live in the Woodglen neighborhood, against the Quick Quack. She commented that it is not thoughtful growth with noise and pollution; it is unhealthy for residents and destructive for learning for school children. She urged the Council to allow residents to enjoy the sanctuary of their homes inside and out.

Londie Phillips commented that the EPA has stated that noise pollution adversely affects the lives of many people; there are direct links between noise and health and named health concerns. She mentioned students are distracted easily coming off of crazy times. She commented that they know the truth. She mentioned a washing machine during spin cycle averages 47-60 decibels, and no one wants to sit in laundry room during spin cycle all day. She shared she knows this because her husband is bedridden, so she did research to find the quietest spin cycle; 47 decibels is the quietest for a washing machine spin cycle. She mentioned this is how it would be for all the kids. She turned to Quick Quack and said Oakley is trying to partner with a company that is not listening to us; they can be a good partner to Oakley but they’re already taking us to court, and they don’t even have a business here; they don’t care about us, the children or traffic; they just want to make money. She indicated there are a lot of places where Quick Quack would be a good fit; she is not against car washes and McDonald’s, but consider where they would benefit the community, not harm it. She asked them to consider 47 decibels while trying to talk, teach, etc.

Hollie Venegas, Woodglen resident, agreed with her neighbors and family that are here to deny the CUP. She mentioned it was previously denied and the City is defending its position. She asked the Council to continue to defend that position; it was a good decision substantiated with research, science, and effort.

Diane Merritt commented that all the reasons last year were good enough for the Council to deny the CUP and just because there are new Councilmembers doesn’t change the fact the Council denied the CUP last April. She expressed disappointment in the November election; at least one new member accepted financial contribution from developers, in particular Quick Quack, while running for Council, protecting his own interest so how can he protect interests of residents. She suggested it would be honorable to return the donation. She mentioned she can hear trucks from behind the wall and everything on the property, and the loudspeaker from Laurel Elementary but these things are temporary; the car wash will bring constant noise; it is unsafe and noisy for the neighborhood. She added that the Council doesn’t live here and will never allow it to be in their area; the new Council and lawsuits don’t change that the CUP was denied; there are many good reasons to deny.

A comment card was submitted by Maggie Diodore regarding the Quick Quack and McDonald’s. She did not wish to speak. Her comments included that there is a danger to children being close to the elementary school and that anyone on the Council that has personal benefit to this project should recuse themselves from voting on the project as a conflict of interest.

Mayor Meadows called upon Christian Bucey, Robert Beck, and Roberto Estrada who were not present to speak.

Carol Manning commented that she doesn't live in the neighborhood and has no kids at Laurel Elementary, but these are her Oakley neighbors. She inquired if all vacuum cleaners were run in addition to the actual car wash during the studies.

Shelly Fitzgerald, Eve Doods, Marci Lozoya, Lu Kovalick, Joe Kovalick, Paul Seger, Diane Merritt, Mike Burkholder, Christian R. Bucey with Greenfire Law, PC, Gloria Canada, Robert Beck, Roberto Estrada, Lindsay Waters and Cheryl Taylor submitted online comments which have been made part of the meeting record and are available through the City's website.

Community Development Director Brent Smith commented that the sound study did include all vacuums operating at the same time as the car wash.

Mayor Meadows closed the public hearing.

Councilmember Fuller indicated he has no change. He shared that in his expertise and training, the study is inaccurate as not all variables were included in the study and the school should have been included; there is nothing within the 4 corners of the research document addressing the school; it was totally left out. He added that the study says children will be walking by the front of the machine and will be exposed to 55 decibel noise. He commented that children of that age group have expanded prefrontal cortex and they will walk by it to get to school, there is no audiologist saying this is okay, and developmentally disabled students can't explain what is going on; if they are forcing them to walk by it, it will have impact; He commented that Ms. Fitzgerald mentioned that an adult gave up; take an 8-year old child with autism and hypersensitivity to sound who will be subject to the noise inside school all day. He mentioned the school does factor in and they will fail kids inside the school. He mentioned that he supports the idea that people who are members of this community want judgment; at some point they need to honor that request and readjust priorities and allow the lawsuit to be heard.

Councilmember Shaw commented that she sat in meetings before being seated on the Council and has been accused of many things since being put on the dais. She has been told everyone is against this. She explained she has residents in her district that have come to her who don't want litigation and on social media they have been bullied because they are in favor of the Quick Quack. She shared she wants everyone to know there are two sides to this and some people don't feel comfortable coming here to speak against the loudest voices in the room. She expressed she has sat in the audience and she is now on the dais; she is given information from legal counsel and litigation counsel to make decisions; she is hearing everyone and has to make the best decision for the city as a whole and bankrupting a city is not something she can do and unless someone gives her an alternative, the statement that was given to her was "let the judge decide and figure out the millions of dollars later." She expressed that giving the judge the decision would be the easy way out for her as she would have no enemies for or against, but she would be taking a gamble because if the judge decides against the City, they are setting precedence in case law that will impact future decisions of future Councils and she doesn't know if she can ruin it for future Councils. She mentioned she has been accused of her body language; she has a fractured spine and apologized if she must adjust. She commented that this situation is a lose-lose decision; someone will be upset or out money. She explained that safety on E. Cypress is important because there is no way out in a fire and the Council has agreed it is a priority. She mentioned there is money that could be used for that and she explained litigation doesn't have a guaranteed outcome and they are being advised they should talk about this again. She added that she has people from her district that want roads improved. She concluded that every decision is not an easy decision and unless there is a guarantee, she doesn't know if she can gamble.

It was moved by Councilmember Henderson and seconded by Councilmember Shaw to adopt the resolution. AYES: Henderson, Meadows, Shaw. NOES: Fuller, Williams. (3-2)

Mayor Meadows called for a brief recess at 9:31 p.m. The Council reconvened at 9:41 p.m.

4.3 McDonald's Drive-Through Quick Serve Restaurant at Laurel Plaza Conditional Use Permit (CUP 03-20) and Design Review (DR 09-20) – Request for approval to construct and operate a 4,365 square foot quick serve restaurant with dine-in and drive-through service; APN 035-510-006 (Ken Strelo, Planning Manager)

Determine the proposed project falls within the scope of an existing Initial Study/Mitigated Negative Declaration (SCH #2008012068) analysis.

Planning Manager Ken Strelo provided the staff report and PowerPoint presentation.

City Attorney Derek Cole reiterated what he did when this project was considered previously which was indicate that a restaurant without a drive through is already permitted at this site and when talking about what they are permitting, it is a drive through associated with a restaurant; it is not a McDonald's that they are permitting or traffic; the drive through is what is being permitted and must be weighed when considering the merits of this application.

Vice Mayor Williams referred to the plans, specifically the sidewalk existing into the Plaza. She mentioned on these plans there is a raised walkway where cars would be exiting the drive through. She inquired why it is there and if they could just cap it. She inquired about its purpose and added that it looks like the ADA accessible ramp is there.

Mr. Strelo confirmed that is what is happening there; it is the most direct route from the public right-of-way to the potential pad or building at that location. He mentioned if you look at the pathway today at the site, the pathway that comes off the sidewalk terminates when it hits the asphalt area. He mentioned it was a focus of one of the early traffic impact analyses that looked at pedestrian safety; the end result is in attachment 4 in the applicant's plans; the site plan shows the result of the modifications made to that pathway and how it crosses over there based on those recommendations. He added that for ADA accessibility, the path is the most direct path of travel, and it was moved over as far as possible to still have the direct path.

Vice Mayor Williams requested the applicant speak to how many other of its buildings have that where the setup is the same. She inquired about the hours of operation and if they will take into consideration drop-off and pick up times.

Mr. Strelo commented that has not been proposed. He mentioned with this use, morning hours may be important for breakfast, but staff is happy to address it with the applicant with Council consensus.

Councilmember Fuller inquired if the person with the study is available.

Mr. Strelo requested clarification of which study he is referring to.

Councilmember Fuller indicated it is the study dated January 7, 2022.

Mr. Strelo mentioned the traffic consultants that did those studies are not present.

Councilmember Fuller commented that on page 13, the traffic consultant measured and has a photograph of traffic en route in the intersection and saw that was a hazard; on page 43, it

seems to mitigate design for the hazard, but he doesn't see they ever went to the school district who has the greatest responsibility of kids on the street and he would like to know why.

Mr. Strelo commented that he will attempt to answer but doesn't want to speak on behalf of any consultants. He explained that staff sends out notices when they first receive applications with the project descriptions and link to the plans; they solicit comments from agencies in Oakley, including school districts; they also send out to neighboring cities and utilities; and this provides an opportunity for the district to comment. He mentioned the acoustical and traffic engineers are not contacting schools as it is not necessarily in the scope of what they do. He added staff has not received comments from the school district that they have concern with what the traffic impact study says.

Councilmember Fuller mentioned the superintendent wrote a letter to the City with concern that the construction is unsafe and the subsequent superintendent says the intersection is unsafe.

Mr. Strelo inquired if he said the intersection was unsafe.

Councilmember Fuller commented that he doesn't have their exact comments but generally that it is a threat to the health and safety of kids.

Mr. Strelo mentioned opposing the project is what he intended to say.

Councilmember Fuller commented that they have presented a scientific document and there is a variable but in conclusion they didn't go back to the variable and see if it worked. He explained that schools are responsible for the safety of kids outside of schools on public property (streets and sidewalks). Having responded and said that he would understand they may not want to go further because the city ignores them and the only alternative is to sue the city because it didn't approve it and he wouldn't want to play my hand for the people to issue a lawsuit against to protect children. He mentioned his point is that they did not go to the school to see if the mitigation worked.

Mr. Strelo explained that the schools provided an opinion that they have adequate drop-off and pick up and the study found Laurel Plaza is being used as a drop off and pick up location, creating additional pedestrians across Laurel Road. He shared as part of that, one of the recommendations was for the developer to put up signs for no drop off and pick up. He mentioned there are other opportunities to enhance the intersection as they showed in the presentation earlier as they know people are walking the intersection, whether school children or people in general. He mentioned that the school has stated its facilities are adequate to handle pick up and drop off traffic, Laurel Plaza appears to be used based on observations of the traffic consultant as an overflow or maybe a matter of convenience for pick up and drop off, and all of this is occurring with no impact from any business there so what has been found is that the business itself would not create any additional increase during peak hours.

Councilmember Fuller inquired how much the City has paid for litigation and how much more is anticipated to pay up to the day the judge issues a decision.

City Attorney Derek Cole mentioned he doesn't have numbers and would also caution that a win on behalf of the City is not necessarily a win in the long run; there could be further phases, i.e., inverse condemnation claims which could be hundreds of thousands of dollars and if the City loses an inverse condemnation case, it must pay the other party's attorney fees which could be several hundreds of thousands of dollars; the court could also submit issue of damages to a jury which would not be good. He mentioned if he is concerned about the total exposure, what would

get them to the decision of the court would potentially be only a small amount of what they may ultimately pay.

Councilmember Fuller inquired how much exposure the City will have until the decision is made explaining that if the City has a win, they can bring the win back and if Blackhawk files an appeal, the City could decide at that point to not go forward to defend the decision.

Mr. Cole clarified that the City still has to file its brief sometime in the summer and assuming the City were to do that, the procedure is a writ, and the judge would decide if the City adopted proper findings to support its decision with sufficient evidence. He mentioned if the court were to rule in the City's favor, it is his assessment, without putting words into other mouths, from things he has heard from the property owner that they have tried to develop this site for many years unsuccessfully. He explained the next logical step if the write decision is in favor of the City would be inverse condemnation because the developer may argue that the city has denied the only economically viable business for that site. He commented that the City would not agree with that and would defend its position; but it would be costly to defend, even if the City wins all the way, it could be costly.

Councilmember Fuller inquired if at the point when the City wins if it could declare it doesn't want it.

Mr. Cole mentioned the City could decide to reverse its decision but the City would be where it is tonight.

Councilmember Shaw inquired if the design of the sidewalk is raised because it is in the path of the drive through or to slow cars down.

Mr. Strelo mentioned for visibility to place pedestrians at higher eye level and can also slow cars down for traffic calming.

Councilmember Shaw inquired if an ordinance was in place prior to tonight if this wouldn't fly.

Mr. Strelo commented that there are customers parking on the onsite lot without crossing over the drive-through lane.

Councilmember Shaw read the section again.

Mr. Strelo responded that this site would probably comply with that.

Mayor Meadows opened the public hearing.

Kevin McAuley, Construction Manager with McDonald's USA, mentioned with the drive through exit, 90% McDonald's across the country have a door on that side of the building near drive through exit; the other location in Oakley has the same set up; there is a crosswalk at the doorway of the drive through exit.

Community Development Director Brent Smith commented that the California Building Code addresses this and there are code requirements for safety measures to be in place that they would check during plan review and inspection.

Public Comments

Tosha Gray provided a PowerPoint presentation on behalf of Oakley Residents United, residents of Woodglen Estates, concerned families of Laurel Elementary school students, and surrounding communities. She expressed that they request the Council uphold its decision to deny the CUP. She mentioned a CUP is required to establish a drive through in the retail business district. She indicated this project conflicts with multiple elements of the General Plan. She mentioned the site is too close to an elementary school. She expressed that the City Council is to protect the health, safety, and welfare of the community. She shared that 900 residents have signed a petition to deny this drive through use. She commented that a drive-through is not allowed by right; it requires a CUP and for good reason as a CUP is discretionary and Mr. Cole spoke to the discretionary ability earlier this evening. She mentioned this site exists within a school zone and abuts a residential zone which are to be protected against intrusion of incompatible land uses and disruptive traffic per the General Plan. She explained the General Plan talks about how to apply the General Plan, how the City Council should use it. She mentioned the verbiage states, "The General Plan is intended to be used by City decision-makers to provide a basis for judging whether specific private development proposals are in harmony with the General Plan's goals and policies." The current General Plan identifies some community vision principles, including mobility. She provided that the mobility principle states, "Addressing traffic continues to be a priority. As the City continues to grow, additional emphasis needs to be placed on alternative ways of getting around including walking and bicycling. Increasing the safety and functionality of the entire circulation system is a high priority for the City." She commented that the proposed project will decrease the safety and functionality of pedestrian traffic that currently exists at this location, at this intersection, as it lies within a safe route to school. She addressed the Land Use Element, policy number 2.1.5 "promote land use compatibility through the use of restrictions", restrictions such as conditional use permits. She also addressed policy number 2.2.3, "protect existing residential areas from intrusion of incompatible land uses and disruptive traffic." She mentioned the General Plan also talks about land use designations; this one is designated as commercial. She commented that the General Plan states, "Because this designation encompasses a broad range of uses, the allowed uses and the development form on a particular site will depend not only on the zoning, but also on the characteristics of surrounding land uses. Uses that incompatible with the residential uses due to noise, vibration, other characteristics, are not permitted in locations that may impact existing residences." She addressed the Circulation Element, Goal 3.2 in the General Plan, and policy 3.2.2. She shared this project is adjacent to 2 residential neighborhoods and is embedded within a safe route to school, as well as the path to Laurel ball fields, which on her way here today she passed 7 pedestrians at that intersection, 5 on biked and 2 walking, that were using that route to get from the residential homes to the ball fields. She addressed 3.2.C. Implementation Programs. She mentioned as Councilmember Fuller has pointed out several times, in the General Plan, it states, "coordinate with Antioch Unified, Liberty Union District, and Oakley Union Elementary School District to create well-designed routes to schools, maps for bicyclists and pedestrians." She mentioned school community and staff have submitted in writing opposition and safety concerns to both projects being heard tonight, including 2 superintendents and the crossing guard that works at that particular site at Laurel Elementary School. She referred to 3.7.11 Transportation and Safe Routes to School program. She showed a slide of the project site and school including the path and flow of pedestrian traffic requiring pedestrians to cross the drive through exit to access the front door of McDonald's and commented that it is not appropriate for a crossing guard to deposit children into a drive through and a car wash. She addressed site specific concerns including that the site is located within 200 feet of Laurel Elementary School and 1 block from O'Hara Park Middle School, it is embedded between 2 established residential neighborhoods, and the cumulative effect of 3 auto-oriented businesses (the existing gas station, the proposed Quick Quack and McDonald's) will impede pedestrian access at this location. She added it is less than 60 feet from the bike lane to the drive through exit. She shared 900 signatures have been collected and countless letters have been sent to elected officials from residents, surrounding communities, 2 OUESD superintendents, Laurel

Elementary School staff and the crossing guard, and hundreds of residents have participated in meetings, they have had to incorporate resident-funded legal action, resident funded legal counsel, and she personally believes that the City Council should have to spend at least what the residents have spent out of pocket to defend its decision. She mentioned with the Council's prior decision to deny the CUP, O'Hara Properties filed a lawsuit and the judge assigned to this case described the standard of review for this type of case, "The County's determination that the Project is consistent with its General Plan is subject to great deference (she defined deference and reverence)..." She requested this Council not insult the previous Council's judgment by reversing its previous denial of this project. She mentioned the judge continues to say that the decision will only be reversed "if it is based on evidence from which no reasonable person could have reached the same conclusion...and "The party challenging a city's determination of general plan consistency has the burden to show why, based on all the evidence in the record, the determination was unreasonable." She commented that protecting student safety and pedestrian safety is not unreasonable and it is an extrapolation to assume that they would lose a lawsuit and it would cost millions of dollars. She mentioned in his 2007 staff report, then Senior Planner Ken Strelow voice concerns over multiple components of drive throughs at the proposed center which included at the time a QSR. She mentioned it is unclear now why he is disregarding those concerns as they relate to this project. She commented that they recommend the Council uphold its decision, practice its discretion which Mr. Cole has pointed out we can use, and if those can't be done every time someone threatens a lawsuit, she doesn't quite understand what we're doing here.

Liz Elias was called but was not present to speak.

Jaime Spohn commented she is left with the impression that everything has been predetermined by the City and Council; it is disheartening which makes her question why they are even here. She mentioned that while working on behalf of the city at large, it is also the responsibility of the Council to promote the well-being of its residents and ensure they are treated fairly. She directed a comment to Councilmember Henderson that it is a Councilmembers' responsibility to learn what is important to their district residents. She mentioned the decision in 2022 to deny the CUPs aligned with those of constituents as well as the General Plan. She mentioned Councilmember Henderson is currently making decisions going against his constituents. She commented that this is what he is to do as Councilmember Shaw indicated that is her purpose for District 4. She mentioned Laurel Plaza shopping center will never be its intended use as a shopping center due to approval of these businesses (gas station with 7-11, Quick Quack and McDonald's). She added she doesn't believe Blackhawk and O'Hara Properties have made sufficient efforts to develop the site as she has heard tenants have been told in the past that they would have to construct their own building, and this is why McDonald's, Quick Quack and Chevron/7-11 are desirable tenants; it reduces the developer's out of pocket expense. She mentioned if they truly supported the General Plan and the intended use of it as a shopping center, then they would build out the plaza as she said when she was here in 2022.

Mary Rooney commented that changing the decision of the Council in 2022 would be changing the entire plan for Laurel Plaza as a walkable residential plaza, what it was designed for; allowing drive throughs plaza would be an in/out plaza; there would be no walkable plaza. She mentioned, as Ms. Spohn just said, the developer bought the property knowing the General Plan indicates it is to be a walkable plaza but doesn't want to build but rather lease it to businesses to develop. She mentioned the developer gets steady income, but what's in it for residents who have invested their lives in the community. She mentioned drive throughs were not part of the plan when the developer bought the land. She inquired if they planned to change it to meet their needs. She expressed that she knows this is not the 5 criteria. She mentioned data shows 69 million people go to McDonald's each day, with 43,000 locations it is about 1,600

people a day, with 800 cars causing pollution and health concerns from 5am-12am. She mentioned cars will be idling for 19 hours a day with residents inhaling pollutants which is not consistent with the General Plan.

Shelly Fitzgerald commented she doesn't understand how they got here; anyone with common sense can tell this is a bad idea and there are failures on part of everyone here tonight. She inquired if Mr. Beinke believes his development is more important than the residents' rights to breathe, walk, live, and play in this area and if he can develop his property in a manner to profit which he does but he has no right to impede on the enjoyment and use of their properties, nor a right to disregard the safety of their children. She mentioned in 2007, the developer seemed to work collaboratively with city leaders, community members and business tenants as he sat at her kitchen table to discuss what they could do to eliminate drive throughs at this location. To bring a project plan to the table that respects your neighbors, brings good and services, and designed and redesigned a pleasant walkable plaza. She mentioned she is sorry the recession happened but where has he been 2007-2018. She mentioned the last 3 projects he brought to the table require a CUP and are detrimental to their neighborhood. She mentioned he has a responsibility to hear what his customers are telling him they need. She addressed Mr. Goldblatt and that he is not names on the lawsuit, and she is hoping he realizes that locating his restaurant to this site will create problems for the school and neighborhood. She said he may have been promised the sun and moon when bringing a second McDonald's to Oakley, but Mercedes and Laurel is quite different than O'Hara and Laurel but maybe Mr. Beinke didn't disclose there is a school nearby in his conversation. She asked him to consider the safety of the children first by considering a more appropriate site for his restaurant or reconsider submitting his application minus the drive through, offering a safe walkable destination, preferably with outdoor dining for their families. She asked City staff to look at this application in relation to the City's Strategic Plan, Specific Plan, vision, mission, and goals for applications that may create incompatibility issues. She mentioned staff were not satisfied in 2007 with these proposed uses yet pushes for their approval today. She referred to the gas station that sells tobacco and alcohol in the middle of a school walking route and just months later the City adopted an ordinance prohibiting tobacco sales within 1,000 feet of schools yet granted a license to the business to sell such products 3 years later.

Bud Chaddock commented he walks this path every day and sees McDonald's wrappers, condoms, scotch bottles, minis on the property now and there is nothing done about it. He inquired what will another McDonald's do for trash; there will be no accountability. He commented that parking is a joke; there is a sign saying no through traffic but constantly kids from O'Hara Park Middle School are being picked up there; no one abides by the law or code. He commented he sees truck doing construction doing 65mph in front of the school and nothing is done; he can feel the vibration from them. He added that with a drive through, McDonald's is not a good idea. He mentioned parking is inadequate; it is backed up into the neighborhood, people are running the red light or stop sign, and he has never seen one person get a ticket in 30 years. He commented Oakley is making its own form of rollerball; send them out there and see if they get hit. He expressed he doesn't believe anything will be taken care of; they'll just point the finger; it's his fault or his fault.

Donna Chaddock commented she feels like all the things they have participated in, planning meetings, giving suggestions for Laurel Plaza, has all been for not. She inquired why the City asks for their opinion and suggestions for the kind of business they want there and then doesn't take it into consideration. She shared that she heard 900 people signed a petition saying they don't want Quick Quack or McDonald's and she has still yet to see anybody come in here and say that is what they want. She commented they helped to develop the mission statement and vision for the City to create small enclaves where people can come and enjoy themselves that

are walkable, lovely, peaceful, sit-down little places; it's all for not; it's been a waste of time; the Council doesn't listen and it's a shame.

Diane Merritt commented that she has a feeling that there is a little bit of selling out of our Councilmembers and bought out for at least one, and they are just stepping all over them. She mentioned it is not up to residents and it doesn't matter what they think. She questions it and wonders if that person should be voted out. She mentioned if McDonald's passes, it will also bring unwanted squawk boxes for orders to be heard from backyards, unwanted car emissions and unwanted grease smell in the air. She expressed that the developer gets all the riches and benefits in making millions and the residents suffer for that; the developer only wants to do the drive through; it is so crooked, and lame and they are suffering because the developer can't think outside the box. He inquired why Mr. Beinke is so bent on developing what he can't develop; the residents don't want it but he wants to cram it down their throats and force it with a lawsuit with no care about bankrupting the City; he is rotten to the core.

Mayor Meadows called upon Christian Bucey, Robert Beck and Roberto Estrada who were not present to speak.

Christian R. Bucey, Greenfire Law, PC, Gloria Canada, Robert Beck, Roberto Estrada, Lindsay Waters, Cheryl Taylor, Mike Burkholder, Tosha Gray, Sean Ireland, Stephanie Zoochi, Jerry Martin, Marci Lozoya, Joe Kovalick, Paul Seger, and Diane Merritt submitted online comments which have been made part of the meeting record and are available through the City's website.

Mayor Meadows closed the public hearing.

Councilmember Shaw commented she is glad someone mentioned alternatives; there was a survey posted online that asked do you want a McDonald's or Quick Quack and if not, what businesses would you like to see, and she read some of those responses including Shake Shack, Chick Fil A, Arby's, Steak-n-Shake, Sonic, Del Taco, Wienerschnitzel, Raising Cain's, Wendy's, Panda Express and Starbuck's, all which are also drive throughs. She mentioned other options included I Hop, Lazy Dog, Applebee's, Fuddrucker's, Texas Road House, Cracker Barrel, all of which are restaurants that would want to come in and serve alcohol next to a school which she does not think is a whole lot safer. A movie theatre and a mini-IKEA were suggested; hours would still be a concern. A small coffee shop, Wanna Waffle, a bakery, a flower shop, a beauty parlor, a sandwich shop, Dino's Best sandwiches, Oakley French Bread, a yogurt/ice cream store, Papa Murphy's, a deli, a pottery art studio, a shoe maker, dry cleaner, donut shop, cross fit and a Lego store were all suggested but these stores would be great but they don't have financial capacity to build and sustain running that business. She mentioned she has hope additional store fronts will be created, they can't expect it when affordability is not there. She commented that the smell would be some of the same complaints with other restaurants. She mentioned this was just one poll, but every time someone came up with a different idea they got yelled at in all caps; it is on social media. She explained they are not saying they don't want a McDonald's; they are voting on a drive through, and they cannot say no to one and expect another.

Vice Mayor Williams commented she understands the developer has a right to develop the land, it is a commercial zone, and if people have a house nearby, they should know what it is. She mentioned she thinks everyone would like to see this plaza developed but it is just the drive through portion that is at issue. She mentioned she has brought up previously that McDonald's could open without a drive through, and it would be an attraction for Oakley. She would like to know they were told year after year a drive through is not a good idea. She mentioned she cannot in good conscious vote to approve this because she does not think it is compatible with the uses and it has been presented multiple times that it is not compatible with the uses. She

inquired how they would know it's been marketed this whole time. She commented that the residents shouldn't have to police it. She shared she is at Laurel Plaza every day; she has kids over there and she walks to pick them up. She mentioned where BAC closed is a trash heap so why should residents have to call over and over again about it. She commented she doesn't see how that gets better with a more car-intensive business. She mentioned if they were working on walkability then maybe everybody sees it, but it may get worse with cars so she can't say it's the right fit. She mentioned any of the uses, Dunkin Donuts, Peet's, they would embrace, just not the drive-through, so open it up without the drive-through.

Councilmember Fuller commented that his education and experience gives credence to what the superintendents say and understands why they may not be saying more; this city marginalizes its superintendents, schools, and teachers. He mentioned they need to protect their children and one of the ways is if the Council approves this going in, they have the option of suing the City which Mr. Beinke will have to pay for our defense; but if they sue us they would not play their hand in the public to everyone who doesn't think they have abilities anyway to put their case out. He mentioned with the 2 superintendents, in looking at their background, education, integrity and character, they are speculating; what they really mean is it's not safe. He mentioned he is grateful the traffic consultant looked at this; they found the traffic unsafe. He mentioned they found the variable, but they didn't complete the project because they didn't finish by going to the people who understand children and have education and experience with children; they didn't bother to ask them and it's their responsibility under the Education Code for the safety of children outside of the school on public grounds, the sidewalk, in getting them across street, and onto another sidewalk. He mentioned the intersection is confusing for an adult with maturity with judgment in driving and background to get through the intersection. He mentioned there is a no right turn sign but what does that mean to a 10-year-old child; they don't get it; if a white signal comes up, they go; they haven't learned to look behind them where the drive through is coming out to see if anyone is coming; kids don't get it. He mentioned a teenage driver could get his food and ignore the sign when coming out of the drive through and hit a kid so he still finds it unsafe and he still says they ought to go on. He mentioned he had not heard anything about a bankruptcy, but they can reexamine it at the win. He mentioned residents are saying they are suffering for what Councils have done to them for years, not just 2 years, but 5 years; over and over they come here and they suffer and walk away without any hope because the Council says it's just too expensive to defend its residents and they have better things to do with their money and the Council then becomes a toothless tiger; developers know it; the Council has to approve it because the City will get sued. He mentioned Prime Minister Chamberlin turned over Poland to appease Hitler; somewhere they must say they are not the toothless tiger and Mr. Beinke should also challenge it. He mentioned residents have tenacity, courage, and grit to protect their children and families so he will vote no; he thinks they should go all the way to the court's decision.

It was moved by Councilmember Shaw and seconded by Councilmember Henderson to adopt the resolution. AYES: Henderson, Meadows, Shaw. NOES: Fuller, Williams. (3-2)

5) REGULAR CALENDAR

5.1 Selection of Non-Profit Organizations to Operate Beer and Wine Concessions at select City Special Events (Lindsey Bruno, Recreation Director)

Recreation Director Lindsey Bruno presented the staff report. The following non-profits were recommended for the events named:

Rotary Club of Oakley, Summerfest

East County All Star Fundraising, Heart of Oakley Festival
St. Anthony Knights of Columbus 10414, Oaktober Festival
Pillars of Hope, May/June concerts
Adventure Therapy, August/September concerts
Be Exceptional, October concert

Ms. Bruno mentioned Rotary Club and East County All Star Fundraising include Councilmembers who are involved, and staff has sought and is awaiting FPPC direction on the matter; therefore, staff recommends approval of only the other four organizations at this time and the other two will be brought back at the April 25 regular Council meeting for consideration.

No public comments were submitted.

It was moved by Councilmember Fuller and seconded by Vice Mayor Williams to approve St. Anthony Knights of Columbus 10414, Pillars of Hope, Adventure Therapy and Be Exceptional for the respective named events. Motion was unanimous and so ordered. (5-0)

Public Hearing items were heard after this item.

6) REPORTS

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

None.

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

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

Mayor Meadows reported he attended the Mayors' Conference Thursday and CCTA provided a presentation. He also reported he attended the swearing-in ceremony for Officer Arturo Hurtado.

(b) Requests for Future Agendas

Mayor Meadows shared that resident Liz Elias submitted a public speaker card to request a future agenda item for an e-waste collection site in Oakley.

Vice Mayor Williams requested staff look at a policy for taking a bid close to the lowest competitive bid if coming from an Oakley company.

7) WORK SESSIONS

8) CLOSED SESSION

9) ADJOURN

There being no further business, the meeting was adjourned at 10:57 p.m.

Respectively Submitted,

Libby Vreonis
City Clerk



MEMORANDUM
Office of the City Attorney

Date: April 12, 2023
To: Mayor and Members of City Council
From: Derek P. Cole, City Attorney
Cc: Joshua McMurray, City Manager
Subject: Closed Session Report-Out Memo

FOR CONSIDERATION AT THE CITY COUNCIL MEETING OF APRIL 25, 2023

Background and Analysis

The City Council considered the following closed session item during its regular meeting held April 25, 2023:

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

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

Fiscal Impact

None.

Recommendation

Receive and file this report.

Attachments

None.

STAFF REPORT

DATE: April 25, 2023

TO: Joshua McMurray, City Manager

Approved and Forwarded to the City Council

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

SUBJECT: Approval of the City of Oakley's Contra Costa Transportation Authority (CCTA) Growth Management Program Compliance Checklist for Allocation of Fiscal Year 2021/22 and 2022/23 Local Street Maintenance and Improvement Funds

Background and Analysis

In order to be eligible for the Measure J funds, municipalities in Contra Costa County are required to submit a biennial self-certifying checklist to the Contra Costa Transportation Authority that details how the requirements of Measure J have been complied with. Measure J funds are provided on a fiscal year basis, while the checklist covers a calendar year. Each checklist addresses a specific fiscal year period and a different reporting period. For instance, the current check list is for Fiscal Years 2021/22 and 2022/23, but the reporting period is for calendar years 2020 and 2021.

When the City of Oakley incorporated, the self-certification process was done annually. However, in 2000 the CCTA switched to a biennial reporting format. The City of Oakley has been found to be in compliance with CCTA requirements for each reporting cycle.

Each year, CCTA allocates approximately 18% of the Measure J sales tax collections to local municipalities in the form of Local Street Maintenance and Improvement funds. The remaining of the Measure J revenues are made available to local municipalities for various capital projects on a competitive basis. Local Street Maintenance and Improvement funds are distributed among municipalities based on their respective road miles and population.

Measure J guidelines require that the checklist be approved by the City Council prior to it being forwarded to CCTA for consideration. Staff has prepared the attached checklist package and attachments for consideration by City Council and is recommending that the City Council certify the check list and adopt the resolution, authorizing the Mayor to sign the Growth Management Program Compliance checklist and forward it to CCTA prior to the June 30, 2023, submittal deadline. CCTA will then process the checklist pursuant to CCTA procedures and will notify the City that the City of Oakley checklist has been approved.

Consistency with the Oakley Strategic Plan 27+

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

Fiscal Impact

If the City of Oakley does not submit the Growth Management Program Compliance checklist to CCTA, the City of Oakley will not be eligible to receive its allocation of Measure J funds.

Staff Recommendation

Staff recommends that the City Council certify the CCTA Growth Management Program Compliance checklist and adopt the resolution authorizing the Mayor to sign the checklist and submit it to CCTA for consideration.

Attachments

- 1) Resolution
- 2) Checklist
- 3) Attachments
 - a. LSM Annual Reporting Form
 - b. CIP FY 2022-23
 - c. Annual Element Progress Report
 - d. Resolution 02-13
 - e. Resolution 88-20
 - f. Resolution 110-20
 - g. Resolution 92-08
 - h. Mailing Labels

RESOLUTION NO. XX- 23

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY, CALIFORNIA
AUTHORIZING THE MAYOR TO SIGN THE CALENDER YEAR 2020 AND 2021
GROWTH MANAGEMENT PROGRAM CHECKLIST AND FORWARD IT TO THE
CONTRA COSTA COUNTY TRANSPORTATION AUTHORITY**

WHEREAS, the Contra Costa County Transportation Authority Measure J allocates 18% of its revenues to the local municipalities for the maintenance and improvements of local streets and roads; and

WHEREAS, to be eligible for the Fiscal Year 2021/22 and 2022/23 Measure J disbursement, the City must submit a biennial self-certifying checklist to the Contra Costa Transportation Authority by June 30, 2023; and

WHEREAS, prior to submitting to the Contra Costa County Transportation Authority, the City Council must review the checklist and find that it is in conformance with the requirements for compliance.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, by the City Council of the City of Oakley that the Calendar Year 2020 and 2021 Growth Management Program checklist is found to be in conformance with the City of Oakley policies and programs for compliance with the Contra Costa County Transportation Authority Improvement and Growth Management Program.

BE IT FURTHER RESOLVED AND ORDERED, that the Mayor is authorized to sign the Growth Management Program Compliance checklist and forward it to the Contra Costa Transportation Authority for consideration.

PASSED AND ADOPTED by the City Council of the City of Oakley this 25th day of April 2023 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

Aaron Meadows, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date

Measure J GMP Compliance Checklist Attachments

Reporting Jurisdiction: City of Oakley
For Fiscal Years 2021-22 and 2022-23
Reporting Period: Calendar Years 2020 & 2021

Measure J Growth Management Program Compliance Checklist

1. Action Plans	YES	NO	N/A
a. Is the jurisdiction implementing the actions called for in the applicable Action Plan for all designated Routes of Regional Significance within the jurisdiction?	☒	☐	☐
b. Has the jurisdiction implemented the following procedures as outlined in the <i>Implementation Guide</i> and the applicable Action Plan for Routes of Regional Significance?			
i. Circulation of environmental documents,	☒	☐	☐
ii. Analysis of the impacts of proposed General Plan amendments and recommendation of changes to Action Plans, and	☒	☐	☐
iii. Conditioning the approval of projects consistent with Action Plan policies?	☒	☐	☐
c. Has the jurisdiction followed the procedures for RTPC review of General Plan Amendments as called for in the <i>Implementation Guide</i> ?	☒	☐	☐
2. Development Mitigation Program	YES	NO	
a. Has the jurisdiction adopted and implemented a local development mitigation program to ensure that new development pays its fair share of the impact mitigation costs associated with that development?	☒	☐	
b. Has the jurisdiction adopted and implemented the regional transportation mitigation program, developed, and adopted by the applicable Regional Transportation Planning Committee, including any regional traffic mitigation fees, assessments, or other mitigation as appropriate?	☒	☐	

Measure J GMP Compliance Checklist Attachments

Reporting Jurisdiction: City of Oakley
For Fiscal Years 2021-22 and 2022-23
Reporting Period: Calendar Years 2020 & 2021

3. Address Housing Options	YES	NO
a. Has the jurisdiction prepared and submitted a report to the Authority demonstrating reasonable progress in providing housing opportunities for all income levels under its Housing Element? The report can demonstrate progress by (1) comparing the number of housing units approved, constructed, or occupied within the jurisdiction over the preceding five years with the number of units needed on average each year to meet the housing objectives established in its Housing Element; or (2) illustrating how the jurisdiction has adequately planned to meet the existing and projected housing needs through the adoption of land use plans and regulatory systems which provide opportunities for, and do not unduly constrain, housing development; or (3) illustrating how its General Plan and zoning regulations facilitate improvement or development of sufficient housing to meet the Element's objectives. <i>Note: A copy of the local jurisdiction's annual progress report (Tables A thru C) to the state Department of Housing and Community Development (HCD) is sufficient.</i>	☒	☐
b. Does the jurisdiction's General Plan—or other adopted policy document or report—consider the impacts that its land use and development policies have on the local, regional, and countywide transportation system, including the level of transportation capacity that can reasonably be provided?	☒	☐
c. Has the jurisdiction incorporated policies and standards into its development approval process that support transit, bicycle, and pedestrian access in new developments?	☒	☐

Measure J GMP Compliance Checklist Attachments

Reporting Jurisdiction: City of Oakley
 For Fiscal Years 2021-22 and 2022-23
 Reporting Period: Calendar Years 2020 & 2021

4. Traffic Impact Studies	YES	NO	N/A
a. Using the Authority's <i>Technical Procedures</i> , have traffic impact studies been conducted as part of development review for all projects estimated to generate more than 100 net new peak-hour vehicle trips? (Note: Lower traffic generation thresholds established through the RTPC's Action Plan may apply).	☒	☐	☐
b. If the answer to 4.a. above is "yes", did the local jurisdiction notify affected parties and circulate the traffic impact study during the environmental review process?	☒	☐	☐

5. Participation in Cooperative, Multi-Jurisdictional Planning	YES	NO
a. During the reporting period, has the jurisdiction's Council/Board representative regularly participated in meetings of the appropriate Regional Transportation Planning Committee (RTPC), and have the jurisdiction's local representatives to the RTPC regularly reported on the activities of the Regional Committee to the jurisdiction's council or board? (Note: Each RTPC should have a policy that defines what constitutes regular attendance of Council/Board members at RTPC meetings.)	☒	☐
b. Has the local jurisdiction worked with the RTPC to develop and implement the Action Plans, including identification of Routes of Regional Significance, establishing Multimodal Transportation Service Objectives (MTSOs) for those routes, and defining actions for achieving the MTSOs?	☒	☐
c. Has the local jurisdiction applied the Authority's travel demand model and <i>Technical Procedures</i> to the analysis of General Plan Amendments (GPAs) and developments exceeding specified thresholds for their effect on the regional transportation system, including on Action Plan MTSOs?	☒	☐

Measure J GMP Compliance Checklist Attachments

Reporting Jurisdiction: City of Oakley
For Fiscal Years 2021-22 and 2022-23
Reporting Period: Calendar Years 2020 & 2021

	YES	NO	
d. As needed, has the jurisdiction made available, as input into the countywide transportation computer model, data on proposed improvements to the jurisdiction's transportation system, including roadways, pedestrian circulation, bikeways, and trails, planned and improved development within the jurisdiction, and traffic patterns?	☒	☐	
6. Five-Year Capital Improvement Program	YES	NO	
Does the jurisdiction have an adopted five-year capital improvement program (CIP) that includes approved projects and an analysis of project costs as well as a financial plan for providing the improvements? (The transportation component of the plan must be forwarded to the Authority for incorporation into the Authority's database of transportation projects)	☒	☐	
7. Transportation Systems Management Program	YES	NO	
Has the jurisdiction adopted a transportation systems management ordinance or resolution that incorporates required policies consistent with the updated model ordinance prepared by the Authority for use by local agencies or qualified for adoption of alternative mitigation measures because it has a small employment base?	☒	☐	
8. Adoption of a voter-approved Urban Limit Line	YES	NO	N/A
a. Has the local jurisdiction adopted and continually complied with an applicable voter-approved Urban Limit Line as outlined in the Authority's annual ULL Policy Advisory Letter?	☒	☐	☐

Measure J GMP Compliance Checklist Attachments

Reporting Jurisdiction: City of Oakley
For Fiscal Years 2021-22 and 2022-23
Reporting Period: Calendar Years 2020 & 2021

- | | YES | NO | N/A |
|--|-----------------------|-----------------------|----------------------------------|
| b. If the jurisdiction has modified its voter approved ULL or approved a major subdivision or General Plan Amendment outside the ULL, has the jurisdiction made a finding of consistency with the Measure J provisions on ULLs and criteria in the ULL Policy Advisory Letter after holding a noticed public hearing and making the proposed finding publicly available? | ☐ | ☐ | ☒ |

9. Adoption of the Measure J Growth Management Element

- | | YES | NO | N/A |
|---|----------------------------------|-----------------------|-----------------------|
| Has the local jurisdiction adopted a final GME for its General Plan that substantially complies with the intent of the Authority's adopted Measure J Model GME? | ☒ | ☐ | ☐ |

10. Posting of Signs

- | | YES | NO | N/A |
|--|-----------------------|-----------------------|----------------------------------|
| Has the jurisdiction posted signs meeting Authority specifications for all projects exceeding \$250,000 that are funded, in whole or in part, with Measure C or Measure J funds? | ☐ | ☐ | ☒ |

11. Maintenance of Effort (MoE)

- | | YES | NO |
|--|----------------------------------|-----------------------|
| Has the jurisdiction met the MoE requirements of Measure J as stated in Section 6 of the Contra Costa Transportation Improvement and Growth Management Ordinance (as amended)? (See the Checklist Instructions for a listing of MoE requirements by local jurisdiction.) | ☒ | ☐ |

12. Submittal of LSM Reporting and Audit Forms

- | | YES | NO |
|---|----------------------------------|-----------------------|
| Has the local jurisdiction submitted a Local Street Maintenance and Improvement Reporting Form and Audit Reporting Form for eligible expenditures of 18 percent funds covering FY 2017-18 and FY 2018-19? | ☒ | ☐ |

Reporting Jurisdiction: City of Oakley
For Fiscal Years 2021-22 and 2022-23
Reporting Period: Calendar Years 2020 & 2021

Review and Approval of Checklist

Signature	04/25/2023
Kevin Rohani, Public Works Director	Date
Name & Title (print)	
925-625-7003	rohani@ci.oakley.ca.u
Phone	Email

Certified Signature (Mayor or Chair)	Date
Aaron Meadows, Mayor	
Name & Title (print)	
Attest Signature (City/Town/County Clerk)	Date
Libby Vreonis, City Clerk	
Name (print)	

Measure J GMP Compliance Checklist Attachments

Reporting Jurisdiction: City of Oakley
For Fiscal Years 2021-22 and 2022-23
Reporting Period: Calendar Years 2020 & 2021

Supplementary Information (Required)

1. Action Plans

- a. *Please summarize steps taken during the reporting period to implement the actions, programs, and measures called for in the applicable Action Plan for Routes of Regional Significance:*

Notice of environmental documents, such as CEQA Notice of Preparation and Notice of Intent are directly routed to a list of 57 local, regional, and state agencies (See attached mailing labels, which includes two non-agencies that request notice).

- b. *Attach, list, and briefly describe any General Plan Amendments that were approved during the reporting period. Please specify which amendments affected ability to meet the standards in the Growth Management Element and/or affected ability to implement Action Plan policies or meet Multimodal Traffic Service Objectives (MTSOs). Indicate if amendments were forwarded to the jurisdiction's RTPC for review, and describe the results of that review relative to Action Plan implementation:*

Yes changes to Action Plans required. A list of approved General Plan Amendments consistent with Measure J in reporting years follows (listed in order of approval).

1- 2480 Oakley Road Residential Development Subdivision 9537 (GPA 01-19) – General Plan Amendment to redesignate approximately 4.6 acres from Light Industrial (LI) to Single-Family Residential, High Density (SH). Approved by City Council Resolution No 88-20 adopted on June 23, 2020.

2- Teakwood Drive Parcels General Plan Amendment (GPA 02-19) – General Plan Amendment to redesignate approximately 0.76 acres from Parks and Recreation (PR) to Single-Family Residential, High Density (SH). Approved by City Council Resolution No. 110-20 adopted on August 11, 2020.

Measure J GMP Compliance Checklist Attachments

Reporting Jurisdiction: City of Oakley
For Fiscal Years 2021-22 and 2022-23
Reporting Period: Calendar Years 2020 & 2021

Provide a summary list of projects approved during the reporting period and the conditions required for consistency with the Action Plan:

Resolutions for approval of entitlements include a finding that the project complies with Measure J Growth Management requirements. If mitigation is required it is accomplished either through improvements installed to mitigate project-induced significant impacts, or through payment of regional and local traffic impact fees for contribution toward cumulative impacts. Below is a list of projects approved during the reporting period.

? 7 Mares Grill Restaurant with Full Bar Conditional Use Permit (CUP 03-19)
? 7 Mares Grill (Amendment to CUP 03-19)
? Daub for Kidz Bingo Hall Conditional Use Permit Condition of Approval Modification (CUP 04-19)
? Dependable Roofing at 5406 Elm Lane Design Review (DR 06-19)
? Brownstone Subdivision 8803 - Modification of Condition of Approval #69 Related to Drainage Improvements and the Construction of Storm Drain Like C of Drainage Area 30B
? Villa Grove Subdivision 8807 Tentative Map Extension (TME 03-19)
? Rosewood Subdivision 8787 Tentative Map Extension (TME 04-19)
? Cedarwood Subdivision 9088 Tentative Map Extension (TME 05-19)
? Brownstone Subdivision 8803 Tentative Map Extension (TME 01-20)
? Stonewood 3 Subdivision 9183 Tentative Map Extension (TME 02-20)
? Stonewood Units 1A, 1B, and 2A Design Review (DR 03-20)
? Cypress Estates Design Review (DR 04-20)
? Pheasant Meadows (8736) and Vintner View (8836) Design Review (DR 07-20)
? Emerson Ranch Commercial Design Review (DR 04-21)
? Burroughs Rezone (RZ 01-21) and Vesting Tentative Map (TM 01-21)
? Police Department Parking Lot Expansion Conditional Use Permit (CUP 01-21) and Design Review (DR 01-21)
? Diablo Water District Corporation Yard Office and Shop Building Tentative Parcel Map (TPM 01-21) and Design Review (DR 03-21)
? 2480 Oakley Road Residential Development Subdivision 9537 (GPA 01-19, RZ 01-19, TM 01-19, DR 04-19)
? Teakwood Drive Parcels General Plan Amendment (GPA 02-19)
? Oakley Village Subdivision 9577 (TM 05-20)

2. Development Mitigation Program

a. *Describe progress on implementation of the regional transportation mitigation program:*

Oakley follows the RTPC guidelines for GPA projects, and all projects, resulting in more than 500 peak hour trips. The City's guidelines for traffic impact analyses includes reference to the CCTA's Technical Procedures LOD and Delay Index Analysis Methodologies for all LOS at study intersections and performance measures of regional roadways. Affected jurisdictions would be notified both by the City's normal CEQA notification processes, which include early notification to all adjacent jurisdictions and the County. For the reporting year, no projects created 500 or more net new peak hour trips.

3. Address Housing Options

a. *Please attach a report demonstrating reasonable progress in providing housing opportunities for all income levels. (Note: A copy of the local jurisdiction's annual report (Tables A thru C) to the state Department of Housing and Community Development (HCD) is sufficient).*

PLEASE ADD ATTACHMENTS TO END OF PDF

Measure J GMP Compliance Checklist Attachments

Reporting Jurisdiction: City of Oakley
For Fiscal Years 2021-22 and 2022-23
Reporting Period: Calendar Years 2020 & 2021

Please attach the jurisdiction's adopted policies and standards that ensure consideration of and support for walking, bicycling, and transit access during the review of proposed development.

PLEASE ADD ATTACHMENTS TO END OF PDF

4. Traffic Impact Studies

Please list all traffic impact studies that have been conducted as part of the development review of any project that generated more than 100 net new peak hour vehicle trips. (Note: Lower traffic generation thresholds established through the RTPC's Action Plan may apply). Note whether the study was consistent with the Authority's Technical Procedures and whether notification and circulation were undertaken during the environmental review process.

5. Participation in Cooperative, Multi-Jurisdictional Planning

No attachments necessary

Measure J GMP Compliance Checklist Attachments

Reporting Jurisdiction: City of Oakley
For Fiscal Years 2021-22 and 2022-23
Reporting Period: Calendar Years 2020 & 2021

6. Five-Year Capital Improvement Program

Please attach the transportation component of the most recent CIP version, if the Authority does not already have it. Otherwise, list the resolution number and date of adoption of the most recent five-year CIP.

The City's CIP program is attached

7. Transportation Systems Management Program

Please attach a copy of the jurisdiction's TSM ordinance or list the date of ordinance or resolution adoption and its number.

Ordinance No. 78-11, dated December 16, 2002

Measure J GMP Compliance Checklist Attachments

Reporting Jurisdiction: City of Oakley
For Fiscal Years 2021-22 and 2022-23
Reporting Period: Calendar Years 2020 & 2021

8. Adoption of a voter-approved Urban Limit Line

The local jurisdiction's adopted ULL is on file at the Authority offices. Please specify any actions that were taken during the reporting period regarding changes or modifications to the voter approved ULL, which should include a resolution making a finding of consistency with Measure J and a copy of the related public hearing notice.

City uses County approved ULL

9. Adoption of the Measure J Growth Management Element

Please attach the adopted Final Measure J Growth Management Element to the local jurisdiction's General Plan or list the date of ordinance or resolution adoption and its number.

10. Posting of Signs

Provide a list of all projects exceeding \$250,000 within the jurisdiction, noting which ones are or were signed according to Authority specifications.

N/A

Measure J GMP Compliance Checklist Attachments

Reporting Jurisdiction: City of Oakley
For Fiscal Years 2021-22 and 2022-23
Reporting Period: Calendar Years 2020 & 2021

11. Maintenance of Effort (MoE)

Please indicate the jurisdiction's MoE requirement and MoE expenditures for the past two fiscal years (FY 2019-20 and FY 2020-21). See the Instructions to identify the MoE requirements.

N/A

12. Submittal of LSM Reporting Form and Audit Reporting Form

Please attach LSM (Summary) Reporting and LSM Audit (Detail) Forms for FY 2019-20 and FY 2020-21.

PLEASE ADD ATTACHMENTS TO END OF PDF

13. Other Considerations

Please specify any alternative methods of achieving compliance for any components for the Measure J Growth Management Program

N/A



ANNUAL REPORTING FORM
for MEASURE J LOCAL STREET MAINTENANCE AND IMPROVEMENTS (LSM) FUNDS
(18% LSM FUNDS & 2.09% ADDITIONAL FUNDS)
FOR ELIGIBLE EXPENDITURES DURING FISCAL YEAR 2021-22

Jurisdiction: _____ Oakley _____

If you have any questions regarding this form, please contact Matt Kelly at CCTA, mkelly@ccta.net.
Please return the form to CCTA, along with the LSM Audit Reporting Form spreadsheet, Attn: Jackie Reyes (at address listed below or jreyes@ccta.net)

	Total for FY 2021-22
Starting Balance as of July 1, 2021	\$832,095
18% + 2.09% Funds Received during FY 2021-22 (actual, not accrued)	\$733,912
LSM Eligible Expenditures (Please describe all expenditures in excess of \$10,000 on the LSM Audit Reporting spreadsheet)	
Local Street and Roads	\$1,750
Growth Management Planning and Compliance	\$120,447
Transit Capital and Operations	
Trails	
Parking Facilities	
Transportation Demand Management/Transportation Systems Management	
Total LSM Expenditures during FY 2021-22	\$122,197
Funds Remaining	\$1,443,810
Interest Earned	\$2,579
Ending Balance as of June 30, 2022	\$1,446,389

Form prepared by: _____ Carolina Camacho _____

Phone: 925-625-7001 _____

Email: camacho@ci.oakley.ca.us _____

Title: _____ Accounting Manager _____

Date: _____ 1/30/22 _____

[illegible]

**PROPOSED ANNUAL
CAPITAL BUDGET
AND
5-YEAR CAPITAL IMPROVEMENT PROGRAM
FISCAL YEAR 2022/23**



City of Oakley FY 2022/2023 Project Summary Capital Improvement Program for Fiscal Years 2022-2023 to 2026-2027																			
Project #	Project Description	Cypress Grave CFD NO. 1	ARPA	Parks Landscaping Assessment Zone 1	Gas Tax HUTA	Gas Tax RMBA	Stormwater Fund	Measure J	General Capital Projects	Traffic Impact Fee	Park Impact Fee	Public Facilities Impact Fee	2012 Bond Benefit	Main Street Fund	Regional Park Fund	Street Maintenance & Rehab	2016 Debt Service	Emerson Ranch Storm Water CFD 2015-16	Facilities Fund
FY 2022-2023 Proposed Expenditures																			
FY 2022-2023		110	120	130	140	141	145	148	201	202	203	204	221	231	232	235	333	335	402
Total		18,184,031	1,438,077	79,425	3,533,268	899,259	45,489	484,477	4,782	2,403,140	2,173,353	3,342,096	68,231	231	232	232	431	431	431
187	Main Street Bridge Rehabilitation at CC Canal Project	50,000																	
189	Type I Lane Drainage Channel Train Capture Device Project	18,501,302	354,167	5,088,995	1,411,587	1,253,770	500,500	751,060	-	2,582,740	2,552,740	994,471	-	10,000	165,000	368,425	666,769	261,206	600,000
205	Downtown Gateway Plaza Roadway & Parking Lot Project	2,650,000							5,260,000							2,000,000			
215	Downtown Gateway Plaza Roadway & Parking Lot Project																		
216	Downtown Gateway Plaza Roadway & Parking Lot Project																		
217	Downtown Gateway Plaza Roadway & Parking Lot Project																		
246	FY 2021, 2022 Street Repair and Beautification Project	500,000							5,260,000										
247	East Cypress Road Widening (Kingshigh Avenue to Jersey Island Road)																		
248	Holly Creek Restroom Construction Project	2,700,000			250,000	100,000		100,000		2,250,000									
249	Recreation Center Emergency Generator Project	100,000									100,000								
263	O'Hara Avenue/Carson Road Intersection Improvement Project	300,000																	
265	Irrigation Well Installation at City of Freedom Basin Project	100,000								100,000									
266	North Cypress Road Widening (Kingshigh Avenue to Jersey Island Road)	200,000																	
274	Laurel Road Extension (Tenbrook, To Sellers Av)	300,000								300,000									
275	Newly Road Repair and Beautification (Empire Av to O'Hara Av)	300,000														100,000			
276	FY 2022-2023 Culvert, Gutter, Sidewalk, Repair and Reconstruction	150,000																	
278	FY 2022-2023 Street Resurfacing	60,000																	
279	FY 2022-2023 Street Resurfacing	60,000																	
279	FY 2022-2023 Traffic Signal Modernization	200,000								200,000									
279	FY 2022-2023 Street Repair & Beautification	2,000,000														2,000,000			
280	Laurel Road Widening (Claybrook, Av to O'Hara Av)	2,500,000								2,500,000									
281	Emerson Cingular Park Construction	3,500,000									3,500,000								
282	Laurel Road and Empire Av Landscaping Match	250,000																	
283	Laurel Road Bridge Widening over Marsh Creek	30,000																	
284	Laurel Road Bridge Widening over Marsh Creek	30,000																	
285	Laurel Road Bridge Widening over Marsh Creek	30,000																	
286	City Hall Roofing Solar Project	500,000																	
286	City Hall Roofing Solar Project	500,000																	
287	Koda Dog Park Shade Structure	150,000									150,000								
288	Senior Center Road & HVAC Repair & Replacement	10,000																	
289	Local Road Safety Plan Project	90,000																	
290	City Hall Human Resources Department Remodeling Project	400,000																	
291	FY 2022-2023 ADA Implementation Project	50,000																	
Total Proposed Expenditures FY 2022-2023		22,979,000	-	1,100,000	250,000	530,000	1,700,000	990,000	5,000,000	5,750,000	4,353,000	560,000	60,000	-	-	2,100,000	35,000	-	450,000
Remaining Unassigned Balances FY 2022-2023		15,636,019	1,442,584	4,863,020	3,163,268	14,233	43,699	5,088	21,492	90,138	494,078	3,079,258	5,231	2,863	1,809,129	286,025	866	695,753	203,740
Please note that Project #126, #166, #191, #202, #203 and #268-272 are not included in this listing because they do not have dollars allocated to them for Fiscal Year 2022-2023. However, their project descriptions are included in the Capital Budget summary document on page C19-27.																			

Please note that Project #s 176, 186, 211, 231, 251, 265 and 269-271 are not included in this listing because they do not have dollars allocated to them for Fiscal Year 2022-2023. However, their project descriptions are included in the Capital Budget narrative, beginning on page CIP-22.

City of Oakley Projected Revenue Summary Capital Improvement Program for Fiscal Years 2022/23 to 2026/27							
Funding Source	22/23	23/24	24/25	25/26	26/27	Total	
Traffic Impact Fee	\$ 3,900,000	\$ 3,500,000	\$ 2,800,000	\$ 2,600,000	\$ 2,200,000	\$ 15,000,000	\$ 15,000,000
CFD Fund	\$ 645,000	\$ 660,000	\$ 670,000	\$ 680,000	\$ 690,000	\$ 3,345,000	\$ 3,345,000
2016 Debt Service	\$ 35,000	\$ 35,000	\$ 35,000	\$ 35,000	\$ 35,000	\$ 175,000	\$ 175,000
Park Impact Fee	\$ 4,800,000	\$ 2,000,000	\$ 1,500,000	\$ 1,000,000	\$ 1,000,000	\$ 10,300,000	\$ 10,300,000
Measure J	\$ 605,000	\$ 650,000	\$ 675,000	\$ 675,000	\$ 675,000	\$ 3,280,000	\$ 3,280,000
Gas Tax	\$ 1,070,000	\$ 1,090,000	\$ 1,110,000	\$ 1,130,000	\$ 1,150,000	\$ 5,550,000	\$ 5,550,000
Road Maintenance & Rehab (SB)	\$ 816,000	\$ 830,000	\$ 850,000	\$ 870,000	\$ 890,000	\$ 4,256,000	\$ 4,256,000
Main Street Fund	\$ 2,000	\$ 350,000	\$ 350,000	\$ 350,000	\$ 350,000	\$ 1,402,000	\$ 1,402,000
Grant	\$ 203,000	\$ -	\$ -	\$ -	\$ -	\$ 203,000	\$ 203,000
Facility Fund	\$ 475,000	\$ 350,000	\$ 350,000	\$ 350,000	\$ 350,000	\$ 1,875,000	\$ 1,875,000
2012 Bond Benefit	\$ 60,000	\$ 60,000	\$ 60,000	\$ 60,000	\$ 60,000	\$ 300,000	\$ 300,000
Street Maintenance & Rehabilit	\$ 2,300,000	\$ 1,500,000	\$ 1,500,000	\$ 1,000,000	\$ 1,000,000	\$ 7,300,000	\$ 7,300,000
General Capital Fund	\$ 5,000,000	\$ 350,000	\$ 350,000	\$ 350,000	\$ 350,000	\$ 6,400,000	\$ 6,400,000
Total	\$19,911,000	\$ 11,375,000	\$ 10,250,000	\$ 9,100,000	\$ 8,750,000	\$ 59,386,000	\$ 59,386,000

CAPITAL IMPROVEMENT PROGRAM

The Capital Improvement Program (CIP) is a major public infrastructure and planning tool for the City of Oakley. The CIP serves as a statement of the City's policies and financial abilities to manage the development of the community. The creation of a five-year CIP provides a systematic plan for providing infrastructure improvements within a prioritized framework and a general schedule for projects to proceed. Projects identified in the CIP meet the City's General Plan. The first year reflects the adopted budget for the upcoming Fiscal Year (FY). The remaining four years represent a schedule and estimate of future capital needs that may be funded, given projected revenues and priorities.

There are several benefits for developing and adopting a Capital Improvement Program. Not only does the CIP become a management tool for the City Council and City staff; a CIP also provides valuable information to the citizens, developers, and businesses who are interested in the development of the community. The CIP document will assist in leveraging available resources through the timing of projects, and the coordination of City projects with improvements constructed by other entities.

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

The focus of the proposed CIP for FY 2022/23 through FY 2026/27 is to maintain the core infrastructure of the City of Oakley by utilizing the most cost effective and creative approach. The CIP continues to prioritize and build new infrastructure for the community, which will enhance the quality of life for residents. In preparation of the CIP for FY 2022/23, a comprehensive review of prospective projects was performed.

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

CIP-4

District Funds, and the City's General Fund. The revenues from Development Traffic Impact Fees and Development Park Impact Fees are dependent upon the private development activity and regional economic growth. The CIP for FY 2022/23 conservatively budgets a portion of these funding sources to account for unforeseen downturns in the regional economic and development activity.

There is a direct relationship between CIP project construction, economic development, and the vitality of the community. New residents want to come and live in a community that is vibrant and provides a wide range of amenities (e.g., Recreation Center, Library, etc.). Commercial developers also look to build in communities that thrive and provide amenities for today's lifestyle. The construction of CIP projects helps to enhance amenities and the quality of life for the community residents, which in turn makes Oakley a desired community for private development. The increase in the level of private development activity will provide opportunities for the City to undertake projects with various infrastructure improvements to compliment the private development projects.

PROPOSED CIP PROJECTS FOR FY 2022/23

Project #176, Oakley Regional Community Park Project – This project transforms a 55-acre site located at the north end of Sellers Avenue that was given to the City as part of the development agreements with the Emerson and Gilbert Ranch projects. This 55-acre site was an abandoned dairy farm that has been closed for decades. This project will construct a regional park at this site that will be a destination point for the Oakley community. A team of staff, consultants, and a Council sub-committee began the process of concept planning for this site in 2016. As a result of this work, a concept plan was developed and approved by the City Council. During 2019, there were further discussions with the community to solicit input as the concept plan was refined and adopted by the City Council to reflect the needs of the community and strategic goals of the City Council. This project will be a multi-phase project that will be designed and constructed over the coming years and would potentially cost over \$60,000,000 to construct all its components. Funding for this project will be provided by a combination of grants and other local funds over several years. The first phase of this project was the demolition and removal of the abandoned and unsafe structures, which was completed in 2019. The City applied for two rounds of funding for this project from the State Proposition 68 State of California Grant in 2019 and 2021 and unfortunately was not awarded the grant. Staff will continue to explore other grant funding for this project in coming years to design and construct this project. *The funding of the preliminary project design and site clean-up was allocated in FY 2016/17 and no additional funding is requested in the FY 2022/23 budget.*

Project #186, West Cypress Road Bridge at Contra Costa Canal Reconstruction Project - The existing West Cypress Road Bridge that crosses the Contra Costa Canal is structurally deficient according to the latest Caltrans inspections. It will need to be reconstructed to continue to be safe and remain in service. The City of Oakley does not have a designated funding source for replacing the City's bridges and relies upon State grant programs for major bridge improvement projects. Staff will apply for Highway Bridge Replacement and Rehabilitation (HBRR) grant funding for this project and once funding has been secured for this project, the design and construction of this project will be initiated in future years. *The funding of the preliminary project design was allocated in FY 2016/17 and no additional funding is requested in the FY 2022/23 budget.*

Project #187, Main Street Bridge at Contra Costa Canal Rehabilitation Project - The existing Main Street Bridge that crosses the Contra Costa Canal needs rehabilitation to protect its structural integrity and to keep it off the Caltrans structurally deficient list. The City of Oakley does not have a designated funding source for repairing, maintaining, and improving the City's bridges, and relies upon grant programs for major bridge improvement projects. Staff had applied for Highway Bridge Replacement and Rehabilitation (HBRR) grant funding for this project and secured partial funding which will be supplemented by local funds. *The funding of the preliminary project design and construction was allocated in FY 2016/17 and as part of the FY 2022/23 budget, \$50,000 from Measure J will be added to the project budget for its final construction phase.*

Project #189, Piper Lane Drainage Channel Trash Capture Device Project - The Piper Lane drainage channel is one of the major drainage outfalls from the City of Oakley to the Delta in which the City is responsible for its maintenance and operation. This is an open channel that flows freely to the Delta and based on the new permit issued by San Francisco Regional Water Quality Control Board (SFRWQCB), it cannot convey trash to the open waters of the Delta. Historically, a large amount of trash and debris were transported to the Delta through this channel. This project will construct a new trash capture device at the upstream end of the channel near Vintage Parkway. The trash capture device will stop trash from flowing into the Delta and, as a result, puts the City in compliance with the SFRWQCB permit. *The initial funding of this project concept design was allocated in FY 2016/17 and as part of the FY 2022/23 budget, \$400,000 from the ARPA fund will be added to the project budget for the final design and construction.*

Project #205, Downtown Gateway Plaza Roadway and Parking Lot Project - The Oakley Multi-Modal Roadway and Parking Lot Project features a new AMTRAK funded, designed, and constructed train platform station located north of Main Street in the area between 2nd Street and Norcross Lane. The facility would provide connections for the Tri Delta Transit bus service to the new train station, as well as a Park & Ride lot. The platform station is strategically located in downtown on Main Street, adjacent to the Main Street Plaza that could be used for civic events and markets. The location is within a five-minute walking radius to City Hall, the Civic Center Park, and Main Street restaurants. The project will provide approximately 300 surface parking spaces for downtown merchants and customers in addition to supporting plaza activities held on the evenings and weekends. AMTRAK will entirely fund the design and construction of

CIP-7

the new railroad platform station and the City will design and construct the associated public street and parking lot infrastructure. The design of this project is currently underway in collaboration with the AMTRAK design team. The construction of both projects is anticipated to start in 2023. *The original design funding for this project was allocated in FY 2017/18 and as part of the FY 2022/23 budget, \$5,000,000 from the General Capital Project Fund, \$750,000 from Gas Tax RMRA, and \$750,000 from Measure J will be added to the project budget for its final design and construction.*

Project #211, Main Street/Rose Avenue Intersection Improvement Project – With the continued growth of the community and new subdivision development projects along the East Cypress Road corridor, the associated traffic volumes will increase. Improving the streets and traffic signals will be necessary to accommodate the added volume of traffic to these new neighborhoods. Main Street and Rose Avenue has operated as a stop sign controlled intersection, which is not sustainable for the long term, and therefore a traffic signal is needed at this location. City staff have been discussing this intersection improvement project with the management staff of Ironhouse Sanitary District (ISD) to explore opportunities that this project could address. The City needs better traffic flows at this intersection and ISD needs access from their prospective development site to Main Street. Currently, the Vintage Parkway neighborhood has only one access to Main Street. Installing a signal at Main Street/Rose Avenue would benefit the neighborhood by providing a long desired secondary access for the residents. Having a secondary access would not only alleviate congestion at the current intersection but would provide another option for emergency vehicles to access the neighborhood and allow quicker response times. The design of this project would start after a cost share agreement is reached between the City of Oakley and ISD. *The funding for this project will be allocated in the CIP budget in futures years, after an agreement with ISD is finalized.*

Project #215, Downtown Parking Lot Construction Project – As part of the continuing efforts to improve and enhance Downtown Oakley, this project will construct a new parking lot and associated roadway infrastructure. This new parking lot construction will be in collaboration with the development project at the intersection of Main Street and Norcross Lane, which will construct a new modern retail building, “Oakley Mercantile”. This new parking lot is part of the City’s multi-phase downtown parking project. The project will be constructed on the north side of the Oakley Entrepreneur Center and the east side of the Oakley Plaza shopping center. *The funding for this project design and construction was allocated in the FY 2018/19 and as part of the FY*

CIP-8

2022/23 budget, \$150,000 from the Gas Tax RMRA will be added to the project budget for its final construction phase.

Project #231, Sellers Avenue (Riverrock Drive to CCWD Canal Crossing) Widening and Improvement Project – Sellers Avenue is a 2-lane road that was constructed by Contra Costa County decades ago. The section of Sellers Avenue from East Cypress Road, to the north end of the road at the gate to the future Oakley Regional Community Park is destined to be widened to 4 lanes with curb and gutter, sidewalks, landscaped medians, bike lanes, and street lighting. Presently, the section of Sellers Avenue from East Cypress Road to Riverrock Drive has been widened and improved by the developers of the Emerson and Gilbert Ranch projects. This project will widen and improve the remaining section of Sellers Avenue from the intersection at Riverrock Drive to the gate to the future Oakley Regional Community Park. The above referenced developers paid the City the cost for curb and gutter, sidewalk, and one lane of roadway. The City will pay the remaining construction costs for the second lane and medians for this project. The timing of design and construction of this project will be in coordination with the Oakley Regional Community Park Project CIP # 176, when that project funding is secured. *The funding for this project will be allocated in the CIP budget in future years.*

Project #246, FY 2020/21 Street Repair & Resurfacing - This project will repair the base and surface failures, as well as resurface the City's streets as a part of a comprehensive program to maintain the roadways for the community. Street repair and resurfacing is critical in keeping the quality of the City's street infrastructure in good condition and prevent the necessity of costly reconstruction due to the lack of proper rehabilitation and maintenance. There are a number of neighborhoods which need Sierra-Crete remediation and street repair and resurfacing, which this project will address. *The funding of this project design and construction was allocated in the prior year's budget and as part of the FY 2022/23 budget, \$500,000 from the Gas Tax RMRA will be added to the project budget for its final construction phase.*

Project #247, East Cypress Road Widening (Knightsen Avenue to Jersey Island Road) Project - This project will widen and fully reconstruct East Cypress Road east of Knightsen Avenue to Jersey Island Road. The growth and development of new subdivision projects along the East Cypress Road corridor has necessitated various infrastructure improvements to accommodate the increased traffic volumes on this roadway. These improvements include the widening of East Cypress Road to City standards along the Emerson and Gilbert Ranch projects. The City of Oakley also owns a property along East Cypress Road between

CIP-9

Knightsen Avenue and Jersey Island Road. This property is part of the Burroughs Subdivision development site, and in collaboration with the developer of this subdivision, this City capital project will reconstruct East Cypress Road from Knightsen Avenue to Jersey Island Road. As it is the policy for frontage improvements, both the City and the developer will pay their share of this roadway construction project which will be managed and constructed by the City. *The initial funding for this project was allocated in FY 2021/22 budget and as part of the FY 2022/23 budget, \$2,250,000 from the TIF Fund, \$100,000 from Measure J, \$250,000 from Gas Tax HUTA, \$100,000 from Gas Tax RMRA will be added to the project budget for its construction.*

Project #248, Holly Creek Park Restroom Construction Project - This project will construct a permanent restroom facility at Holly Creek Park. The demand for City of Oakley recreational fields continues to grow, particularly for organized sports such as Baseball and Soccer leagues. The field at Holly Creek Park is one of the favorites and is a much-desired field in Oakley for leagues to play their sporting activities. This park does not have any restroom facilities, which necessitates the placement of portable toilets at this park. This approach has created many operational and sanitary issues and is not a sustainable solution to address the need for a public restroom facility. This project will construct a permanent restroom facility at this park similar to the restroom facility that was recently constructed at the Koda Dog Park. The funding for this project will primarily be from a private development project contribution which will be supplemented by local funds. *The initial funding for this project was allocated in FY 2021/22 budget and as part of the FY 2022/23 budget, \$100,000 from the Park Impact Fee fund will be added to the project budget for its final construction phase.*

Project #249, Recreation Center Emergency Generator Project - This project will install an emergency generator at the Oakley Recreation Center. The Recreation Center campus is the center of recreational activities for the Oakley community, and currently does not have a back-up power source. In periods of PG&E power outages, the operations at the Recreation Center that require electricity comes to a halt. This project will install an Emergency Generator behind the Recreation Center building to provide stand-by power during periods of PG&E power outages to ensure that the Recreation Center operations will continue uninterrupted. *As part of the FY 2022/23 budget, \$300,000 from the ARPA Fund will be added to the project budget for its construction.*

Project #252, Downtown Storm Drain (AREA 29D) Improvement Project – Many years ago the Contra Costa County Flood Control District established drainage zones

CIP-10

throughout the County for storm drain detention and treatment. These zones included large detention basins (e.g., Freedom Basin, Teakwood Basin, Del Antico Basin, etc.) and a network of underground pipe systems to convey the storm water runoff from the City streets to these basins. There are 9 drainage zones in the City of Oakley. Storm Drain Zone 29D covers all the Gardenia Ave and Chianti Way neighborhood streets and conveys their storm drain runoff north toward Main Street and continues northerly under the railroad tracks. All parts of the storm drain system in this zone have been constructed, except for the section of pipe from the north side of Main Street just east of Miguel Drive, to the edge of the railroad tracks. This project will design and construct this section of storm drainpipe and its associated infrastructure, which will complete all of the improvements in this zone. *The initial funding of this project design was allocated in the FY 2021/22 budget and the construction of this project will be funded in future years once sufficient funding is secured.*

Project #255, Cypress Grove Subdivision Pump Station Building Project – The Cypress Grove Subdivision has a pump station, an emergency generator, and associated electrical components to support the storm drain system for this subdivision. The newer subdivisions, such as Emerson Ranch and Gilbert Ranch, house all such components in a building that is fully covered and protects their expensive electrical and mechanical components. However, at the Cypress Grove Subdivision, the pump station, emergency generator, and its associated electrical components are housed in a building with only a half roof and are exposed to environmental elements. The components degrade much quicker when exposed to the elements and require more frequent service and costly replacement. This project will construct a full roof and new walls on the existing building to enclose and protect the valuable mechanical components, and to promote their longevity. *The initial funding for this project was allocated in the FY 2021/22 budget and no additional funding is requested in the FY 2022/23 budget.*

Project #263, O'Hara Avenue / Carpenter Road Intersection Improvement Project – The construction of Carpenter Road from Rose Avenue to Cinnamon Ridge Drive as part of a private subdivision development project has opened this important east/west roadway corridor for the community. This section of Carpenter Road will increase traffic flows at the intersection of O'Hara Avenue and Carpenter Road. This project will improve the traffic operations at this intersection by constructing protected left turn lanes on Carpenter Road on both the westbound and eastbound approaches to O'Hara Avenue. Additional improvements include the installation of a video detection system and reconfiguration of the striping at this intersection. *The initial funding for this*

CIP-11

project was allocated in the FY 2021/22 budget and as part of the FY 2022/23 budget, \$100,000 from the TIF Fund will be added to the project budget for its final design and construction.

Project #265, Irrigation Well Installation at City's Freedom Basin Project – This project will install a new irrigation well adjacent to O'Hara Avenue next to the City owned storm drain basin, more commonly known as Freedom basin. This new well will provide the City with an independent, stable, and continuous source of water to irrigate the large field that is used by an assortment of leagues for sporting activities. The existing well used to irrigate the field is owned and operated by the High School District, and due to its continuous breakdowns, this well is not a reliable source to provide the massive amount of irrigation water needed for this field. *The initial funding of this project was allocated in the FY 2021/22 budget and as part of the FY 2022/23 budget, \$200,000 from the Park Impact Fee Fund will be added to the project budget for its construction.*

Project #268, Main Street / Delta Road Intersection Signalization Project – This project will install a traffic signal and improve the Main Street / Delta Road intersection. This intersection is identified to have a traffic signal per the City's Traffic Impact Fee program. With the increase in traffic volumes at this location, a signal will improve safety and traffic circulation. The preliminary design of this project will get started in FY 2021/22 to develop the plan and identify the Right of Way that is needed for this project. In the subsequent year, the final design and Right of Way acquisition will be completed. *The initial funding of this project was allocated in the FY 2021/22 budget and no additional funding is requested in the FY 2022/23 budget.*

Project #269, Main Street / Brownstone Road Intersection Signalization Project – This project will install a traffic signal and improve the Main Street / Brownstone Road intersection. This intersection is identified to have a traffic signal per the City's Traffic Impact Fee program. With the increase in traffic volumes at this location, a signal will improve safety and traffic circulation. The preliminary design of this project will get started in FY 2021/22 to develop the plan and identify the Right of Way that is needed for this project. In the subsequent year, the final design and Right of Way acquisition will be completed. *The initial funding of this project was allocated in the FY 2021/22 budget and no additional funding is requested in the FY 2022/23 budget.*

Project #270, Hall Street Extension Project – This project will extend Hall Street north of Main Street to provide a direct connection to the new parking lot that will be constructed as part of the Downtown Gateway Plaza Roadway and Parking Lot Project. This project is consistent with the Downtown Vision program that was approved by the City Council and will help to improve the traffic flows and parking lot accessibility in the Downtown area. *The initial funding of this project was allocated in the FY 2021/22 budget and no additional funding is requested in the FY 2022/23 budget.*

Project #271, Sheriff Annex Building Demolition Project – The Contra Costa County Sheriff Department had an annex building located at 210 O'Hara Avenue that serviced the Oakley area. This facility had been vacated for several years and is no longer in operation. This facility has deteriorated and has become a spot for homeless to gather and create collateral problems. The County has agreed to give the property to the City to be used for a future Library site. Since it will take some time to secure funding for the Library, this building would need to be demolished to secure the site from health and safety perspective. The County has agreed to pay half the cost of the demolition to the City. *The funding of this project was allocated in the FY 2021/22 budget and no additional funding is requested in the FY 2022/23 budget.*

Project #273, Laurel Road Extension Project (Teton Road to Sellers Avenue) - This Project will extend Laurel Road from Teton Road to Sellers Avenue providing an alternate and much needed secondary route to East Cypress Road. Currently, the only way in and out of eastern Oakley is via Main Street to East Cypress Road. This current route along East Cypress Road passes by an elementary and middle school and crosses the Burlington Northern Santa Fe (BNSF) railroad tracks. Extending Laurel Road from Teton Road to Sellers Avenue will provide a secondary access route out of the Cypress Road corridor. The design of this project, right of way acquisition, and permit processing from BNSF will take several years to accomplish. *The initial funding of this project was allocated in the FY 2021/22 budget to perform concept design and as a part of the FY 2022/23 budget, \$300,000 from the TIF Fund will be added to the project budget for its continuing design.*

Project #274, Neroly Road Repair and Resurfacing Project (Empire Avenue to O'Hara Avenue) - Neroly Road was constructed as a part of the Magnolia Park Subdivision. Since that time the roadway has settled in areas near the utility manholes causing an uneven asphalt surface. Staff has continually performed patching near the manholes to keep the roadway surface smooth. This temporary fix has provided good results but

CIP-13

didn't address any underlying problems. This project will perform engineering investigation and excavation at several locations to determine the cause of the settling at the utility manholes and to provide a solution to remedy the problem. *As a part of the FY 2022/23 budget, \$200,000 from the Gas Tax RMRA, and \$100,000 from the Street Maintenance and Rehabilitation Funds will be allocated to the project budget for its design and construction.*

Project #275, FY 2022/23 Curb, Gutter and Sidewalk Repair & Reconstruction Project -

This project will coordinate with the responsible property owners to repair and reconstruct damaged and broken concrete curb, gutter, and sidewalks throughout the City. The construction of this project will eliminate trip and fall accidents caused by sidewalk and curb uplifted by tree root overgrowth and provide safe paths of travel for the community. This project works in coordination with the 50-50 cost share program that helps the property owners address concrete sidewalk and curb and gutter uplifts. *As a part of the FY 2022/23 budget, \$150,000 from the Gas Tax HUTA will be allocated to the project budget.*

Project #276, FY 2022/23 Street Restriping Project - This project will restripe various City streets each year to help maintain delineations that are marked for usage by motorists and pedestrians. The work performed under this project focuses on the streets that are not in the plan for resurfacing in the next two years, and need the striping for lane delineation (centerline, edge line, crosswalk, pavement marking) to provide safer streets for the community. *As a part of the FY 2022/23 budget, \$60,000 from the 2012 Bond Benefit fund will be allocated to the project budget.*

Project #277, FY 2022/23 Traffic Calming Project - The traffic operations in the community have become one of the major issues that the Police and Public Works Departments handle on a regular basis. This project provides funding for the placement of traffic calming features in accordance with the neighborhood traffic calming policy. Various traffic calming requests are being evaluated by staff from the Police and Public Works Departments and are addressed in collaboration with the residents based on priority, and the order they are received. *As a part of the FY 2022/23 budget, \$80,000 from the Gas Tax HUTA will be allocated to the project budget.*

Project #278, FY 2022/23 Traffic Signal Modernization Project - Traffic operations and public safety have become one of the more important issues for the community. Public Works staff are continually working to improve the traffic operations on City streets.

CIP-14

This project will replace some of the older internal components of the City's traffic signal systems which will improve the coordination of the City's traffic signal operations. *As a part of the FY 2022/23 budget, \$200,000 from the Traffic Impact Fee Fund will be allocated to the project budget.*

Project #279, FY 2022/23 Street Repair and Resurfacing Project - This project will repair the base and surface failures, as well as resurface the City's streets as a part of a comprehensive program to maintain the roadways for the community. Street repair and resurfacing is critical in keeping the quality of the City's street infrastructure in good condition and prevent costly reconstruction due to the lack of proper rehabilitation and maintenance. This project will address a number of neighborhoods which need Sierra-Crete base remediation in addition to repair and resurfacing. *As a part of the FY 2022/23 budget, \$2,000,000 from the Street Maintenance and Rehabilitation Fund will be allocated to the project budget.*

Project #280, Laurel Road Widening Project (O'Hara Avenue to Cloverbrook Avenue) - Laurel Road from O'Hara Avenue to Cloverbrook Avenue is the last section of Laurel Road that needs to be widened and improved. Laurel Road is a major Arterial Road and the City's designated truck route with a direct connection to Highway 4. This section of Laurel Road has not been widened or improved due to the lack of Right of Way and is starting to deteriorate due to the large volume of vehicles that use Laurel Road every day. Staff is working with the property owners to obtain the necessary right of way for the widening; and will begin the design of this project which will require major utility relocation of Western Area Power Administration (WAPA) utility poles as a part of this project. This entire project will span several years to complete due to the complex nature of its various components. *As a part of the FY 2022/23 budget, \$2,500,000 from the Traffic Impact Fee Fund will be allocated to the project budget.*

Project #281, Enrico Cinquini Park Construction Project – The developer of the Stonewood Subdivision, a collection of 262 lots, was conditioned to construct a new park (Enrico Cinquini Park) at the intersection of Rose Avenue and Carpenter Road. The obligation of the developer is the total amount of their Park Impact Fee (\$2.1M), which would not be sufficient to construct this park and its associated facilities and features. One of the features includes a parking lot, and as result, the City will design and construct this park utilizing the Park Impact Fee obligation of the developer, as well as supplementing it with additional City Park Impact fees. *As a part of the FY 2022/23*

budget, \$3,500,000 will be allocated to the project budget: \$2,100,000 from the Developer contribution and \$1,400,000 from Park Impact Fee Fund.

Project #282, Laurel Road and Empire Avenue Landscaping Mulch Project – One of the key components of having landscaped areas that are vibrant and growing, is soil protection from the environmental elements. In Oakley with hot temperatures and winds, the top spoil gets eroded away, and without protection it exposes plant roots that will derogate the plant and diminish its growth; and in many cases can cause plant failure. This project will cover all landscaped areas along Laurel Road and Empire Avenue with mulch, which will keep the topsoil in place and protect the plant roots from exposure to high temperatures, which in turn will promote healthy plants. *As a part of the FY 2022/23 budget, \$250,000 will be allocated to the project budget from the Lighting & Landscaping Assessment District Fund.*

Project #283, Laurel Road Bridge Widening over Marsh Creek Project – Laurel Road at the Marsh Creek Bridge is currently a narrow 2 lane roadway that is structurally inadequate and needs to be widened and improved to tie into the future Laurel Extension at Teton Road. This project will complement Capital Improvement Project No. 273 and provide improved access for Laurel Road and accommodate the future traffic volumes from the developments along the East Cypress Corridor. *As a part of the FY 2022/23 budget, \$35,000 will be allocated to the project budget from the 2016 Debt Service Fund.*

Project #284, Holly Creek Park Playground Resurfacing Project - The Holly Creek Park Playground currently has a loose rubber surface and presents ADA accessibility concerns. The existing rubber surface is difficult to maintain, receives numerous park user complaints, and does not provide sufficient fall protection. This project would replace and upgrade the surface to current ADA and safety standards. The City has secured nearly \$203,000 in grant funds from the California Department of Parks and Recreation Per Capita for this project, which will be supplemented by local funds. This project complements Capital Improvement Project No. 248 - Holly Creek Park Restroom Construction Project and is a major enhancement to this park facility. *As a part of the FY 2022/23 budget, \$403,000 will be allocated to the project budget: \$200,000 from the Park Impact Fee Fund and \$203,000 from the State Grant.*

Project #285, Bethel Island Road Construction Project (Rock Slough Bridge to Delta Road) – Bethel Island Road south of East Cypress Road and the Rock Slough Bridge are

CIP-16

being constructed as part of a private development along East Cypress Road. This Project will construct Bethel Island Road from the bridge conform on the south side of Rock Slough to Delta Road. Currently, East Cypress Road is the only way to access the developments in this area and with the construction of this project, it will serve as a much-needed secondary access route to accommodate the increase in traffic volumes. The road will consist of a 4-lane divided roadway 2 lanes in each direction with bike lanes, sidewalk, median island, landscaping, and a traffic signal and intersection widening at Delta Road. Staff will be working with the property owners to obtain the necessary right of way for this project and will proceed with the design of the project in coming years. *As a part of the FY 2022/23 budget, \$800,000 will be allocated to the project budget: \$400,000 from the TIF Fund and \$400,000 from the ARPA Fund.*

Project #286, City Hall Rooftop Solar Power Project – This project will install solar panels on the roof of the Civic Center to provide the electricity needed for the operation of the Civic Center facilities in a sustainable and environmentally friendly approach. The implementation of this project will reduce the carbon footprint of the Civic *Center operations which is a part of the new Strategic Goals for the City. As a part of the FY 2022/23 budget, \$550,000 will be allocated to the project budget from the Public Facilities Impact Fee Fund.*

Project #287, Koda Dog Park Shade Structure Project – The Koda Dog Park has become a very popular destination for residents and visitors to bring their dogs to exercise and play. One of the frequent requests from the community has been for a shade structure at this park, especially in the areas that people can sit on benches while their dog's play. This project will construct new shade structures that would complement this park and its facilities for the enjoyment of all visitors to the Koda Dog Park. *As a part of the FY 2022/23 budget, \$150,000 will be allocated to the project budget from the Park Impact Fee Fund.*

Project #288, Senior Center Roof and HVAC Repair and Replacement Project – The City of Oakley has leased the former fire station building located at 215 2nd Street to the Oakley Senior Citizens group. The roof is starting to deteriorate and needs to be repaired, and the HVAC system is failing and inadequate for the space. The rehabilitation project includes roof repairs and replacing the HVAC system to accommodate the facility. This work will be funded by the Community Development Block Grant (CDBG) funds, as well as the City of Oakley's matching funds. *As a part of*

the FY 2022/23 budget, \$10,000 will allocated to the project budget from the Public Facilities Impact Fee Fund.

Project # 289, Local Streets and Roads Safety Plan (LSRP) Project – Contra Costa Transportation Authority's (CCTA) Vision Zero Initiative is a plan to have zero pedestrian and bicycle fatalities or severe injuries by the year 2030. This project will establish a safety improvement plan for the City of Oakley to incorporate into future projects. As Federal funds become available, eligible projects that have an established LSRP will have a better chance of receiving Federal funds. *As a part of the FY 2022/23 budget, \$90,000 will be allocated to the project budget from the Measure J Fund.*

Project # 290, City Hall Human Resources Department Remodeling Project – The City of Oakley strives to provide exemplary service to all customers. One key part of the City operations is the Human Resources Department that serves both internal and external customers. The lack of functional office space has been a challenge for the Human Resources Department staff. Due to the nature of their work, the Human Resources Department are in need private office space for meeting with customers and having a proper and secure space for keeping confidential documents. This project will remodel the administration section of City Hall by creating office space, a secure file room, and a reception area for the customers to meet with the Human Resources Department staff in a private setting. *As a part of the FY 2022/23 budget, \$450,000 will be allocated to the project budget from the Facilities Fund.*

Project #291, FY 2022/23 ADA Implementation Plan Project - The Transition Plan details a program that will bring the City's programs, procedures, practices, facilities, sidewalks and curb ramps into compliance under the American Disabilities Act (ADA). The City of Oakley is required to prepare and implement an ADA Transition Plan in order to adhere to the legal requirements related to the U.S. Department of Justice. The City's ADA Transition Plan was prepared and adopted by City Council which identified over \$100M of improvements needed to fully implement all components of this ADA Transition plan. The recommendations of this plan will be implemented over the coming years in phases as funding is allocated. *As a part of the FY 2022/23 budget, \$50,000 will be allocated to the project budget from the Gas Tax HUTA Fund.*

Completed Projects in FY 2021/22

PROJECT LOCATIONS	
A Traffic Signal Modernization Project	G Main and Cypress Intersection Improvement Project
B Laurel Road Resurfacing Project (O'Hara to Empire)	H Legless Lizard Preserve Fence Project
C Police Department Parking Lot Expansion Project	
D Civic Center Park Renovation Project	
E Curb, Gutter, & Sidewalk Repair Project	
F Civic Center Roof Replacement Project	

 A. Traffic Signal Modernization Project	Traffic Signal Modernization Project Traffic operations and public safety has become one of the more important issues for the community. Public Works staff are continually working to improve the traffic operations on the City's streets. This project replaced some of the older internal components of the City's traffic signal systems which will allow better and more coordinated traffic signal operations.
 B. Laurel Road Resurfacing Project (O'Hara to Empire)	Laurel Road Resurfacing Project Laurel Road located between O'Hara Avenue and Empire Avenue serves over 10,000 vehicles per day. Over the years, the road had started to deteriorate and was in very poor condition. This project repaired the failed asphalt pavement and resurfaced the entire road from O'Hara Avenue to Empire Avenue. As part of this project, Class IV Bicycle Lanes (Buffered Bicycle Lanes) that are separate from the vehicular travel lanes were installed providing higher awareness for the motorists and bicyclists and increased comfort for bicyclists.



C. Police Department Parking Lot Expansion Project

Police Department Parking Lot Expansion Project

To address the deficient parking issues in the existing Police Department parking lot, the City of Oakley was able to acquire a vacant property adjacent to the existing Police Department parking lot, with access to West Ruby Street. This new parking lot will provide Police Officers direct access to West Ruby Street and other major streets in Oakley. This will be a significant safety improvement as well as improve response times for police officers by not having to navigate the busy parking lot used by Black Bear Diner Restaurant customers.



D. Civic Center Park Renovation Project

Civic Center Park Renovation Project

The Oakley Civic Center has been used by the community for public events and gatherings throughout the year. The Civic Center Park was home to 2 large Oak trees that were the centerpiece of the park, along with its associated landscaping. One of the Oak trees suffered a major failure which caused the tree to collapse and fall. As a result of the tree failure, Staff developed a plan to renovate the park and address the infrastructure damages that were caused by the fallen Oak tree. The work on this project included: concrete amphitheater seating, a playground, playground surfacing, a picnic area, a Sequoia holiday tree planting, and perimeter fencing.



E. Curb, Gutter, & Sidewalk Repair Project

Curb, Gutter, & Sidewalk Repair Project

This project coordinates with the responsible property owners to repair and reconstruct damaged and broken concrete, curb, gutter, and sidewalks throughout the City. The construction of this project eliminated trip and fall accidents caused by sidewalk and curbs uplifted by tree root overgrowth and provided safe paths of travel for the community. This project worked in coordination with the 50-50 cost share program that helps the property owners address concrete sidewalk and curb and gutter uplifts.



F. Civic Center Roof Replacement Project

Civic Center Roof Replacement Project

The roofing of the City Hall building are a combination of concrete tiles and composition shingles that have deteriorated over the years. Inspection of the roofing identified multiple failures including damage from water leakage during the rainy seasons. The project included replacement of the tiles and shingles with a uniform membrane roof, replacement of sealants at all roof penetrations, adjusting and securing concrete tiles, replacing failed flashing components and fiber cement used on the parapet wall with a uniform membrane.



G. Main & Cypress Intersection Improvement Project

Main & Cypress Intersection Improvement Project

This project was to repair and resurface the intersection of Main Street and Cypress Road. This is the main route to the East Cypress development projects that are currently under construction. With the large volume of traffic, including construction traffic, the intersection started to show signs of fatigue and failure. Since the construction is going to continue, this intersection needed to be repaired and resurfaced. The project repaired failed areas within the intersection and resurfaced approximately 26,000 sf with 2 inches of new asphalt.



H. Legless Lizard Preserve Fence Project

Legless Lizard Preserve Fence Project

The Legless Lizard Preserve is an open space area that was once a weed infested field with a wooden fence along the railroad tracks. Local wine grape vines were planted to provide an aesthetic appeal and mitigate the constant blowing sand and tumble weeds into the adjacent neighborhood. Over the last few years, the existing wood fence was being vandalized along with the grape vines by transients that were entering the preserve and setting up their encampments. This project installed approximately 2,275 feet of new 6' tall chain link fence to stop the vandalism and protect the preserve.

City of Oakley Capital Improvement Project Information Sheet Capital Improvement Program for Fiscal Years 2022/23 to 2026/27									
Project Title:	Oakley Regional Community Park Project			Project Proponent:		Public Works and Engineering			
Project Category:	Park			Project Manager:		City Engineer			
Project Type:	Park Facility Construction			Project Number:		176			
Project Priority:	Moderate			In Successor Agency Area:		No			
Project Description:	This project will design and construct a Regional Community Park at the north end of Sellers Avenue.								
Project Justification:	This project transforms a 55-acre site at the end of Sellers Avenue that was given to the City as part of the development agreements with the Emerson and Gilbert Ranch development projects. This 55-acre site had a number of older structures related to a dairy farm that had been closed for decades. The first phase of this project was to demolish the old and abandoned structures, which were a safety concern, and to clean up the site. This task was accomplished in the summer of 2019. In March of 2021, the City applied for a State Proposition 68 grant to fund the first phase of this project and unfortunately did not qualify for the grant. The construction of the Oakley Regional Park will span several years as funding is secured through a combination of State Grants and local funds.								
PROJECT FINANCING DETAILS									
Project Expenditures	21/22	22/23	23/24	24/25	25/26	26/27	Total		
Planning & Design	\$ 50,000						\$ 50,000		
Environmental	\$ 100,000						\$ 100,000		
Right of Way							\$ -		
Construction	\$ 3,400,000						\$ 3,400,000		
Operating Costs							\$ -		
TOTAL	\$ 3,550,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,550,000		
PROJECT FINANCING DETAILS									
Project Funding	21/22	22/23	23/24	24/25	25/26	26/27	Total		
Traffic Impact Fee							\$ -		
L&L District							\$ -		
Community Park Fund	\$ 550,000						\$ 550,000		
Park Impact Fee	\$ 3,000,000						\$ 3,000,000		
Redevelopment							\$ -		
Measure J							\$ -		
Gas Tax							\$ -		
Developer							\$ -		
Grant (see comment(s))							\$ -		
2012 Bond Benefit							\$ -		
Stormwater Fund							\$ -		
TOTAL	\$ 3,550,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,550,000		
Comments:									

City of Oakley Capital Improvement Project Information Sheet Capital Improvement Program for Fiscal Years 2022/23 to 2026/27							
Project Title:	W. Cypress Road Bridge at Contra Costa Canal Reconstruction Proj.			Project Proponent:	Public Works and Engineering		
Project Category:	Bridge			Project Manager:	City Engineer		
Project Type:	Bridge Reconstruction			Project Number:	186		
Project Priority:	Moderate			In Successor Agency Area:	No		
Project Description:	This project will reconstruct the West Cypress Road bridge across the Contra Costa Canal						
Project Justification:	The existing West Cypress Road Bridge that crosses the Contra Costa Canal is structurally deficient according to the latest Caltrans inspections. It will need to be reconstructed in order to continue to be safe and remain in service. The City of Oakley does not have a designated funding source for repairing, maintaining, and improving the City's bridges, and relies upon State grant programs for major bridge improvement projects. The City will be looking for grant funding for this project from both State and Federal sources and Staff will apply for the Highway Bridge Replacement and Rehabilitation (HBRR) grant for this project.						
PROJECT FINANCING DETAILS							
Project Expenditures	21/22	22/23	23/24	24/25	25/26	26/27	Total
Planning & Design	\$ 160,000						\$ 160,000
Environmental							\$ -
Right of Way							\$ -
Construction							\$ -
Operating Costs							\$ -
TOTAL	\$ 160,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 160,000
Project Funding	21/22	22/23	23/24	24/25	25/26	26/27	Total
Traffic Impact Fee							\$ -
L&L District							\$ -
Public Facilities							\$ -
Park Impact Fee							\$ -
Redevelopment							\$ -
Measure J	\$ 150,000						\$ 150,000
Gas Tax							\$ -
Developer							\$ -
Grant (see comments)							\$ -
Other (see comments)							\$ -
Stormwater Fund	\$ 10,000						\$ 10,000
TOTAL	\$ 160,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 160,000
Comments:							

City of Oakley Capital Improvement Project Information Sheet Capital Improvement Program for Fiscal Years 2022/23 to 2026/27									
Project Title:	Main Street Bridge at Contra Costa Canal Rehabilitation Project			Project Proponent:		Public Works and Engineering			
Project Category:	Bridge			Project Manager:		City Engineer			
Project Type:	Bridge Rehabilitation			Project Number:		187			
Project Priority:	Immediate			In Successor Agency Area:		No			
Project Description:	This project will rehabilitate the Main Street bridge across the Contra Costa Canal								
Project Justification:	The existing Main Street Bridge that crosses the Contra Costa Canal is in need of rehabilitation to protect its structural integrity and to keep it off of the Caltrans structurally deficient list. The City of Oakley does not have a designated funding source for repairing, maintaining, and improving the City's bridges, and relies upon grant programs for major bridge improvement projects. Staff has applied for Highway Bridge Replacement and Rehabilitation (HBRR) grant funding for this project and has secured partial funding								
PROJECT FINANCING DETAILS									
Project Expenditures	21/22	22/23	23/24	24/25	25/26	26/27	Total		
Planning & Design	\$ 10,000						\$ 10,000		
Environmental							\$ -		
Right of Way							\$ -		
Construction	\$ 200,000	\$ 50,000					\$ 250,000		
Operating Costs							\$ -		
TOTAL	\$ 210,000	\$ 50,000	\$ -	\$ -	\$ -	\$ -	\$ 260,000		
Project Funding	21/22	22/23	23/24	24/25	25/26	26/27	Total		
Traffic Impact Fee							\$ -		
L&L District							\$ -		
Public Facilities							\$ -		
Park Impact Fee							\$ -		
Redevelopment							\$ -		
Measure J	\$ 100,000	\$ 50,000					\$ 150,000		
Gas Tax							\$ -		
Developer							\$ -		
Grant (see comments)	\$ 100,000						\$ 100,000		
Other (see comments)							\$ -		
Stormwater Fund	\$ 10,000						\$ 10,000		
TOTAL	\$ 210,000	\$ 50,000	\$ -	\$ -	\$ -	\$ -	\$ 260,000		
Comments:									

City of Oakley Capital Improvement Project Information Sheet Capital Improvement Program for Fiscal Years 2022/23 to 2026/27									
Project Title:	Piper Lane drainage channel/Trash Capture Device Project			Project Proponent:	Public Works and Engineering				
Project Category:	Storm Drain			Project Manager:	City Engineer				
Project Type:	Drainage Improvement			Project Number:	189				
Project Priority:	Moderate			In Successor Agency Area:	No				
Project Description:	This project will construct a Trash Capture Device at this major drainage channel.								
Project Justification:	The Piper Lane drainage channel is one of the major drainage outfalls from the City of Oakley to the Delta in which the City is responsible for its maintenance and operation. This is an open channel that flows freely to the Delta and based on the new permit issued by San Francisco Regional Water Quality Control Board (SRWQCB), it cannot convey trash to the open waters of the Delta. Historically, a large amount of trash and debris were transported to the Delta through this channel. This project will construct a new trash capture device at the upstream end of the channel near Vintage Parkway. The trash capture device will stop trash from flowing into the Delta and, as a result, puts the City in compliance with the SRWQCB permit.								
PROJECT FINANCING DETAILS									
Project Expenditures	21/22	22/23	23/24	24/25	25/26	26/27	Total		
Planning & Design		\$ 50,000					\$ 50,000		
Environmental							\$ -		
Right of Way							\$ -		
Construction		\$ 350,000					\$ 350,000		
Operating Costs							\$ -		
TOTAL	\$ -	\$ 400,000	\$ -	\$ -	\$ -	\$ -	\$ 400,000		
Project Funding	21/22	22/23	23/24	24/25	25/26	26/27	Total		
Traffic Impact Fee							\$ -		
L&L District							\$ -		
Public Facilities							\$ -		
Park Impact Fee							\$ -		
Redevelopment							\$ -		
Measure J							\$ -		
Gas Tax							\$ -		
Developer							\$ -		
Grant (see comments)							\$ -		
ARPA		\$ 400,000					\$ 400,000		
Stormwater Fund							\$ -		
TOTAL	\$ -	\$ 400,000	\$ -	\$ -	\$ -	\$ -	\$ 400,000		
Comments:									

City of Oakley Capital Improvement Project Information Sheet Capital Improvement Program for Fiscal Years 2022/23 to 2026/27									
Project Title:	Downtown Gateway Plaza Roadway and Parking Lot Project			Project Proponent:	Public Works and Engineering				
Project Category:	Street			Project Manager:	City Engineer				
Project Type:	Parking Lot and Street Construction			Project Number:	205				
Project Priority:	Immediate			In Successor Agency Area:	Yes				
Project Description:	This project will construct roadway infrastructure, a gateway plaza and a downtown parking lot in coordination with the new AMTRAK Railroad Platform Station.								
Project Justification:	The Oakley Multi-Modal Roadway and Parking Lot Project features a new AMTRAK funded train station platform located north of Main Street between 2nd Street and Norcross Lane. The facility would provide connecting TriDelta Transit bus service to the train station, as well as a Park & Ride lot. The platform station is strategically located in downtown on Main Street adjacent to the new Main Street Gateway Plaza that could be used for civic events and markets. The project will provide approximately 300 surface parking spaces to support Park & Ride activities in addition to supporting plaza activities held on the weekends and evenings. AMTRAK will entirely fund the design and construction of the new railroad platform station and the City will design and construct the associated public street and parking lot infrastructures.								
PROJECT FINANCING DETAILS									
Project Expenditures	21/22	22/23	23/24	24/25	25/26	26/27	Total		
Planning & Design	\$ 250,000	\$ 150,000					\$	\$	400,000
Environmental								\$	-
Right of Way								\$	-
Construction	\$ 563,613	\$ 6,350,000					\$	\$	6,913,613
Operating Costs								\$	-
TOTAL	\$ 813,613	\$ 6,500,000	\$ -	\$ -	\$ -	\$ -	\$	\$	7,313,613
PROJECT FUNDING DETAILS									
Project Funding	21/22	22/23	23/24	24/25	25/26	26/27	Total		
Traffic Impact Fee							\$	\$	-
L&L District								\$	-
Public Facilities								\$	-
Park Impact Fee								\$	-
Main Street Fund	\$ 813,613						\$	\$	813,613
Measure J		\$ 750,000					\$	\$	750,000
Gas Tax		\$ 750,000					\$	\$	750,000
Developer								\$	-
General Capital Fund		\$ 5,000,000					\$	\$	5,000,000
Downtown								\$	-
Revitalization Fund								\$	-
Stormwater Fund								\$	-
TOTAL	\$ 813,613	\$ 6,500,000	\$ -	\$ -	\$ -	\$ -	\$	\$	7,313,613
Comments:									

City of Oakley Capital Improvement Project Information Sheet Capital Improvement Program for Fiscal Years 2022/23 to 2026/27							
Project Title:	Main Street/Rose Avenue Intersection Improvement Project			Project Proponent:		Public Works and Engineering	
Project Category:	Street			Project Manager:		City Engineer	
Project Type:	Street Improvement			Project Number:		211	
Project Priority:	Moderate			In Successor Agency Area		No	
Project Description:	This project will construct signalization and the reconfiguration of the Main Street/Rose Avenue Intersection						
Project Justification:	Growth of the community necessitates improving the streets that will be needed to accommodate the increase in traffic volumes. Main Street and Rose Avenue has operated as a stop sign controlled intersection which is not sustainable for the long term, and therefore a traffic signal is needed at this location. City staff have been discussing this intersection improvement project with management of Ironhouse Sanitary District (ISD) to explore opportunities that this project could address. The City needs better traffic flows at this intersection and ISD needs access from their prospective development site to Main Street. The other benefit of this project is providing the long desired secondary access for the residents of the Vintage Parkway neighborhood to Main Street. The design of this project would start after a cost share agreement is reached between the City of Oakley and ISD.						
PROJECT FINANCING DETAILS							
Project Expenditures	21/22	22/23	23/24	24/25	25/26	26/27	Total
Planning & Design							\$ -
Environmental							\$ -
Right of Way							\$ -
Construction							\$ -
Operating Costs							\$ -
TOTAL	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Project Funding	21/22	22/23	23/24	24/25	25/26	26/27	Total
Traffic Impact Fee							\$ -
General Capital Fund							\$ -
Public Facilities							\$ -
Park Impact Fee							\$ -
Main Street Fund							\$ -
Measure J							\$ -
Gas Tax							\$ -
Grant							\$ -
2012 Bond Benefit							\$ -
Downtown Revitalization Fund							\$ -
Stormwater Fund							\$ -
TOTAL	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Comments:							

City of Oakley Capital Improvement Project Information Sheet Capital Improvement Program for Fiscal Years 2022/23 to 2026/27							
Project Title:	Downtown Parking Lot Construction Project			Project Proponent:		Public Works and Engineering	
Project Category:	Street			Project Manager:		City Engineer	
Project Type:	Parking Facility Improvement			Project Number:		215	
Project Priority:	Immediate			In Successor Agency Area		Yes	
Project Description:	This project will construct a new parking lot in downtown.						
Project Justification:	A new modern retail building "Oakley Mercantile" will be constructed in downtown near the intersection of Main Street/Norcross Lane. This project is a major enhancement to downtown Oakley which will bring new businesses to the community. In conjunction with this development project, and based on the Downtown Visioning approved by the City Council, the City will construct a new parking lot that would accommodate the needs of the new Retail Building and other downtown merchants. The construction of the building and parking lot are currently underway.						
PROJECT FINANCING DETAILS							
Project Expenditures	21/22	22/23	23/24	24/25	25/26	26/27	Total
Planning & Design							\$ -
Environmental							\$ -
Right of Way							\$ -
Construction	\$ 3,775,000	\$ 150,000					\$ 3,925,000
Operating Costs							\$ -
TOTAL	\$ 3,775,000	\$ 150,000	\$ -	\$ -	\$ -	\$ -	\$ 3,925,000
Project Funding	21/22	22/23	23/24	24/25	25/26	26/27	Total
Traffic Impact Fee							\$ -
General Capital Fund	\$ 1,850,000						\$ 1,850,000
Public Facilities							\$ -
Park Impact Fee							\$ -
Main Street Fund	\$ 1,925,000						\$ 1,925,000
Measure J							\$ -
Gas Tax		\$ 150,000					\$ 150,000
Grant							\$ -
2012 Bond Benefit							\$ -
Downtown Revitalization Fund							\$ -
Stormwater Fund							\$ -
TOTAL	\$ 3,775,000	\$ 150,000	\$ -	\$ -	\$ -	\$ -	\$ 3,925,000
Comments:							

City of Oakley Capital Improvement Project Information Sheet Capital Improvement Program for Fiscal Years 2022/23 to 2026/27									
Project Title:	Sellers Avenue Improvements and Widening Project		Project Proponent:		Public Works and Engineering				
Project Category:	Street		Project Manager:		City Engineer				
Project Type:	Street Improvement		Project Number:		231				
Project Priority:	Moderate		In Successor Agency Area:		No				
Project Description:	This project will construct the section of Sellers Avenue from the intersection at Riverrock Drive, to the gate at the Oakley Regional Community Park site.								
Project Justification:	Sellers Avenue is a 2 lane road that was constructed by Contra Costa County decades ago. The section of Sellers Avenue from East Cypress Road to the north end of the road at the gate to the future Oakley Regional Community Park is desired to be widened to 4 lanes with curb, and gutter, sidewalks, landscaped medians, bike lanes, and street lighting. The section of Sellers Avenue from East Cypress Road to Riverrock Drive has been widened by the developers of the Emerson and Gilbert Ranch projects. This project will widen and improve the remaining section of Sellers Avenue from the intersection at Riverrock Drive to the gate to the future Oakley Regional Community Park. The above referenced developers will pay the City the cost for curb and gutter, sidewalk, and one lane of roadway along footings of their respective projects. The City will pay the remaining construction costs for the second lane and medians for this project.								
PROJECT FINANCING DETAILS									
Project Expenditures	21/22	22/23	23/24	24/25	25/26	26/27	Total		
Planning & Design							\$ -		
Environmental							\$ -		
Right of Way							\$ -		
Construction	\$ 625,000						\$ 625,000		
Operating Costs							\$ -		
TOTAL	\$ 625,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 625,000		
Project Funding	21/22	22/23	23/24	24/25	25/26	26/27	Total		
Traffic Impact Fee							\$ -		
General Capital Fund							\$ -		
Public Facilities							\$ -		
Park Impact Fee							\$ -		
Main Street Fund							\$ -		
Measure J							\$ -		
Gas Tax							\$ -		
Developer Contribution	\$ 625,000						\$ 625,000		
2012 Bond Benefit							\$ -		
Downtown Revitalization Fund							\$ -		
Stormwater Fund							\$ -		
TOTAL	\$ 625,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 625,000		
Comments:									

City of Oakley Capital Improvement Project Information Sheet Capital Improvement Program for Fiscal Years 2022/23 to 2026/27									
Project Title:	FY 2020/21 Street Repair and Resurfacing Project			Project Proponent:		Public Works and Engineering			
Project Category:	Street			Project Manager:		City Engineer			
Project Type:	Street Resurfacing Improvements			Project Number:		246			
Project Priority:	Immediate			In Successor Agency Area:		No			
Project Description:	This project will repair and resurface streets in Oakley.								
Project Justification:	This project will repair roadway base and surface failures as well as resurface the City's streets as a part of a comprehensive program to maintain the roadways for the community. Street repair and resurfacing is critical in keeping the quality of the City's street infrastructure in good condition and prevent the necessity of costly reconstruction due to the lack of proper rehabilitation and maintenance. There are a number of neighborhoods which need Sierra-Crete remediation and street repair and resurfacing, which this project will address.								
PROJECT FINANCING DETAILS									
Project Expenditures	21/22	22/23	23/24	24/25	25/26	26/27	Total		
Planning & Design	\$ 100,000						\$	400,000	
Environmental Right of Way							\$	-	
Construction	\$ 1,700,000	\$ 500,000					\$	2,200,000	
Operating Costs							\$	-	
TOTAL	\$ 1,800,000	\$ 500,000	\$ -	\$ -	\$ -	\$ -	\$	2,300,000	
PROJECT FINANCING DETAILS									
Project Funding	21/22	22/23	23/24	24/25	25/26	26/27	Total		
Traffic Impact Fee							\$	-	
L&L District							\$	-	
Public Facilities							\$	-	
Park Impact Fee							\$	-	
General Capital Fund	\$ 500,000						\$	500,000	
Measure J	\$ 400,000						\$	400,000	
Gas Tax		\$ 500,000					\$	500,000	
Developer							\$	-	
2012 Bond Benefit							\$	-	
Downtown									
Revitalization Fund							\$	-	
Stormwater Fund									
RMRA	\$ 900,000						\$	900,000	
TOTAL	\$ 1,800,000	\$ 500,000	\$ -	\$ -	\$ -	\$ -	\$	2,300,000	
Comments:									

City of Oakley Capital Improvement Project Information Sheet Capital Improvement Program for Fiscal Years 2022/23 to 2026/27									
Project Title:	East Cypress Road Widening (Knightsen Avenue to Jersey Island Road)			Project Proponent:		Public Works and Engineering			
Project Category:	Street			Project Manager:		City Engineer			
Project Type:	Street Improvement			Project Number:		247			
Project Priority:	Moderate			In Successor Agency Area:		No			
Project Description:	This project will install a signal at the intersection of East Cypress Road and Knightsen Avenue in addition to widening and improving this intersection and East Cypress Road								
Project Justification:	The growth and development of new subdivision projects along the East Cypress Road corridor has necessitated various infrastructure improvements to accommodate the increased traffic volumes on this road. This project will widen and improve East Cypress Road to east of Knightsen Avenue to Jersey Island Road. The improvements will include curb and gutter, side walks and a median island. The widening will stop short of the Contra Costa Canal where the developer to the east of the canal will be responsible to continue the widening and improvement of East Cypress Road.								
PROJECT FINANCING DETAILS									
Project Expenditures	21/22	22/23	23/24	24/25	25/26	26/27	Total		
Planning & Design	\$ 500,000						\$ 500,000		
Environmental							\$ -		
Right of Way							\$ -		
Construction	\$ 6,000,000	\$ 2,700,000					\$ 8,700,000		
Operating Costs							\$ -		
TOTAL	\$ 6,500,000	\$ 2,700,000	\$ -	\$ -	\$ -	\$ -	\$ 9,200,000		
PROJECT FINANCING DETAILS									
Project Funding	21/22	22/23	23/24	24/25	25/26	26/27	Total		
Traffic Impact Fee	\$ 6,500,000	\$ 2,250,000					\$ 8,750,000		
General Capital Fund							\$ -		
Public Facilities							\$ -		
Park Impact Fee							\$ -		
Main Street Fund							\$ -		
Measure J		\$ 100,000					\$ 100,000		
Gas Tax		\$ 350,000					\$ 350,000		
Grant							\$ -		
2012 Bond Benefit							\$ -		
Downtown Revitalization Fund							\$ -		
Stormwater Fund							\$ -		
TOTAL	\$ 6,500,000	\$ 2,700,000	\$ -	\$ -	\$ -	\$ -	\$ 9,200,000		
Comments:									

City of Oakley Capital Improvement Project Information Sheet Capital Improvement Program for Fiscal Years 2022/23 to 2026/27									
Project Title:	Holly Creek Park Restroom Construction Project			Project Proponent:		Public Works and Engineering			
Project Category:	Park			Project Manager:		City Engineer			
Project Type:	Park Facility Improvement			Project Number:		248			
Project Priority:	Immediate			In Successor Agency Area:		No			
Project Description:	This project will install a restroom at Holly Creek Park.								
Project Justification:	The demand for City of Oakley recreational fields continues to grow, particularly for organized sports such as the Baseball and Soccer leagues. The field at Holly Creek Park is one of the favorite and much desired fields in Oakley for leagues to play their sporting activities. This park does not have any restroom facilities, which necessitates the placement of portable toilets at this park. This approach has created many operational and sanitary issues and is not a sustainable solution to address the need for a public restroom facility. This project will construct a permanent restroom facility at this park similar to the restroom facility that was constructed at the Koda Dog Park. The funding for this project will be partially from a private development project contribution which will be supplemented by City's Park Impact Fee funds.								
PROJECT FINANCING DETAILS									
Project Expenditures	21/22	22/23	23/24	24/25	25/26	26/27	Total		
Planning & Design							\$	-	
Environmental							\$	-	
Right of Way							\$	-	
Construction	\$ 350,000	\$ 100,000					\$	450,000	
Operating Costs							\$	-	
TOTAL	\$ 350,000	\$ 100,000	\$ -	\$ -	\$ -	\$ -	\$	450,000	
PROJECT FINANCING DETAILS									
Project Funding	21/22	22/23	23/24	24/25	25/26	26/27	Total		
Traffic Impact Fee							\$	-	
L&L District							\$	-	
Public Facilities							\$	-	
Park Impact Fee	\$ 200,000	\$ 100,000					\$	300,000	
General Capital Fund							\$	-	
Measure J							\$	-	
Gas Tax							\$	-	
Developer Contribution	\$ 150,000						\$	150,000	
2012 Bond Benefit							\$	-	
Downtown Revitalization Fund							\$	-	
Stormwater Fund							\$	-	
TOTAL	\$ 350,000	\$ 100,000	\$ -	\$ -	\$ -	\$ -	\$	450,000	
Comments:									

City of Oakley Capital Improvement Project Information Sheet Capital Improvement Program for Fiscal Years 2022/23 to 2026/27									
Project Title:	Recreation Center Emergency Generator Project		Project Proponent:		Public Works and Engineering				
Project Category:	Facility		Project Manager:		City Engineer				
Project Type:	Facility Improvement		Project Number:		249				
Project Priority:	Immediate		In Successor Agency Area:		No				
Project Description:	This project will install an emergency generator at the Recreation Center site.								
Project Justification:	The Recreation Center campus is the center of recreational activities for the Oakley community, and currently does not have a back-up power source. In periods of PG&E power outages, the operations at the Recreation Center that require electricity come to a halt. This project will install an Emergency Generator behind the Recreation Center building to provide stand-by power during periods of PG&E power outages to ensure that the Recreation Center operations will continue uninterrupted. Staff is pursuing grant funding to be able to fund the construction of this project.								
PROJECT FINANCING DETAILS									
Project Expenditures	21/22	22/23	23/24	24/25	25/26	26/27	Total		
Planning & Design							\$ -		
Environmental							\$ -		
Right of Way							\$ -		
Construction		\$ 300,000					\$ 300,000		
Operating Costs							\$ -		
TOTAL	\$ -	\$ 300,000	\$ -	\$ -	\$ -	\$ -	\$ 300,000		
Project Funding	21/22	22/23	23/24	24/25	25/26	26/27	Total		
Traffic Impact Fee							\$ -		
L&L District							\$ -		
Public Facilities							\$ -		
Park Impact Fee							\$ -		
General Capital Fund							\$ -		
Measure J							\$ -		
Gas Tax							\$ -		
Developer Contribution							\$ -		
2012 Bond Benefit							\$ -		
ARPA		\$ 300,000					\$ 300,000		
Stormwater Fund							\$ -		
TOTAL	\$ -	\$ 300,000	\$ -	\$ -	\$ -	\$ -	\$ 300,000		
Comments:									

City of Oakley Capital Improvement Project Information Sheet Capital Improvement Program for Fiscal Years 2022/23 to 2026/27									
Project Title:	Downtown Storm Drain (Area 29D) Improvement Project			Project Proponent:		Public Works and Engineering			
Project Category:	Street			Project Manager:		City Engineer			
Project Type:	Street Improvement			Project Number:		252			
Project Priority:	Moderate			In Successor Agency Area:		Yes			
Project Description:	This project will secure the storm drain easement, design, and construct the last section of storm drain pipe which will complete all the improvements in this zone.								
Project Justification:	The Contra Costa County Flood Control District years ago had established drainage zones thought the County for storm drain detention and treatment. These zones included large detention basins (i.e. Freedom Basin, Teakwood Basin, Del Anco Basin, etc.) and a network of underground pipe systems to convey the storm water runoff from the City's streets to these basins. All parts of the storm drain system in this zone have been constructed with the exception of the section of pipe from north side of Main Street just east of Miguel Drive to the edge of railroad tracks. This project will design and construct this section of storm drain pipe which will complete all the improvements in this zone.								
PROJECT FINANCING DETAILS									
Project Expenditures	21/22	22/23	23/24	24/25	25/26	26/27	Total		
Planning & Design	\$ 100,000						\$	\$	\$00,000
Environmental							\$	\$	-
Right of Way							\$	\$	-
Construction							\$	\$	-
Operating Costs							\$	\$	-
TOTAL	\$ \$00,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$	\$	\$00,000
Project Funding	21/22	22/23	23/24	24/25	25/26	26/27	Total		
Traffic Impact Fee							\$	\$	-
L&L District							\$	\$	-
Public Facilities							\$	\$	-
Park Impact Fee							\$	\$	-
General Capital Fund							\$	\$	-
Measure J							\$	\$	-
Gas Tax							\$	\$	-
Developer							\$	\$	-
2012 Bond Benefit							\$	\$	-
Stormwater Fund	\$ 100,000						\$	\$	\$00,000
TOTAL	\$ \$00,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$	\$	\$00,000
Comments:									

City of Oakley Capital Improvement Project Information Sheet Capital Improvement Program for Fiscal Years 2022/23 to 2026/27							
Project Title:	Cypress Grove Subdivision Pump Station Building Project			Project Proponent:	Public Works and Engineering		
Project Category:	Facility			Project Manager:	City Engineer		
Project Type:	Facility Improvement			Project Number:	255		
Project Priority:	Immediate			In Successor Agency Area:	No		
Project Description:	This project will construct roof and walls on this existing building to enclose it and protect the valuable assets and promote their longevity.						
Project Justification:	At the Cypress Grove Subdivision, the pump station, emergency generator, and its associated electrical components are housed in a building with only a half roof and are exposed to the environmental elements. The components degrade much quicker when exposed to the elements and require more frequent service and costly replacement. This project will construct a full roof and new walls on the existing building to enclose and protect the valuable mechanical components and promote their longevity.						
PROJECT FINANCING DETAILS							
Project Expenditures	21/22	22/23	23/24	24/25	25/26	26/27	Total
Planning & Design	\$ 130,000						\$ 130,000
Environmental							\$ -
Right of Way							\$ -
Construction	\$ 770,000						\$ 770,000
Operating Costs							\$ -
TOTAL	\$ 900,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 900,000
Project Funding	21/22	22/23	23/24	24/25	25/26	26/27	Total
Traffic Impact Fee							\$ -
L&L District							\$ -
Public Facilities							\$ -
Park Impact Fee							\$ -
General Capital Fund							\$ -
Measure J							\$ -
Gas Tax							\$ -
Developer							\$ -
2012 Bond Benefit							\$ -
Stormwater Fund							\$ -
CFD	\$ 900,000						\$ 900,000
TOTAL	\$ 900,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 900,000
Comments:							

City of Oakley Capital Improvement Project Information Sheet Capital Improvement Program for Fiscal Years 2022/23 to 2026/27									
Project Title:	O'Hara Avenue / Carpenter Road Intersection Improvement Project			Project Proponent:		Public Works and Engineering			
Project Category:	Street			Project Manager:		City Engineer			
Project Type:	Street Intersection Improvements			Project Number:		263			
Project Priority:	Immediate			In Successor Agency Area:		No			
Project Description:	This project will improve the traffic operations at this intersection by constructing dedicated left turn lanes on Carpenter Road on either side of O'Hara Avenue, installing video detection system and reconfiguring the striping at this intersection.								
Project Justification:	The construction of Carpenter Road from Rose Avenue to Cinnamon Ridge Drive as part of a private subdivision development project has opened up this important east/west roadway corridor for the community. Once this section of Carpenter is completed it will increase traffic flows at the intersection of O'Hara Avenue and Carpenter Road. This project will improve the traffic operations at this intersection by constructing protected left turn lanes on Carpenter Road on both the westbound and eastbound approaches to O'Hara Avenue. Additional improvements include installing a video detection system and reconfiguring the striping at this intersection.								
PROJECT FINANCING DETAILS									
Project Expenditures	21/22	22/23	23/24	24/25	25/26	26/27	Total		
Planning & Design	\$ 30,000						\$	\$	30,000
Environmental								\$	-
Right of Way								\$	-
Construction	\$ 220,000	\$ 100,000					\$	\$	320,000
Operating Costs								\$	-
TOTAL	\$ 250,000	\$ 100,000	\$ -	\$ -	\$ -	\$ -	\$	\$	350,000
PROJECT FINANCING DETAILS									
Project Funding	21/22	22/23	23/24	24/25	25/26	26/27	Total		
Traffic Impact Fee	\$ 250,000	\$ 100,000					\$	\$	350,000
L&L District								\$	-
Public Facilities								\$	-
Park Impact Fee								\$	-
Redevelopment								\$	-
Measure J								\$	-
Gas Tax								\$	-
Developer								\$	-
Grant								\$	-
Downtown Revitalization Fund								\$	-
Stormwater Fund								\$	-
TOTAL	\$ 250,000	\$ 100,000	\$ -	\$ -	\$ -	\$ -	\$	\$	350,000
Comments:									

City of Oakley Capital Improvement Project Information Sheet Capital Improvement Program for Fiscal Years 2022/23 to 2026/27									
Project Title:	Irrigation Well Installation at City's Freedom Basin Project			Project Proponent:	Public Works and Engineering				
Project Category:	Park			Project Manager:	City Engineer				
Project Type:	Park Irrigation Improvement			Project Number:	265				
Project Priority:	Immediate			In Successor Agency Area	No				
Project Description:	The scope of this project include installation of new irrigation well for the City's Freedom Basin								
Project Justification:	This project will install a new irrigation well adjacent to O'Hara Avenue next to the City owned storm drain basin, more commonly known as Freedom basin. This new well will provide the City with an independent, stable, and continuous source of water to irrigate the large field that is used by an assortment of leagues for sporting activities. The existing well used to irrigate the field is owned and operated by the High School District, and due to its continuous breakdowns, this well is not a reliable source to provide the massive amount of irrigation water needed for this field.								
PROJECT FINANCING DETAILS									
Project Expenditures	21/22	22/23	23/24	24/25	25/26	26/27	Total		
Planning & Design	\$ 20,000						\$	20,000	
Environmental							\$	-	
Right of Way							\$	-	
Construction	\$ 180,000	\$ 200,000					\$	380,000	
Operating Costs							\$	-	
TOTAL	\$ 200,000	\$ 200,000	\$ -	\$ -	\$ -	\$ -	\$	400,000	
PROJECT FUNDING									
Project Funding	21/22	22/23	23/24	24/25	25/26	26/27	Total		
Traffic Impact Fee							\$	-	
L&L District							\$	-	
Public Facilities	\$ 200,000						\$	200,000	
Park Impact Fee	\$ 200,000						\$	200,000	
Redevelopment							\$	-	
Measure J							\$	-	
Gas Tax							\$	-	
Developer							\$	-	
Grant							\$	-	
Park Impact Fee Fund							\$	-	
Stormwater Fund							\$	-	
TOTAL	\$ 200,000	\$ 200,000	\$ -	\$ -	\$ -	\$ -	\$	400,000	
Comments:									

City of Oakley Capital Improvement Project Information Sheet Capital Improvement Program for Fiscal Years 2022/23 to 2026/27									
Project Title:	Main Street / Delta Road Intersection Signalization Project			Project Proponent:		Public Works and Engineering			
Project Category:	Street			Project Manager:		City Engineer			
Project Type:	Traffic Improvement			Project Number:		268			
Project Priority:	Moderate			In Successor Agency Area:		No			
Project Description:	This project will install a traffic signal at Main Street / Delta Road intersection along with lane widening and intersection improvements.								
Project Justification:	This project will install traffic a signal and improve the Main Street / Delta Road intersection. This intersection is identified to have a traffic signal per the City's Traffic Impact Fee program. With the increase in traffic volumes at this location, a signal will improve safety and traffic circulation. The preliminary design of this project will get started in FY 2022/23 to develop the plan and identify the Right of Way that is needed for this project. In the subsequent year, the final design and Right of Way acquisition will be completed.								
PROJECT FINANCING DETAILS									
Project Expenditures	21/22	22/23	23/24	24/25	25/26	26/27	Total		
Planning & Design	\$ 200,000						\$	200,000	
Environmental							\$		
Right of Way							\$		
Construction							\$		
Operating Costs							\$		
TOTAL	\$ 200,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$	200,000	
Project Funding	21/22	22/23	23/24	24/25	25/26	26/27	Total		
Traffic Impact Fee	\$ 200,000						\$	200,000	
L&L District							\$		
Public Facilities							\$		
Park Impact Fee							\$		
Redevelopment							\$		
Measure J							\$		
Gas Tax							\$		
Developer							\$		
Grant							\$		
Fund							\$		
Stormwater Fund							\$		
TOTAL	\$ 200,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$	200,000	
Comments:									

City of Oakley Capital Improvement Project Information Sheet Capital Improvement Program for Fiscal Years 2022/23 to 2026/27									
Project Title:	Main Street / Brownstone Road Intersection Signalization Project			Project Proponent:	Public Works and Engineering				
Project Category:	Street			Project Manager:	City Engineer				
Project Type:	Traffic Improvement			Project Number:	269				
Project Priority:	Moderate			In Successor Agency Area:	No				
Project Description:	This project will install traffic signal at Main Street/Brownstone Road intersection.								
Project Justification:	This project will install traffic signal and improve the Main Street / Brownstone Road intersection. This intersection is identified to have a traffic signal per the City's Traffic Impact Fee program. With the increase in traffic volumes at this location, a signal will improve safety and traffic circulation. The preliminary design of this project will develop the plan and identify the Right of Way that is needed for this project. The final design and Right of Way acquisition will get stated subsequently.								
PROJECT FINANCING DETAILS									
Project Expenditures	21/22	22/23	23/24	24/25	25/26	26/27	Total		
Planning & Design	\$ 200,000						\$	200,000	
Environmental							\$		
Right of Way							\$		
Construction							\$		
Operating Costs							\$		
TOTAL	\$ 200,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$	200,000	
Project Funding	21/22	22/23	23/24	24/25	25/26	26/27	Total		
Traffic Impact Fee	\$ 200,000						\$	200,000	
L&L District							\$		
Public Facilities							\$		
Park Impact Fee							\$		
Redevelopment							\$		
Measure J							\$		
Gas Tax							\$		
Developer							\$		
Grant							\$		
Fund							\$		
Stormwater Fund							\$		
TOTAL	\$ 200,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$	200,000	
Comments:									

City of Oakley Capital Improvement Project Information Sheet Capital Improvement Program for Fiscal Years 2022/23 to 2026/27									
Project Title:	Hall Street Extension Project		Project Proponent:		Public Works and Engineering				
Project Category:	Street		Project Manager:		City Engineer				
Project Type:	Traffic Improvement		Project Number:		270				
Project Priority:	Moderate		In Successor Agency Area:		Yes				
Project Description:	This project will extend Hall Street north of Main Street to provide direct connection to the new parking lot that is constructed as part of the Downtown Gateway Plaza Roadway and Parking Lot Project.								
Project Justification:	This project will extend Hall Street north of Main Street to provide a direct connection to the new parking lot that is constructed as part of the Downtown Gateway Plaza Roadway and Parking Lot Project. This is consistent with the Downtown Vision program that was approved by the City Council and will help to improve the traffic flows and parking lot accessibility in the Downtown.								
PROJECT FINANCING DETAILS									
Project Expenditures	21/22	22/23	23/24	24/25	25/26	26/27	Total		
Planning & Design	\$ 75,000						\$	75,000	
Environmental							\$		-
Right of Way							\$		-
Construction							\$		-
Operating Costs							\$		-
TOTAL	\$ 75,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$	75,000	
Project Funding	21/22	22/23	23/24	24/25	25/26	26/27	Total		
Traffic Impact Fee	\$ 75,000						\$	75,000	
L&L District							\$		-
Public Facilities							\$		-
Park Impact Fee							\$		-
Redevelopment							\$		-
Measure J							\$		-
Gas Tax							\$		-
Developer							\$		-
Grant							\$		-
Fund							\$		-
Stormwater Fund							\$		-
TOTAL	\$ 75,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$	75,000	
Comments:									

City of Oakley Capital Improvement Project Information Sheet Capital Improvement Program for Fiscal Years 2022/23 to 2026/27							
Project Title:	Sheriff Annex Building Demolition Project	Project Proponent:	Public Works and Engineering				
Project Category:	Facilities	Project Manager:	City Engineer				
Project Type:	Building/Demolition Improvement	Project Number:	271				
Project Priority:	Moderate	In Successor Agency Area:	Yes				
Project Description:	This project will demolish the old Sheriff Department Annex Building at 210 O'Hara Avenue to keep the site safe and secure.						
Project Justification:	The Contra Costa County Sheriff Department had an annex located at 210 O'Hara Avenue that serviced the Oakley area. This facility had been vacated for several years and is no longer in operation. This facility has deteriorated and has become a spot for homeless to gather and create collateral problems. The County has agreed to give the property to the City to be used for a future Library site. Since it will take some time to secure funding for the Library, this building would need to be demolished to secure the site from health and safety perspective. The County has agreed to pay half the cost of the demolition to the City.						
PROJECT FINANCING DETAILS							
Project Expenditures	21/22	22/23	23/24	24/25	25/26	26/27	Total
Planning & Design							\$ -
Environmental	\$ 30,000						\$ 30,000
Right of Way							\$ -
Construction	\$ 370,000						\$ 370,000
Operating Costs							\$ -
TOTAL	\$ 400,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 400,000
PROJECT FINANCING DETAILS							
Project Funding	21/22	22/23	23/24	24/25	25/26	26/27	Total
Traffic Impact Fee							\$ -
General Capital Projects	\$ 400,000						\$ 400,000
Public Facilities							\$ -
Park Impact Fee							\$ -
Redevelopment							\$ -
Measure J							\$ -
Gas Tax							\$ -
Developer							\$ -
Grant							\$ -
Park Impact Fee Fund							\$ -
Stormwater Fund							\$ -
TOTAL	\$ 400,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 400,000
Comments:							

City of Oakley Capital Improvement Project Information Sheet Capital Improvement Program for Fiscal Years 2022/23 to 2026/27									
Project Title:	Laurel Road Extension Project (Teton Road to Sellers Avenue)			Project Proponent:	Public Works and Engineering				
Project Category:	Street			Project Manager:	City Engineer				
Project Type:	Roadway Improvement			Project Number:	273				
Project Priority:	High			In Successor Agency Area:	No				
Project Description:	Roadway Extension and Construction								
Project Justification:	This Project will extend Laurel Road from Teton Road to Sellers Avenue providing an alternate and much needed secondary route to East Cypress Road. Currently, the only way in and out of eastern Oakley is via Main Street to East Cypress Road. This current route along East Cypress Road passes by an elementary and middle school and crosses the Burlington Northern Santa Fe (BNSF) railroad tracks. Traffic volumes have increased with the new housing developments along East Cypress Road. Extending Laurel Road from Teton Road to Sellers Avenue will provide much needed safety and congestion relief by directing a portion of the traffic away from the schools and providing a new bridge over the railroad tracks.								
PROJECT FINANCING DETAILS									
Project Expenditures	21/22	22/23	23/24	24/25	25/26	26/27	Total		
Planning & Design	\$ 60,000	\$ 300,000					\$	\$ 360,000	
Environmental							\$	\$ -	
Right of Way							\$	\$ -	
Construction							\$	\$ -	
Operating Costs							\$	\$ -	
TOTAL	\$ 60,000	\$ 300,000	\$ -	\$ -	\$ -	\$ -	\$	\$ 360,000	
PROJECT FUNDING DETAILS									
Project Funding	21/22	22/23	23/24	24/25	25/26	26/27	Total		
Traffic Impact Fee	\$ 60,000	\$ 300,000					\$	\$ 360,000	
L&I District							\$	\$ -	
Public Facilities							\$	\$ -	
Park Impact Fee							\$	\$ -	
Redevelopment							\$	\$ -	
Measure J							\$	\$ -	
Gas Tax							\$	\$ -	
Developer							\$	\$ -	
Grant							\$	\$ -	
Fund							\$	\$ -	
Stormwater Fund							\$	\$ -	
TOTAL	\$ 60,000	\$ 300,000	\$ -	\$ -	\$ -	\$ -	\$	\$ 360,000	
Comments:									

City of Oakley Capital Improvement Project Information Sheet Capital Improvement Program for Fiscal Years 2022/23 to 2026/27									
Project Title:	Neroly Road Repair and Resurfacing Project (Empire to O'Hara)		Project Proponent:		Public Works and Engineering				
Project Category:	Street		Project Manager:		City Engineer				
Project Type:	Roadway Improvement		Project Number:		274				
Project Priority:	Moderate		In Successor Agency Area:		No				
Project Description:	This project will repair sections of Neroly Road that have failed at utility manholes.								
Project Justification:	Neroly Road was constructed as a part of the Magnolia Subdivision. Since that time the roadway has settled in areas near the utility manholes causing an unsafe asphalt surface. Staff has gone out several times to patch pave near the manholes to help correct the issue. This temporary fix has provided good results but didn't address any underlying problems. This project will open up the roadway at several locations to determine the cause of the settling at the utility manholes in an effort to determine the cause of the issue and provide a solution to remedy the problem.								
PROJECT FINANCING DETAILS									
Project Expenditures	21/22	22/23	23/24	24/25	25/26	26/27	Total		
Planning & Design		\$ 100,000					\$	100,000	
Environmental							\$	-	
Right of Way							\$	-	
Construction		\$ 200,000					\$	200,000	
Operating Costs							\$	-	
TOTAL	\$ -	\$ 300,000	\$ -	\$ -	\$ -	\$ -	\$	300,000	
Project Funding	21/22	22/23	23/24	24/25	25/26	26/27	Total		
Traffic Impact Fee							\$	-	
L&I District							\$	-	
Public Facilities							\$	-	
Park Impact Fee							\$	-	
Redevelopment							\$	-	
Measure J							\$	-	
Gas Tax		\$ 200,000					\$	200,000	
Developer							\$	-	
Grant							\$	-	
Street Maintenance & Rehabilitation Fund		\$ 100,000					\$	100,000	
Stormwater Fund							\$	-	
TOTAL	\$ -	\$ 300,000	\$ -	\$ -	\$ -	\$ -	\$	300,000	
Comments:									

City of Oakley Capital Improvement Project Information Sheet Capital Improvement Program for Fiscal Years 2022/23 to 2026/27									
Project Title:	FY 2022/23 Curb, Gutter and Sidewalk Repair & Reconstruction Project				Project Proponent:		Public Works and Engineering		
Project Category:	Street				Project Manager:		City Engineer		
Project Type:	Concrete Repair and Replacement				Project Number:		275		
Project Priority:	Immediate				In Successor Agency Area:		No		
Project Description:	This project will repair and replace damaged curb, gutter, and sidewalks.								
Project Justification:	This project will coordinate with the responsible property owners to repair and reconstruct damaged and broken concrete curb, gutter, and sidewalks throughout the City. The construction of this project will eliminate trip and fall accidents caused by sidewalk and curbs uplifted by tree root overgrowth, and provide safe paths of travel for the community. This project works in coordination with the 50-50 cost share program that helps the property owners address concrete sidewalk and curb and gutter uplifts.								
PROJECT FINANCING DETAILS									
Project Expenditures	21/22	22/23	23/24	24/25	25/26	26/27	Total		
Planning & Design							\$ -		
Environmental							\$ -		
Right of Way							\$ -		
Construction		\$ 150,000					\$ 150,000		
Operating Costs							\$ -		
TOTAL	\$ -	\$ 150,000	\$ -	\$ -	\$ -	\$ -	\$ 150,000		
PROJECT FUNDING									
Project Funding	21/22	22/23	23/24	24/25	25/26	26/27	Total		
Traffic Impact Fee							\$ -		
L&L District							\$ -		
Public Facilities							\$ -		
Park Impact Fee							\$ -		
General Capital Fund							\$ -		
Measure J							\$ -		
Gas Tax		\$ 150,000					\$ 150,000		
2012 Bond Benefit							\$ -		
Grant							\$ -		
Downtown Revitalization Fund							\$ -		
Stormwater Fund							\$ -		
TOTAL	\$ -	\$ 150,000	\$ -	\$ -	\$ -	\$ -	\$ 150,000		
Comments:									

City of Oakley Capital Improvement Project Information Sheet Capital Improvement Program for Fiscal Years 2022/23 to 2026/27									
Project Title:	FY 2022/23 Street Restriping Project			Project Proponent:	Public Works and Engineering				
Project Category:	Street			Project Manager:	City Engineer				
Project Type:	Street Safety Improvements			Project Number:	276				
Project Priority:	Immediate			In Successor Agency Area:	No				
Project Description:	This project will restripe major streets in Oakley.								
Project Justification:	This project will restripe various City streets each year to help maintain delineations that are marked for usage by motorists and pedestrians. The work performed under this project focuses on the streets that are not in the plan for resurficing in the next two years, and need the striping for lane delineation (centerline, edge line, crosswalk, pavement marking) to provide safer streets for the community.								
PROJECT FINANCING DETAILS									
Project Expenditures	21/22	22/23	24/25	25/26	25/26	26/27	Total		
Planning & Design							\$ -		
Environmental							\$ -		
Right of Way							\$ -		
Construction		\$ 60,000					\$ 60,000		
Operating Costs							\$ -		
TOTAL	\$ -	\$ 60,000	\$ -	\$ -	\$ -	\$ -	\$ 60,000		
Project Funding	21/22	22/23	24/25	25/26	25/26	26/27	Total		
Traffic Impact Fee							\$ -		
L&L District							\$ -		
Public Facilities							\$ -		
Park Impact Fee							\$ -		
2012 Bond Benefit		\$ 60,000					\$ 60,000		
Measure J							\$ -		
Gas Tax							\$ -		
Developer							\$ -		
Grant							\$ -		
Downtown Revitalization Fund							\$ -		
Stormwater Fund							\$ -		
TOTAL	\$ -	\$ 60,000	\$ -	\$ -	\$ -	\$ -	\$ 60,000		
Comments:									

City of Oakley Capital Improvement Project Information Sheet Capital Improvement Program for Fiscal Years 2022/23 to 2026/27									
Project Title:	FY 2022/23 Traffic Calming Project			Project Proponent:		Public Works and Engineering			
Project Category:	Street			Project Manager:		City Engineer			
Project Type:	Traffic Calming Improvements			Project Number:		277			
Project Priority:	Moderate			In Successor Agency Area:		No			
Project Description: This project will construct traffic calming measures.									
Project Justification: The traffic operations in the community have become one of the major issues that the Police and Public Works Departments handle on a regular basis. This project provides funding for the placement of traffic calming features in accordance with the neighborhood traffic calming policy. Various traffic calming requests are being evaluated by staff from the Police and Public Works Departments, and are addressed in collaboration with the residents based on priority, and the order they are received.									
PROJECT FINANCING DETAILS									
Project Expenditures	21/22	22/23	23/24	24/25	25/27	26/27	Total		
Planning & Design							\$ -		
Environmental							\$ -		
Right of Way							\$ -		
Construction		\$ 80,000					\$ 80,000		
Operating Costs							\$ -		
TOTAL	\$ -	\$ 80,000	\$ -	\$ -	\$ -	\$ -	\$ 80,000		
PROJECT FUNDING									
Project Funding	21/22	22/23	23/24	24/25	25/27	26/27	Total		
Traffic Impact Fee							\$ -		
L&L District							\$ -		
Public Facilities							\$ -		
Park Impact Fee							\$ -		
2012 Bond Benefit							\$ -		
Measure J							\$ -		
Gas Tax		\$ 80,000					\$ 80,000		
Street Maint. & Rehab.							\$ -		
Grant							\$ -		
Downtown Revitalization Fund							\$ -		
Stormwater Fund							\$ -		
TOTAL	\$ -	\$ 80,000	\$ -	\$ -	\$ -	\$ -	\$ 80,000		
Comments:									

City of Oakley Capital Improvement Project Information Sheet Capital Improvement Program for Fiscal Years 2022/23 to 2026/27							
Project Title:	FY 2022/23 Traffic Signal Modernization Project			Project Proponent:		Public Works and Engineering	
Project Category:	Street			Project Manager:		City Engineer	
Project Type:	Traffic Signal Operation Improvements			Project Number:		278	
Project Priority:	Moderate			In Successor Agency Area:		No	
Project Description:	This project will rehabilitate existing traffic signals.						
Project Justification:	Traffic operations and public safety have become one of the more important issues for the community. Public Works staff are continually working to improve the traffic operations on City streets. This project will replace some of the older internal components of the City's traffic signal systems which will improve the coordination of the City's traffic signal operations.						
PROJECT FINANCING DETAILS							
Project Expenditures	21/22	22/23	23/24	24/25	25/26	26/27	Total
Planning & Design							\$ -
Environmental							\$ -
Right of Way							\$ -
Construction		\$ 200,000					\$ 200,000
Operating Costs							\$ -
TOTAL	\$ -	\$ 200,000	\$ -	\$ -	\$ -	\$ -	\$ 200,000
PROJECT FUNDING							
Project Funding	21/22	22/23	23/24	24/25	25/26	26/27	Total
Traffic Impact Fee		\$ 200,000					\$ 200,000
L&L District							\$ -
Public Facilities							\$ -
Park Impact Fee							\$ -
Redevelopment							\$ -
Measure J							\$ -
Gas Tax							\$ -
Developer							\$ -
Grant							\$ -
Downtown Revitalization Fund							\$ -
Stormwater Fund							\$ -
TOTAL	\$ -	\$ 200,000	\$ -	\$ -	\$ -	\$ -	\$ 200,000
Comments:							

City of Oakley Capital Improvement Project Information Sheet Capital Improvement Program for Fiscal Years 2022/23 to 2026/27									
Project Title:	FY 2022/23 Street Repair and Resurfacing Project			Project Proponent:	Public Works and Engineering				
Project Category:	Street			Project Manager:	City Engineer				
Project Type:	Street Resurfacing Improvements			Project Number:	279				
Project Priority:	Immediate			In Successor Agency Area:	No				
Project Description:	This project will repair and resurface streets in Oakley.								
Project Justification:	This project will repair the base and surface failures, as well as resurface the City's streets as a part of a comprehensive program to maintain the roadways for the community. Street repair and resurfacing is critical in keeping the quality of the City's street infrastructure in good condition and prevent costly reconstruction due to the lack of proper rehabilitation and maintenance. This project will address a number of neighborhoods which need Sierra-Crete base remediation in addition to repair and resurfacing.								
PROJECT FINANCING DETAILS									
Project Expenditures	21/22	22/23	23/24	24/25	25/26	26/27	Total		
Planning & Design		\$ 200,000					\$ 200,000		
Environmental							\$ -		
Right of Way							\$ -		
Construction		\$ 1,800,000					\$ 1,800,000		
Operating Costs							\$ -		
TOTAL	\$ -	\$ 2,000,000	\$ -	\$ -	\$ -	\$ -	\$ 2,000,000		
Project Funding	21/22	22/23	23/24	24/25	25/26	26/27	Total		
Traffic Impact Fee							\$ -		
L&L District							\$ -		
Public Facilities							\$ -		
Park Impact Fee							\$ -		
Street Maint. & Rehab		\$ 2,000,000					\$ 2,000,000		
Measure J							\$ -		
Gas Tax HUTA							\$ -		
Developer							\$ -		
2012 Bond Benefit							\$ -		
Downtown Revitalization Fund							\$ -		
Stormwater Fund							\$ -		
RMRA							\$ -		
TOTAL	\$ -	\$ 2,000,000	\$ -	\$ -	\$ -	\$ -	\$ 2,000,000		
Comments:									

City of Oakley Capital Improvement Project Information Sheet Capital Improvement Program for Fiscal Years 2022/23 to 2026/27									
Project Title:			Laurel Road Widening Project (O'Hara to Cloverbrook)			Project Proponent:		Public Works and Engineering	
Project Category:			Street			Project Manager:		City Engineer	
Project Type:			Street Widening			Project Number:		280	
Project Priority:			Moderate			In Successor Agency Area:		No	
Project Description:			This project will widen Laurel Road to City standards from O'Hara to Cloverbrook						
Project Justification:			Laurel Road from O'Hara Avenue to Cloverbrook Avenue is the last section of Laurel Road that needs to be widened and improved. Laurel Road is a major Arterial road and the City's designated truck route with a direct connection to Highway 4. This section of Laurel Road has not been widened or improved due to the lack of Right of Way and is starting to deteriorate due to the large volumes of vehicles that use Laurel everyday. Staff is working with the property owners to obtain the necessary right of way for the widening. There are WAPA utility poles that will need to be relocated as a part of this project. The construction of this project will complement the previous roadway improvements on Laurel Road.						
PROJECT FINANCING DETAILS									
Project Expenditures		21/22	22/23	23/24	24/25	25/26	26/27	Total	
Planning & Design			\$ 500,000					\$	500,000
Environmental								\$	-
Right of Way								\$	-
Construction			\$ 2,000,000					\$	2,000,000
Operating Costs								\$	-
TOTAL		\$ -	\$ 2,500,000	\$ -	\$ -	\$ -	\$ -	\$	2,500,000
Project Funding		21/22	22/23	23/24	24/25	25/26	26/27	Total	
Traffic Impact Fee			\$ 2,500,000					\$	2,500,000
L&L District								\$	-
Public Facilities								\$	-
Park Impact Fee								\$	-
Street Maint. & Rehab								\$	-
Measure J								\$	-
Gas Tax HUTA								\$	-
Developer								\$	-
2012 Bond Benefit								\$	-
Downtown Revitalization Fund								\$	-
Stormwater Fund								\$	-
RMRA								\$	-
TOTAL		\$ -	\$ 2,500,000	\$ -	\$ -	\$ -	\$ -	\$	2,500,000
Comments:									

City of Oakley Capital Improvement Project Information Sheet Capital Improvement Program for Fiscal Years 2022/23 to 2026/27									
Project Title:	Enrico Cinquini Park Construction Project			Project Proponent:		Public Works and Engineering			
Project Category:	Park			Project Manager:		City Engineer			
Project Type:	New Park Construction			Project Number:		281			
Project Priority:	Moderate			In Successor Agency Area:		No			
Project Description:	Park Construction								
Project Justification:	The developer of the Stonewood Subdivision was conditioned to construct a new park (Enrico Cinquini Park) at intersection of Rose/Carpenter. The obligation of the developer is the total amount of their Park Impact Fee which would not be sufficient to construct this park and its associated facilities which include a parking lot and as result the City will design and construct this park utilizing the Park Impact Fee obligation of the developer and supplement it with additional local fund.								
PROJECT FINANCING DETAILS									
Project Expenditures	21/22	22/23	23/24	24/25	25/26	26/27	Total		
Planning & Design		\$ 300,000					\$	300,000	
Environmental							\$	-	
Right of Way							\$	-	
Construction		\$ 3,200,000					\$	3,200,000	
Operating Costs							\$	-	
TOTAL	\$ -	\$ 3,500,000	\$ -	\$ -	\$ -	\$ -	\$	3,500,000	
Project Funding	21/22	22/23	23/24	24/25	25/26	26/27	Total		
Traffic Impact Fee							\$	-	
L&L District							\$	-	
Public Facilities							\$	-	
Park Impact Fee		\$ 1,400,000					\$	1,400,000	
Street Maint. & Rehab							\$	-	
Measure J							\$	-	
Gas Tax HUTA							\$	-	
Developer		\$ 2,100,000					\$	2,100,000	
2012 Bond Benefit							\$	-	
Downtown									
Revitalization Fund							\$	-	
Stormwater Fund							\$	-	
RMRA							\$	-	
TOTAL	\$ -	\$ 3,500,000	\$ -	\$ -	\$ -	\$ -	\$	3,500,000	
(Comments:									

City of Oakley Capital Improvement Project Information Sheet Capital Improvement Program for Fiscal Years 2022/23 to 2026/27									
Project Title:	Laurel Road and Empire Avenue Landscaping Mulch Project			Project Proponent:	Public Works and Engineering				
Project Category:	Park			Project Manager:	City Engineer				
Project Type:	Landscaping Improvements			Project Number:	282				
Project Priority:	Moderate			In Successor Agency Area:	No				
Project Description:	Landscaping Mulch application								
Project Justification:	One of the key components of having landscaping area that are vibrant and growing is soil protection from environmental elements. In Oakley with hot temperatures and winds, the top soil gets eroded away and without protection, it exposes plant roots that will denigrate the plant and diminish its growth and in many cases cause plant failure. This project will cover all landscaped area along Laurel Road and Empire Avenue with mulch which will keep the topsoil in place and protect the plant roots from exposure to high temperature which in turn will promote healthy plants.								
PROJECT FINANCING DETAILS									
Project Expenditures	21/22	22/23	23/24	24/25	25/26	26/27	Total		
Planning & Design							\$ -		
Environmental							\$ -		
Right of Way							\$ -		
Construction		\$ 250,000					\$ 250,000		
Operating Costs							\$ -		
TOTAL	\$ -	\$ 250,000	\$ -	\$ -	\$ -	\$ -	\$ 250,000		
PROJECT FUNDING									
Project Funding	21/22	22/23	23/24	24/25	25/26	26/27	Total		
Traffic Impact Fee							\$ -		
L&L District		\$ 250,000					\$ 250,000		
Public Facilities							\$ -		
Park Impact Fee							\$ -		
Street Maint. & Rehab							\$ -		
Measure J							\$ -		
Gas Tax HUTA							\$ -		
Developer							\$ -		
2012 Bond Benefit							\$ -		
Downtown Revitalization Fund							\$ -		
Stormwater Fund							\$ -		
TOTAL	\$ -	\$ 250,000	\$ -	\$ -	\$ -	\$ -	\$ 250,000		
Comments:									

City of Oakley Capital Improvement Project Information Sheet Capital Improvement Program for Fiscal Years 2022/23 to 2026/27							
Project Title:	Laurel Road Bridge Widening over Marsh Creek Project			Project Proponent:	Public Works and Engineering		
Project Category:	Bridge			Project Manager:	City Engineer		
Project Type:	Bridge Widening Project			Project Number:	283		
Project Priority:	Moderate			In Successor Agency Area	No		
Project Description:	Preliminary Design for bridge widening						
Project Justification:	Laurel Road at the Marsh Creek Bridge is currently a narrow 2 lane roadway that is structurally inadequate and needs to be widened and improved to be into the future Laurel Extension at Teton Road. According to Caltrans the bridge is structurally deficient and needs to be reconstructed. This project will supplement Capital Improvement Project No. 186 and provide the additional funding to construct the bridge and accommodate the future traffic volumes from the developments along the E. Cypress Corridor.						
PROJECT FINANCING DETAILS							
Project Expenditures	21/22	22/23	23/24	24/25	25/26	26/27	Total
Planning & Design		\$ 35,000					\$ 35,000
Environmental							\$ -
Right of Way							\$ -
Construction							\$ -
Operating Costs							\$ -
TOTAL	\$ -	\$ 35,000	\$ -	\$ -	\$ -	\$ -	\$ 35,000
Project Funding	21/22	22/23	23/24	24/25	25/26	26/27	Total
Traffic Impact Fee							\$ -
L&L District							\$ -
Public Facilities							\$ -
Park Impact Fee							\$ -
Street Maint. & Rehab							\$ -
Measure J							\$ -
Gas Tax HUTA							\$ -
Developer							\$ -
2012 Bond Benefit							\$ -
2016 Debt Service Fund		\$ 35,000					\$ 35,000
Stormwater Fund							\$ -
RMRA							\$ -
TOTAL	\$ -	\$ 35,000	\$ -	\$ -	\$ -	\$ -	\$ 35,000
Comments:							

City of Oakley Capital Improvement Project Information Sheet Capital Improvement Program for Fiscal Years 2022/23 to 2026/27									
Project Title:	Holly Creek Park Playground Resurfacing Project			Project Proponent:	Public Works and Engineering				
Project Category:	Park			Project Manager:	City Engineer				
Project Type:	Playground Resurfacing			Project Number:	284				
Project Priority:	Moderate			In Successor Agency Area:	No				
Project Description:	Install New Rubber Surface Tile System								
Project Justification:	The Holly Creek Park Playground currently has a loose rubber surface and presents ADA accessibility concerns. The existing rubber surface is difficult to maintain, receives numerous park user complaints, and does not provide sufficient fall protection. This project would replace and upgrade the surface to current ADA and safety standards. Grant funding does not typically fund this type of standalone project and the City has limited budget to complete the project without the grant funding. If the grant funding is used to benefit a disadvantaged area within the City, the project does not require matching funds. Using the California Department of Parks and Recreation Per Capita Match Calculator Tool, the Holly Creek Park project serves such an area.								
PROJECT FINANCING DETAILS									
Project Expenditures	21/22	22/23	23/24	24/25	25/26	26/27	Total		
Planning & Design							\$	-	
Environmental							\$	-	
Right of Way							\$	-	
Construction		\$ 403,000					\$	403,000	
Operating Costs							\$	-	
TOTAL		\$ 403,000	\$ -	\$ -	\$ -	\$ -	\$	-	\$ 403,000
PROJECT FINANCING DETAILS									
Project Funding	21/22	22/23	23/24	24/25	25/26	26/27	Total		
Traffic Impact Fee							\$	-	
L&L District							\$	-	
Public Facilities							\$	-	
Park Impact Fee		\$ 200,000					\$	200,000	
Street Maint. & Rehab							\$	-	
Measure J							\$	-	
Gas Tax HUTA							\$	-	
Developer							\$	-	
2012 Bond Benefit							\$	-	
Downtown Revitalization Fund							\$	-	
Stormwater Fund							\$	-	
RMRA							\$	-	
Grant		\$ 203,000					\$	203,000	
TOTAL	\$ -	\$ 403,000	\$ -	\$ -	\$ -	\$ -	\$	-	\$ 403,000
Comments:									

City of Oakley Capital Improvement Project Information Sheet Capital Improvement Program for Fiscal Years 2022/23 to 2026/27							
Project Title:	Bethel Island Rd Const. Project (Rock Slough Bridge to Delta Rd)	Project Proponent:	Public Works and Engineering				
Project Category:	Street	Project Manager:	City Engineer				
Project Type:	Street Construction	Project Number:	285				
Project Priority:	High	In Successor Agency Area:	No				
Project Description:	New Bethel Island Road extension to Delta Road						
Project Justification:	Bethel Island Road south of East Cypress Road and the Rock Slough Bridge are being constructed as part of a private development along East Cypress Road. This Project will construct Bethel Island Road from the bridge conform on the south side of Rock Slough to Delta Road. Currently, East Cypress Road is only way to access the developments in this area and with the construction of this project it will serve as a much-needed secondary access route to accommodate the increase in traffic volumes. The road will consist of 2 lanes in each direction with 8' bike lanes, sidewalks, median island, landscaping, and a traffic signal and intersection widening at Delta Road.						
PROJECT FINANCING DETAILS							
Project Expenditures	21/22	22/23	23/24	24/25	25/26	26/27	Total
Planning & Design		\$ 500,000					\$ 500,000
Environmental							\$ -
Right of Way		\$ 300,000					\$ 300,000
Construction							\$ -
Operating Costs							\$ -
TOTAL	\$ -	\$ 800,000	\$ -	\$ -	\$ -	\$ -	\$ 800,000
Project Funding	21/22	22/23	23/24	24/25	25/26	26/27	Total
Traffic Impact Fee		\$ 400,000					\$ 400,000
L&L District							\$ -
Public Facilities							\$ -
Park Impact Fee							\$ -
Street Maint. & Rehab							\$ -
Measure J							\$ -
Gas Tax HUTA							\$ -
Developer							\$ -
2012 Bond Benefit							\$ -
Downtown Revitalization Fund							\$ -
ARPA		\$ 400,000					\$ 400,000
RMRA							\$ -
TOTAL	\$ -	\$ 800,000	\$ -	\$ -	\$ -	\$ -	\$ 800,000
Comments:							

City of Oakley Capital Improvement Project Information Sheet Capital Improvement Program for Fiscal Years 2022/23 to 2026/27									
Project Title:	City Hall Rooftop Solar Power Project			Project Proponent:		Public Works and Engineering			
Project Category:	Facility			Project Manager:		City Engineer			
Project Type:	Solar Power			Project Number:		286			
Project Priority:	Moderate			In Successor Agency Area:		Yes			
Project Description:	Building Improvements								
Project Justification:	This project will install solar panels on the roof of Civic Center to provide the electricity needed for operation of the Civic Center facilities in a sustainable and environmentally friendly approach. The implementation of this project will reduce the carbon foot print of the Civic Center operations which is a part of the new Strategic Goals for the City.								
PROJECT FINANCING DETAILS									
Project Expenditures	21/22	22/23	23/24	24/25	25/26	26/27	Total		
Planning & Design							\$ -		
Environmental							\$ -		
Right of Way							\$ -		
Construction		\$ 550,000					\$ 550,000		
Operating Costs							\$ -		
TOTAL	\$ -	\$ 550,000	\$ -	\$ -	\$ -	\$ -	\$ 550,000		
Project Funding	21/22	22/23	23/24	24/25	25/26	26/27	Total		
Traffic Impact Fee							\$ -		
L&L District							\$ -		
Public Facilities Impact Fee		\$ 550,000					\$ 550,000		
Park Impact Fee							\$ -		
Street Maint. & Rehab							\$ -		
Measure J							\$ -		
Gas Tax HUTA							\$ -		
Developer							\$ -		
2012 Bond Benefit							\$ -		
Downtown Revitalization Fund							\$ -		
Stormwater Fund							\$ -		
RMRA							\$ -		
TOTAL	\$ -	\$ 550,000	\$ -	\$ -	\$ -	\$ -	\$ 550,000		
Comments:									

City of Oakley Capital Improvement Project Information Sheet Capital Improvement Program for Fiscal Years 2022/23 to 2026/27							
Project Title:	Koda Dog Park Shade Structure			Project Proponent:	Public Works and Engineering		
Project Category:	Park			Project Manager:	City Engineer		
Project Type:	Park Improvement			Project Number:	287		
Project Priority:	Moderate			In Successor Agency Area:	No		
Project Description:	Installation of Shade Structure						
Project Justification:	The Koda Dog Park has become a very popular destination for residents and visitors to bring their dogs to exercise and play. One of the frequent requests from the community has been for shade structure at this park specially in the areas that people can sit on benches while their dog's play. This project will construct new shade structures that would complement this park and its facilities for the enjoyment of all visitors to the Koda Dog park.						
PROJECT FINANCING DETAILS							
Project Expenditures	21/22	22/23	23/24	24/25	25/26	26/27	Total
Planning & Design							\$ -
Environmental							\$ -
Right of Way							\$ -
Construction		\$ 150,000					\$ 150,000
Operating Costs							\$ -
TOTAL	\$ -	\$ 150,000	\$ -	\$ -	\$ -	\$ -	\$ 150,000
PROJECT FINANCING DETAILS							
Project Funding	21/22	22/23	23/24	24/25	25/26	26/27	Total
Traffic Impact Fee							\$ -
L&L District							\$ -
Public Facilities							\$ -
Park Impact Fee		\$ 150,000					\$ 150,000
Street Maint. & Rehab							\$ -
Measure J							\$ -
Gas Tax HUTA							\$ -
Developer							\$ -
2012 Bond Benefit							\$ -
Downtown							\$ -
Revitalization Fund							\$ -
Stormwater Fund							\$ -
RMRA							\$ -
TOTAL	\$ -	\$ 150,000	\$ -	\$ -	\$ -	\$ -	\$ 150,000
Comments:							

City of Oakley Capital Improvement Project Information Sheet Capital Improvement Program for Fiscal Years 2022/23 to 2026/27							
Project Title:	Senior Center Roof and HVAC Repair and Replacement Project		Project Proponent:		Public Works and Engineering		
Project Category:	Facility		Project Manager:		City Engineer		
Project Type:	Facility Improvement		Project Number:		288		
Project Priority:	Urgent		In Successor Agency Area:		No		
Project Description:	Building Improvements						
Project Justification:	The City of Oakley has leased the former fire station building located at 215 2nd Street to the Oakley Senior Citizens group; however, the roof is starting to deteriorate and needs to be repaired and the HVAC system is failing and inadequate for the space. The rehabilitation project includes roof repair and replacing the HVAC system to accommodate the facility. The aforementioned is being funded by CDBG funds, as well as City of Oakley's matching funds.						
PROJECT FINANCING DETAILS							
Project Expenditures	21/22	22/23	23/24	24/25	25/26	26/27	Total
Planning & Design							\$ -
Environmental							\$ -
Right of Way							\$ -
Construction		\$ 10,000					\$ 10,000
Operating Costs							\$ -
TOTAL	\$ -	\$ 10,000	\$ -	\$ -	\$ -	\$ -	\$ 10,000
Project Funding	21/22	22/23	23/24	24/25	25/26	26/27	Total
Traffic Impact Fee							\$ -
L&L District							\$ -
Public Facilities		\$ 10,000					\$ 10,000
Park Impact Fee							\$ -
Street Maint. & Rehab							\$ -
Measure J							\$ -
Gas Tax HUTA							\$ -
Developer							\$ -
2012 Bond Benefit							\$ -
Downtown Revitalization Fund							\$ -
Stormwater Fund							\$ -
RMRA							\$ -
TOTAL	\$ -	\$ 10,000	\$ -	\$ -	\$ -	\$ -	\$ 10,000
Comments:							

City of Oakley Capital Improvement Project Information Sheet Capital Improvement Program for Fiscal Years 2022/23 to 2026/27									
Project Title:	Local Streets and Roads Safety Plan (LSRP)			Project Proponent:		Public Works and Engineering			
Project Category:	Streets			Project Manager:		City Engineer			
Project Type:	Planning Program			Project Number:		289			
Project Priority:	Moderate			In Successor Agency Area:		No			
Project Description:	This is planning project as required by CCTA								
Project Justification:	Contra Costa Transportation Authority (CCTA) Vision Zero Initiative is a plan to have zero pedestrian and bicycle fatalities or severe injuries by the year 2030. This project will establish a safety improvement plan for the City of Oakley to incorporate into future projects. As federal funds become available, eligible projects that have an established a LSRP will have a better chance at receiving federal funds								
PROJECT FINANCING DETAILS									
Project Expenditures	21/22	22/23	23/24	24/25	25/26	26/27	Total		
Planning & Design		\$ 90,000					\$	90,000	
Environmental							\$	-	
Right of Way							\$	-	
Construction							\$	-	
Operating Costs							\$	-	
TOTAL	\$ -	\$ 90,000	\$ -	\$ -	\$ -	\$ -	\$	90,000	
PROJECT FINANCING DETAILS									
Project Funding	21/22	22/23	23/24	24/25	25/26	26/27	Total		
Traffic Impact Fee							\$	-	
L&L District							\$	-	
Public Facilities							\$	-	
Park Impact Fee							\$	-	
Street Maint. & Rehab							\$	-	
Measure J		\$ 90,000					\$	90,000	
Gas Tax HUTA							\$	-	
Developer							\$	-	
2012 Bond Benefit							\$	-	
Downtown Revitalization Fund							\$	-	
Stormwater Fund							\$	-	
RMRA							\$	-	
TOTAL	\$ -	\$ 90,000	\$ -	\$ -	\$ -	\$ -	\$	90,000	
Comments:									

City of Oakley Capital Improvement Project Information Sheet Capital Improvement Program for Fiscal Years 2022/23 to 2026/27							
Project Title:	City Hall Human Resources Department Remodeling Project		Project Proponent:		Public Works and Engineering		
Project Category:	Facility		Project Manager:		City Engineer		
Project Type:	Building Remodel		Project Number:		290		
Project Priority:	High		In Successor Agency Area:		Yes		
Project Description:	This project will remodel the administration section of City Hall by creating office space, secure file room, and reception area for the customer to meet with Human Resources Department staff in private settings.						
Project Justification:	The City of Oakley strives to provide exemplary service to all customers. One key part of the City operations is the Human Resources Department that serves both internal and external customers. The lack of functional office space has been a challenge for Human Resources Department staff that due to the nature of their work need private office space for meeting with customers and having proper and secure space for keeping confidential documents.						
PROJECT FINANCING DETAILS							
Project Expenditures	21/22	22/23	23/24	24/25	25/26	26/27	Total
Planning & Design							\$ -
Environmental							\$ -
Right of Way							\$ -
Construction		\$ 450,000					\$ 450,000
Operating Costs							\$ -
TOTAL	\$ -	\$ 450,000	\$ -	\$ -	\$ -	\$ -	\$ 450,000
Project Funding	21/22	22/23	23/24	24/25	25/26	26/27	Total
Traffic Impact Fee							\$ -
L&L District							\$ -
Public Facilities							\$ -
Park Impact Fee							\$ -
Street Maint. & Rehab							\$ -
Measure J							\$ -
Gas Tax HUTA							\$ -
Facility Fund		\$ 450,000					\$ 450,000
2012 Bond Benefit							\$ -
Downtown Revitalization Fund							\$ -
Stormwater Fund							\$ -
RMRA							\$ -
TOTAL	\$ -	\$ 450,000	\$ -	\$ -	\$ -	\$ -	\$ 450,000
Comments:							

City of Oakley Capital Improvement Project Information Sheet Capital Improvement Program for Fiscal Years 2022/23 to 2026/27							
Project Title:	FY 2022-23 ADA Implementation Project		Project Proponent:	Public Works and Engineering			
Project Category:	Street		Project Manager:	City Engineer			
Project Type:	Street Improvement		Project Number:	291			
Project Priority:	Moderate		In Successor Agency Area:	No			
Project Description:	This project is part of the implementation of the City of Oakley ADA Transition Plan						
Project Justification:	The City of Oakley has to have an ADA Transition Plan prepared and implemented to adhere to the legal requirements related to the U.S. Department of Justice. Staff has solicited proposals from ADA specialty consultants and had selected the firm of Sally Swanson Architects, Inc. to prepare the City's ADA Transition Plan. The preparation of this ADA Transition Plan has been completed. This implementation of this ADA plan will be phased over the future years as funding is allocated.						
PROJECT FINANCING DETAILS							
Project Expenditures	21/22	22/23	23/24	24/25	25/26	26/27	Total
Planning & Design							\$ -
Environmental							\$ -
Right of Way							\$ -
Construction		\$ 50,000					\$ 50,000
Operating Costs							\$ -
TOTAL	\$ -	\$ 50,000	\$ -	\$ -	\$ -	\$ -	\$ 50,000
Project Funding	21/22	22/23	23/24	24/25	25/26	26/27	Total
Traffic Impact Fee							\$ -
L&L District							\$ -
Public Facilities							\$ -
Park Impact Fee							\$ -
Street Maint. & Rehab							\$ -
Measure J							\$ -
Gas Tax HUTA		\$ 50,000					\$ 50,000
Developer							\$ -
2012 Bond Benefit							\$ -
Downtown Revitalization Fund							\$ -
Stormwater Fund							\$ -
RMRA							\$ -
TOTAL	\$ -	\$ 50,000	\$ -	\$ -	\$ -	\$ -	\$ 50,000
Comments:							

Note: "+" indicates an optional field

Cells in grey contain auto-calculation formulas

Table A
Housing Development Applications Submitted

[illegible]

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Reporting Year

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ANNUAL ELEMENT PROGRESS REPORT

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Reporting Year

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100% 70% 50% 30% 10% 0%

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(2024-2025)

Page 1 of 100
Data as of 12/31/2024

Element ID	Element Name	Element Type	Element Status	Element Location	Element Description	Element Priority	Element Funding Source	Element Start Date	Element End Date	Element Progress (%)	Element Notes	Element Comments	Element Action Items	Element Assigned To	Element Assigned Date	Element Assigned By	Element Assigned To Email	Element Assigned To Phone	Element Assigned To Address	Element Assigned To City	Element Assigned To State	Element Assigned To Zip	Element Assigned To Country	Element Assigned To Region	Element Assigned To Subregion	Element Assigned To District	Element Assigned To Subdistrict	Element Assigned To Ward	Element Assigned To Subward	Element Assigned To Precinct	Element Assigned To Subprecinct	Element Assigned To Census Tract	Element Assigned To Subtract	Element Assigned To Block	Element Assigned To Subblock	Element Assigned To Lot	Element Assigned To Sublot	Element Assigned To Parcel	Element Assigned To Subparcel	Element Assigned To Unit	Element Assigned To Subunit	Element 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Jurisdiction	Oakley	
Reporting Year	2021	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	01/31/2015 - 01/31/2023

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
 (CCR Title 25 §6202)

This table is auto-populated once you enter your jurisdiction name and current year data. Past year information comes from previous APRs.
 Please contact HCD if your data is different than the material supplied here

Table B													
Regional Housing Needs Allocation Progress													
Permitted Units Issued by Affordability													
		1	2									3	4
Income Level		RHNA Allocation by Income Level	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Very Low	Deed Restricted	317	-	-	8	-	-	-	-	-	-	8	309
	Non-Deed Restricted		-	-	-	-	-	-	-	-	-		
Low	Deed Restricted	174	-	-	66	-	-	104	-	-	-	172	2
	Non-Deed Restricted		-	-	-	-	-	-	2	-	-		
Moderate	Deed Restricted	175	-	-	-	-	-	25	-	-	-	234	-
	Non-Deed Restricted		70	88	51	-	-	-	-	-	-		
Above Moderate		502	164	208	117	192	262	338	488	-	-	1,769	-
Total RHNA		1,168											
Total Units			234	296	242	192	262	467	490	-	-	2,183	311

Note: units serving extremely low-income households are included in the very low-income permitted units totals and must be reported as very low-income units.

Please note: For the last year of the 5th cycle, Table B will only include units that were permitted during the portion of the year that was in the 5th cycle. For the first year of the 6th cycle, Table B will include units that were permitted since the start of the planning period.

Please note: The APR form can only display data for one planning period. To view progress for a different planning period, you may login to HCD's online APR system, or contact HCD staff at apr@hcd.ca.gov.

RESOLUTION NO. 02-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY ADOPTING A COMPLETE STREETS POLICY

FINDINGS

WHEREAS, the term “Complete Streets” describes a comprehensive, integrated transportation network with infrastructure and design that allows safe and convenient travel along and across streets for all users, including pedestrians, bicyclists, persons with disabilities, motorists, movers of commercial goods, users and operators of public transportation, seniors, children, youth, families, and other significant local users; and

WHEREAS, the City of Oakley acknowledges the benefits and value for the public health and welfare of reducing vehicle miles traveled and increasing transportation by walking, bicycling, and using public transportation; and

WHEREAS, the City of Oakley recognizes that the planning and coordinated development of Complete Streets infrastructure provides benefits for local governments in the areas of infrastructure cost savings; public health; and environmental sustainability; and

WHEREAS, the State of California has emphasized the importance of Complete Streets by enacting the California Complete Streets Act of 2008 (also known as AB 1358), which requires that when cities or counties revise general plans, they identify how they will provide for the mobility needs of all users of the roadways, as well as through Deputy Directive 64, in which the California Department of Transportation explained that it “views all transportation improvements as opportunities to improve safety, access, and mobility for all travelers in California and recognizes bicycle, pedestrian, and transit modes as integral elements of the transportation system”; and

WHEREAS, the California Global Warming Solutions Act of 2006 (known as AB 32) sets a mandate for the reduction of greenhouse gas emissions in California, and the Sustainable Communities and Climate Protection Act of 2008 (known as SB 375) requires emissions reductions through coordinated regional planning that integrates transportation, housing, and land-use policy, and achieving the goals of these laws will require significant increases in travel by public transit, bicycling, and walking; and

WHEREAS, numerous California counties, cities, and agencies have adopted Complete Streets policies and legislation in order to further the health, safety, welfare, economic vitality, and environmental wellbeing of their communities; and

WHEREAS, the City of Oakley therefore, in light of the foregoing benefits and considerations, wishes to improve its commitment to Complete Streets and desires that its streets form a comprehensive and integrated transportation network promoting safe,

equitable, and convenient travel for all users while preserving flexibility, recognizing community context, and using the latest and best design guidelines and standards; and

NOW, THEREFORE, BE IT RESOLVED THAT on the basis of the above findings of fact and the entire Record, the City Council makes the following additional findings in support of the approvals:

- A. The City of Oakley City Council adopts the Complete Streets Policy attached hereto as Exhibit A, and made part of this Resolution, and that said exhibit is hereby approved and adopted.
- B. That the next substantial revision of the City of Oakley General Plan Circulation Element shall incorporate Complete Streets policies and principles consistent with the California Complete Streets Act of 2008 (AB 1358) and with the Complete Streets Policy adopted by this resolution.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 8th of January, 2013 by the following vote:

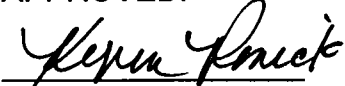
AYES: Burgis, Hardcastle, Pope, Romick

NOES:

ABSENT: Rios

ABSTENTIONS:

APPROVED:


Kevin Romick, Mayor

ATTEST:


Libby Vreonis, City Clerk

1-14-13
Date



CITY OF OAKLEY COMPLETE STREETS POLICY

Adopted by Resolution No. 02-13 by the City of Oakley City Council on January 8, 2013.

A. Complete Streets Principles

1. **Serve all Users:** All transportation improvements will be planned, designed, constructed, operated and maintained to support safe and convenient access for all users, and increase mobility for walking, bicycling and transit use, wherever possible while promoting safe and accessible operations for all users.
2. **Context Sensitivity:** The planning and implementation of transportation projects will reflect conditions within and surrounding the project area, whether the area is a residential, commercial, industrial, open space, or agricultural zoning district. Project planning, design and construction of complete streets projects should include working with residents and merchants to ensure that a strong sense of place is maintained.
3. **Complete Streets in all Departments:** All departments within the City of Oakley must incorporate a complete streets approach into the review and implementation of their projects and activities. Potential Complete Streets opportunities could apply to projects such as, transportation projects, road rehabilitation, new development, utilities, etc.
4. **All Projects/Phases:** The policy will apply to all roadway projects including those involving new construction, reconstruction, retrofits, repaving, rehabilitation, or changes in the allocation of pavement space on an existing roadway, as well as those that involve new privately built roads and easements intended for public use.

B. Implementation

1. **Plan Consultation:** Any proposed improvements should be evaluated for consistency with all local bicycle, pedestrian and/or transportation plans and any other plans that affect the right of way should be consulted for consistency with any proposed improvements.
2. **Street Network/Connectivity:** The transportation system should provide a connected network of facilities accommodating all modes of travel. This includes

looking for opportunities for repurposing rights-of-ways to enhance connectivity for cyclists, pedestrians and transit users. A well connected network should include non-motorized connectivity to schools, parks, commercial areas, civic destinations and regional non-motorized networks on both publically owned roads/land and private developments (or redevelopment areas).

3. Bicycle and Pedestrian Advisory Consultation (BPAC): Input shall be solicited from local BPACs or similar advisory group in an early project development phase to verify bicycling and pedestrian needs for projects. (MTC Resolution 875 requires that cities of 10,000 or more create and maintain a BPAC or rely on the county BPAC to receive TDA-3 funds.)
4. Evaluation: City will establish a means to collect data and indicate how the jurisdiction is evaluating their implementation of complete streets policies. For example tracking the number of miles of bike lanes and sidewalks, numbers of street crossings, signage etc.

C. Exceptions

1. Process: Plans or projects that seek exemptions from implementing the City of Oakley Complete Streets policies outlined in prior sections must provide written findings of why accommodations for all modes were not included in the project. The memorandum should be signed off by the Public Works Director or equivalent high level staff.

RESOLUTION NO. 88-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY MAKING FINDINGS TO ADOPT A MITIGATED NEGATIVE DECLARATION AND APPROVE A GENERAL PLAN AMENDMENT TO REDESIGNATE APPROXIMATELY 4.6 ACRES FROM LIGHT INDUSTRIAL (LI) TO SINGLE FAMILY RESIDENTIAL, HIGH DENSITY (SH) FOR THE PROJECT TITLED “2480 OAKLEY ROAD RESIDENTIAL DEVELOPMENT SUBDIVISION 9537 (GPA 01-19)” APN 037-100-043

FINDINGS

WHEREAS, on July 1, 1999, the incorporation of the City of Oakley took effect; and

WHEREAS, after incorporation, the City adopted the Contra Costa County General Plan for the Oakley Area as its general plan, the County’s subdivision ordinance as its subdivision ordinance, and the County’s zoning ordinance as its zoning ordinance (Ordinance Nos. 1-99, 17-99, 22-99). Since that time, the City has prepared its own general plan, as required by Government Code Section 65360; and

WHEREAS, in December 2002, the Oakley City Council adopted the Oakley 2020 General Plan; and

WHEREAS, on March 21, 2019, GKW Architects, Inc. (“Applicant”) filed an application requesting approval of the following four entitlements (“Project”):

- 1) General Plan Amendment to re-designate apx. 4.6 acres from Light Industrial (LI) to Single Family Residential, High Density (SH);
- 2) Rezone from LI (Light Industrial) District to R-6 (Single Family Residential) District;
- 3) Tentative Map to subdivide apx. 4.6 acres into 22 single family residential lots with a looped, private road access from Oakley Road, storm water treatment bio-retention areas, and right of way dedication and frontage improvements along Oakley Road; and
- 4) Design Review for the project, including home designs consisting of four floor plans (1 single-story and 3 two-stories) ranging from 1,289 sf. to 2,399 sf.

The project site is located at 2480 Oakley Road and is zoned LI (Light Industrial) District; APN 037-100-043; and

WHEREAS, the Applicant has initiated a project to change the General Plan Land Use Designation for an approximately 4.6 acre site from Light Industrial (LI) to Single-Family Residential, High Density (SH); and

WHEREAS, pursuant to the requirements of the California Environmental Quality Act (“CEQA”), the City prepared a Draft Initial Study/Mitigated Negative Declaration (“IS/MND”), which was circulated for public review and comment from April 24, 2020 to May 26, 2020. The Notice of Intent to Adopt a Negative Declaration (“NOI”) and Draft IS/MND were filed with the Governor’s Office of Planning and Research State Clearinghouse and the County Clerk, mailed out to over 60 public agencies, and to parties requesting such notice, and was posted in three locations throughout the City, including at the project site; and

WHEREAS, on June 12, 2020, the Notice of Public Hearing for the Project was duly noticed in the Contra Costa Times, a newspaper of general distribution. On or before June 12, 2020, the Notice of Public Hearing 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, outside the library at Freedom High School located at 1050 Neroly Road, and the notice was mailed out to all owners of property within a 500-foot radius of the subject property’s boundaries, to parties requesting such notice, and to outside agencies; and

WHEREAS, on June 12, 2020, the Final IS/MND, which includes the Draft IS/MND, the Response to Comments to the Draft IS/MND, and the Mitigation, Monitoring, and Reporting Program were posted on the City website and emailed electronically to all parties that submitted timely comments on the Draft IS/MND; and

WHEREAS, on June 23, 2020, the City Council opened the public hearing 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 City Council took a vote and adopted this resolution to approve the project, as revised by the City Council during its deliberations; and

WHEREAS, these Findings are based on the City’s General Plan and the City’s Zoning Ordinance, and the information submitted to the City Council at its June 23, 2020 meeting, both written and oral, as reflected in the minutes of such meetings, together with the documents contained in the file for the Project (hereafter the “Record”).

NOW, THEREFORE, on the basis of the above findings of fact and the entire Record, the City Council makes the following findings regarding the General Plan Amendment as shown in “Exhibit A” of this resolution in support of the recommended approvals:

- A. The Draft Initial Study/Mitigated Negative Declaration and Notice of Intent to Adopt a Mitigated Negative Declaration (“MND”) have been prepared and made available for public comment, pursuant to the California Environmental Quality Act (CEQA) Guidelines. Public comments received in a timely manner have been responded to as found in the Response to Comments portion of the Final IS/MND. The Initial Study found that the project will have a less than significant effect on the

environment, and the City Council hereby adopts the project MND and Mitigation Monitoring Program (Attachment to Project Staff Report dated June 23, 2020).

- B. The change in Land Use Designation will provide for the orderly, well planned and balanced growth within the City in that:
1. The 4.6-acre project site is bordered on the east by single family residential subdivision, to the north by an elementary school, to the south by single family residential development, and to the west by two legal, nonconforming residential properties.
 2. Amending the General Plan Land Use designation to Single Family Residential, High Density (SH) would bring the property into more compliance with surrounding uses.

BE IT FURTHER RESOLVED THAT, on the basis of the foregoing Findings and the entire Record, the City Council hereby approves the amendment to the General Plan as shown in "Exhibit A" of this resolution.

PASSED, APPROVED AND ADOPTED this 23rd day of June, 2020 by the following vote:

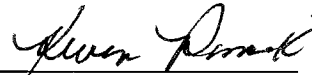
AYES: Alaura, Higgins, Krieg, Romick
NOES:
ABSTENTIONS:
ABSENT: Pope

ATTEST:

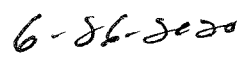


Libby Vreonis, City Clerk

APPROVED:



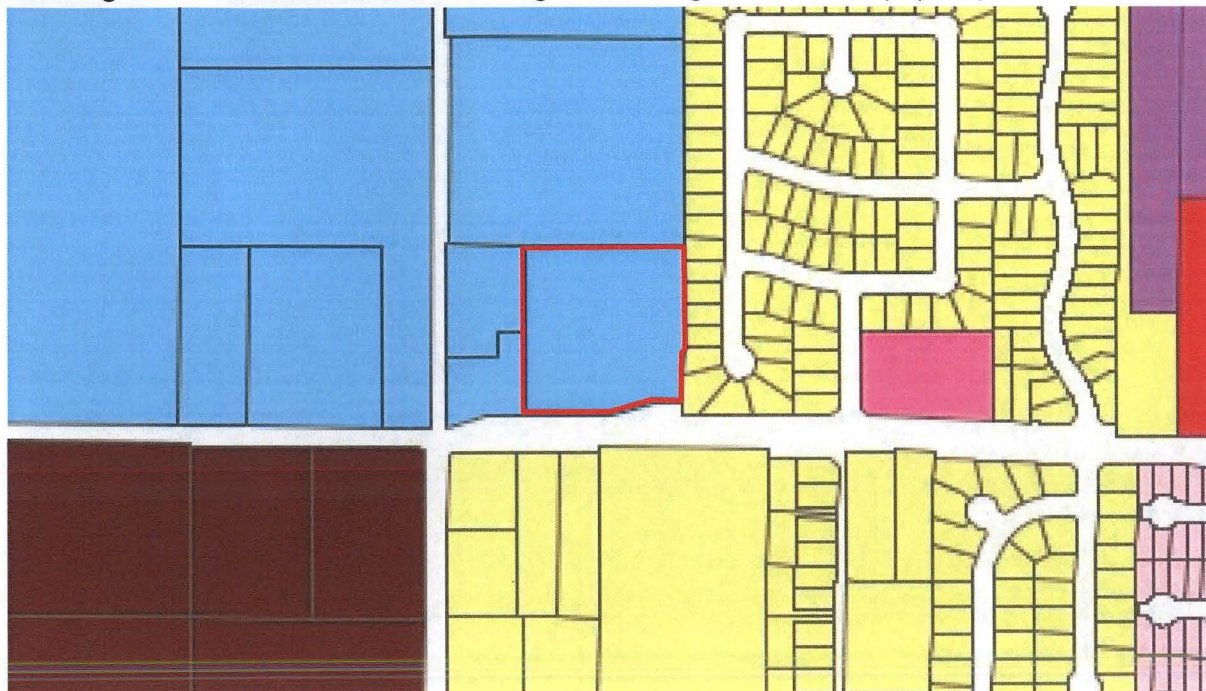
Kevin Romick, Mayor



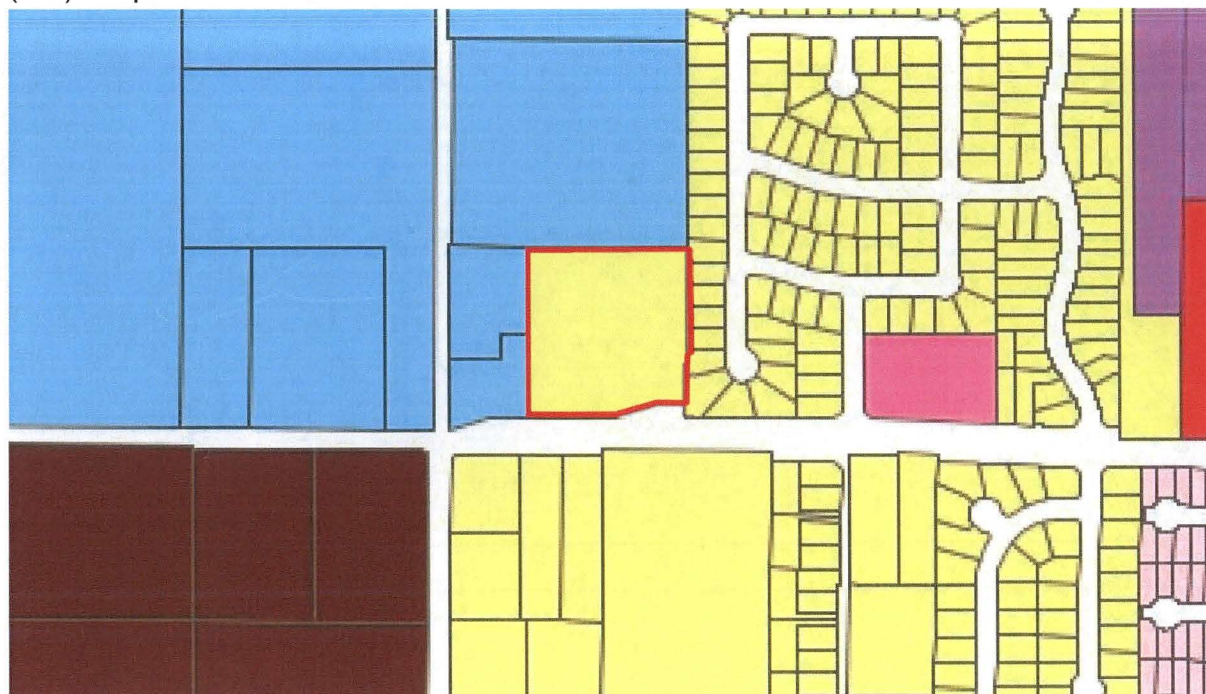
Date

2480 Oakley Road Residential Development Subdivision 9537 (GPA 01-19)

Existing General Plan Land Use Designation: Light Industrial (LI) - Apx. 4.6 Acres



Proposed General Plan Land Use Designation: Single Family Residential, High Density (SH) – Apx. 4.6 Acres



RESOLUTION NO. 110-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY MAKING FINDINGS TO APPROVE A GENERAL PLAN AMENDMENT TO REDESIGNATE APPROXIMATELY 0.76 ACRES FROM PARKS AND RECREATION (PR) TO SINGLE FAMILY RESIDENTIAL, HIGH DENSITY (SH) FOR THE PROJECT TITLED “TEAKWOOD DRIVE PARCELS GENERAL PLAN AMENDMENT (GPA 02-19)” APNS 035-322-019, 020, 021, AND 022

FINDINGS

WHEREAS, on July 1, 1999, the incorporation of the City of Oakley took effect; and

WHEREAS, after incorporation, the City adopted the Contra Costa County General Plan for the Oakley Area as its general plan, the County's subdivision ordinance as its subdivision ordinance, and the County's zoning ordinance as its zoning ordinance (Ordinance Nos. 1-99, 17-99, 22-99). Since that time, the City has prepared its own general plan, as required by Government Code Section 65360; and

WHEREAS, in December 2002, the Oakley City Council adopted the Oakley 2020 General Plan; and

WHEREAS, this is a City-initiated application requesting approval of a General Plan Amendment (GPA 02-19) to change the land use designation of four parcels totaling approximately 0.76 acres from Parks and Recreation (PR) to Single Family Residential, High Density (SH). The project site is located on the west side of Teakwood Drive, just east of the Teakwood Basin, and approximately 200 feet south of Main Street. The project site is zoned Single Family Residential (R-6) District: APNs 035-322-019, 020, 021, and 022; and

WHEREAS, the City has initiated a project to change the General Plan Land Use Designation for an approximately 0.76-acre site from Parks and Recreation (PR) to Single-Family Residential, High Density (SH); and

WHEREAS, this project is exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines [Section 15061(b)(3)] because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. If approved, the project would bring the General Plan Land Use and Zoning District of the four vacant parcels into consistency so they may be built with single-family homes in the same manner as parcels to their north, south, and east. The stormwater basin to the west of the parcels would remain as is. Development of such lots are ministerial in nature (building permits and encroachment permits), so any later development resulting from approval of the project would also not require CEQA; and

WHEREAS, on July 31, 2020, the Notice of Public Hearing for the Project was duly noticed in the Contra Costa Times, a newspaper of general distribution. On or before

July 31, 2020, the Notice of Public Hearing 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

WHEREAS, on August 11, 2020, the City Council opened the public hearing 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 City Council took a vote and adopted this resolution to approve the project, as revised by the City Council during its deliberations; and

WHEREAS, these Findings are based on the City's General Plan and the City's Zoning Ordinance, and the information submitted to the City Council at its August 11, 2020 meeting, both written and oral, as reflected in the minutes of such meetings, together with the documents contained in the file for the Project (hereafter the "Record").

NOW, THEREFORE, on the basis of the above findings of fact and the entire Record, the City Council makes the following findings regarding the General Plan Amendment as shown in "Exhibit A" of this resolution in support of the recommended approvals:

- A. The change in Land Use Designation will provide for the orderly, well planned and balanced growth within the City in that:
 - 1. The land the parcels occupy is no longer needed for stormwater detention basin purposes, and amending the General Plan Land Use designation to SH will bring them into consistency with and match the designation of the other residential properties in the neighborhood.
 - 2. With the shortage of housing in California, infill development of residential uses will assist in meeting the demand for additional housing

BE IT FURTHER RESOLVED THAT, on the basis of the foregoing Findings and the entire Record, the City Council hereby approves the amendment to the General Plan as shown in "Exhibit A" of this resolution.

PASSED, APPROVED AND ADOPTED this 11th day of August, 2020 by the following vote:

AYES: Alaura, Higgins, Krieg, Pope, Romick

NOES:

ABSENT:

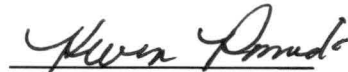
ABSTENTIONS:

ATTEST:



Libby Vreonis, City Clerk

APPROVED:

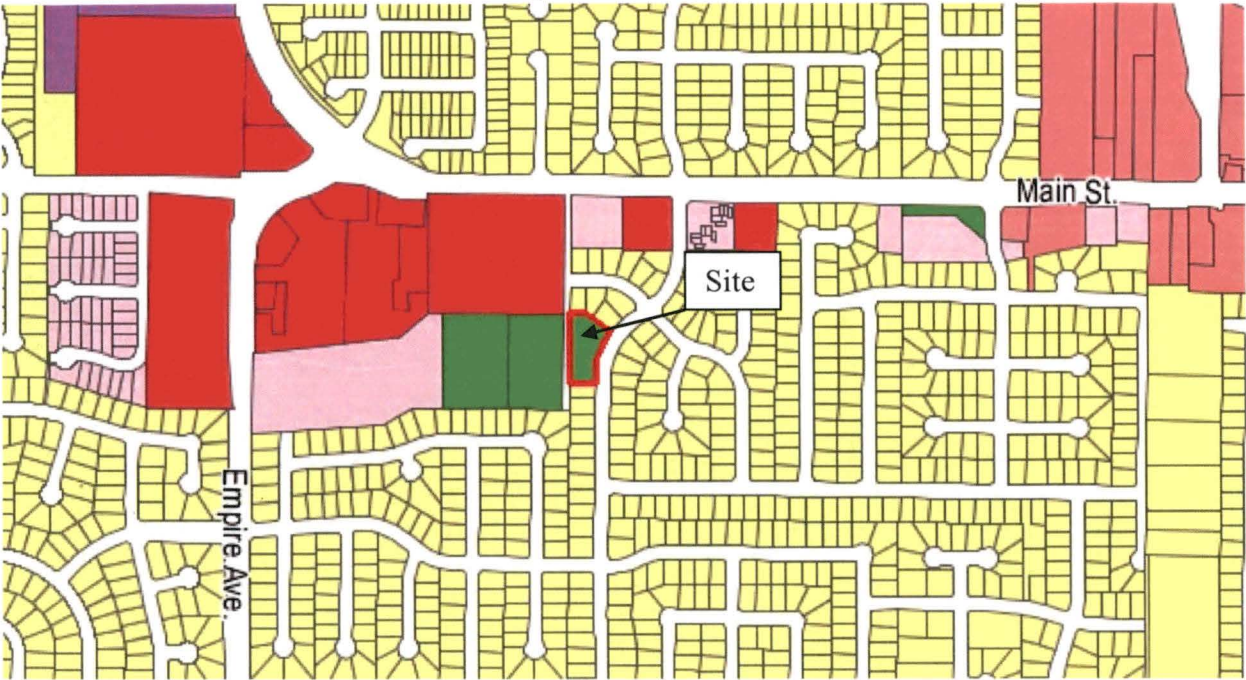

Kevin Romick, Mayor

8-14-2020

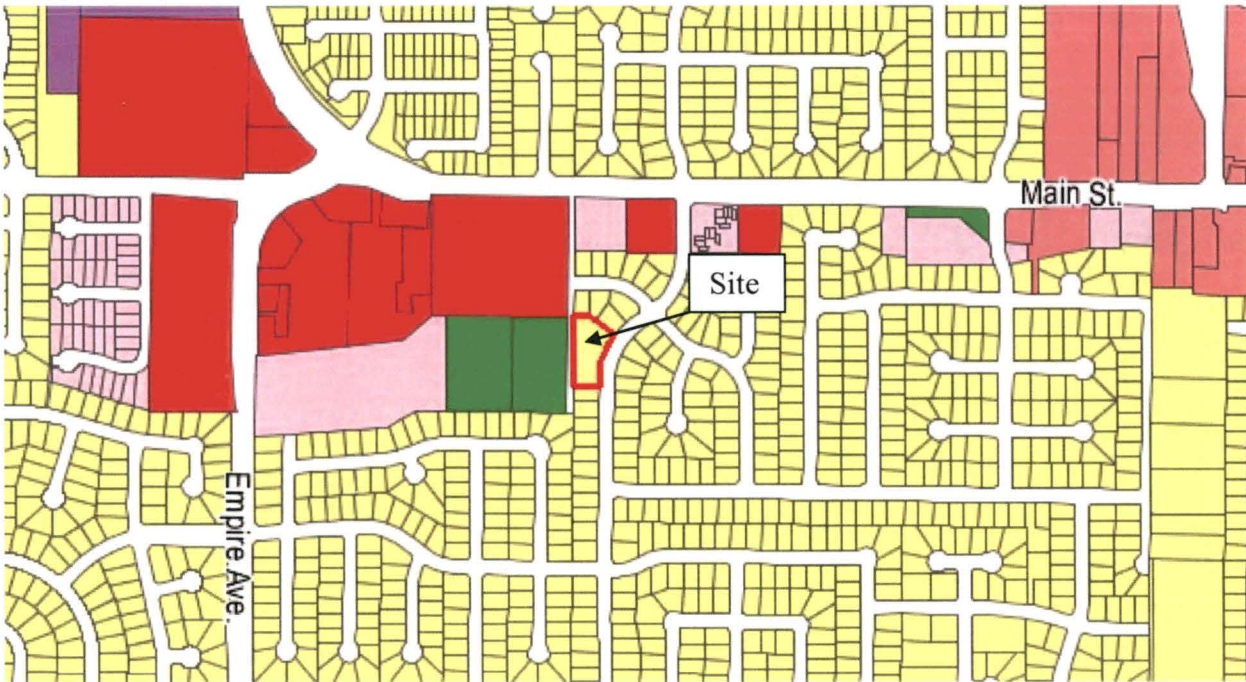
Date

Teakwood Drive Parcels General Plan Amendment (GPA 02-19)

Existing General Plan Land Use Designation: Parks and Recreation (PR)



Proposed General Plan Land Use Designation: Single Family Residential, High Density (SH)



CITY OF OAKLEY CITY COUNCIL

RESOLUTION NO. 92-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY ADOPTING THE CONTRA COSTA COUNTY MEASURE L URBAN LIMIT LINE (ULL) AS THE CITY'S ADOPTED ULL, FOR THE PURPOSES OF COMPLIANCE WITH MEASURE J TO ESTABLISH A VOTER-APPROVED ULL

FINDINGS

WHEREAS, the Measure J (2004) Transportation Expenditure Plan includes a Growth Management Program (GMP) which contains an urban limit line component mandating that local jurisdictions must adopt and continuously comply with a voter approved urban limit line no later than April 1, 2009 in order to receive their shares of Measure J Local Street Maintenance and Improvement Funds and to be eligible to receive Measure J Transportation for Livable Community funds; and

WHEREAS, Measure J also includes Principles of Agreement for Establishing the Urban Limit Line (ULL Principles) as Attachment A to the GMP, incorporated therein by reference; and

WHEREAS, the ULL Principles, as amended by the Authority on November 15, 2006, state that a local jurisdiction may adopt a "County ULL," which is defined as the ULL adopted by the Contra Costa County Board of Supervisors and passed by the voters at a countywide election (after November, 2004); and

WHEREAS, Measure L (2006), the Contra Costa County Board of Supervisor ULL, was passed by a majority of voters in Contra Costa at the November 7, 2006 election; and

WHEREAS, the Measure L ULL was also approved by a majority of the voters in the City at the November 7, 2006 election, as certified by the County Clerk; and

WHEREAS, the City wishes to adopt the Measure L ULL (referred to hereinafter as the County ULL) as its ULL specifically as it applies to the City boundaries for the purpose of compliance with the Measure J GMP; and

WHEREAS, on July 25, 2006, the Contra Costa County Board of Supervisors, as the lead agency for the project under the California Environmental Quality Act ("CEQA"), adopted a Negative Declaration (State Clearinghouse No. 2006012134) on the "November 7, 2006 General Election, Urban Limit Line Ballot Measure Sponsored by Contra Costa County Board of Supervisors;" and

WHEREAS, the Negative Declaration determined that the adoption of the Measure L ULL would not have any significant impacts on the environment;

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

1. The City accepts, adopts, and approves, for the purposes of compliance with the Measure J GMP, the County ULL boundary for urban development as its applicable voter-approved ULL with regard to the boundaries of the City; and
2. Conditions for revising the physical boundary of the County ULL to allow the City to make adjustments of 30 or fewer acres, or to address issues of unconstitutional takings, or to conform to state and federal law, or other applicable regulations are set forth in Exhibit 1, which is attached hereto and made a part hereof; and
3. The City shall not make adjustments of greater than 30 acres to the physical boundary of the adopted County ULL unless those adjustments have been approved by the voters in accordance with the ULL Principles; and
4. The City has considered the environmental effects of the project as shown in the Negative Declaration prepared by the County and shall adopt a Notice of Determination in accordance with State CEQA Guidelines sections 15075 and 15096(i) within five working days after the approval of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Oakley held on the 9th day of September 2008, by Councilmember Romick, who moved its adoption, which motion being duly seconded by Councilmember Anderson, was upon voice vote carried and the resolution adopted by the following vote:

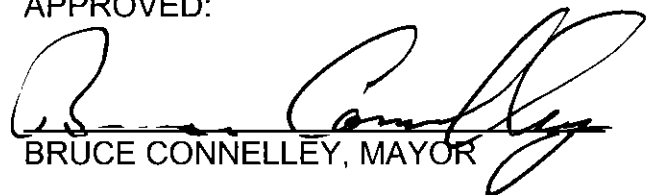
AYES: Anderson, Connelley, Nix, Rios, Romick

NOES: None

ABSTENTIONS: None

ABSENT: None

APPROVED:


BRUCE CONNELLEY, MAYOR

ATTEST:


NANCY ORTENBLAD, CITY CLERK

Exhibit 1
City Council Resolution No. 92-08

Conditions for revising the physical boundary of the urban limit line to allow adjustments of 30 or fewer acres, or to address issues of unconstitutional takings, or to conform to state and federal law:

1. To prevent the use of multiple boundary adjustments of 30 acres or less to avoid the more-than-30 acres limitation.
2. To allow adjustment of 30 acres or less within a limited set of conditions, provided those adjustments were non-contiguous (and not proximate to each other).
3. The term "nonconsecutive" is intended to mean that adjustments should not be proximate to each other, and that in combination, these adjustments shall not result in amassing a contiguous parcel (or parcels) in excess of 30 acres.
4. The local jurisdiction should avoid the creation of pockets of land outside the urban limit line, specifically to avoid the possibility of wanting to fill in those pockets later on through separate adjustments.
5. To allow consideration of more than one local voter approved urban limit line boundary adjustment, each of 30 acres or less, provided they are relatively isolated and well separated from each other.
6. Contiguous annexations totaling more than 30 acres would require further voter approval.
7. To allow a minor change in the urban limit line to accurately reflect topographic characteristics or legal boundaries (e.g. when a portion of a legal parcel is within the urban limit line).

Contra Costa Water District
PO Box H20
Concord, CA 94524

Antioch Unified School District
Attn: Superintendent
510 G Street
Antioch, CA 94509

Bay Area Rapid Transit
Attn: Project/CEQA Reviewer
300 Lakeside Drive, 16th Floor
Oakland, CA 94612

Bay Area Air Quality Management District
Attn: Project/CEQA Reviewer
375 Beale Street, Suite 600
San Francisco, CA 94105

Byron-Brentwood-Knightsen
Union Cemetery District
Attn: Project/CEQA Reviewer
PO Box 551
Brentwood, CA 94513

California Air Resources Board
Attn: Project/CEQA Reviewer
1001 I Street
Sacramento, CA 95814

BNSF Railroad
Attn: Project/CEQA Reviewer
740 East Carnegie Drive
San Bernardino, CA 92408

Department of Toxic Substance Control
Attn: Project/CEQA Reviewer
700 Heinz Ave. #200
Berkeley, CA 94710

Supervisor Federal Glover
Attn: Project/CEQA Reviewer
190 E 4th St.
Pittsburg, CA 94565

California Department of Fish and Wildlife
Bay Delta Region
Attn: Project/CEQA Reviewer
2825 Cordelia Road #100
Fairfield, CA 94534

Northwest Information Center
Sonoma State University
Attn: Project/CEQA Reviewer
1400 Valley House Dr., Ste. 210
Rohnert Park, CA 94928

PG&E
Attention "Service Planning"
2111 Hillcrest Ave
Antioch, CA 94509

Natural Heritage Institute
Attn: Project/CEQA Reviewer
236 Morningside Drive
Corte Madera, CA 94925

SFBRWQCB
1515 Clay St
Suite 1400
Oakland, CA 94612

Department of Water Resources
Delta Suisun Marsh Office
Attn: Project/CEQA Reviewer
PO Box 942836
Sacramento, CA 94236

California Public Utilities Commission
Attn: Project/CEQA Reviewer
505 Van Ness Ave.
San Francisco, CA 94102

Union Pacific Railroad
Attn: Project/CEQA Reviewer
915 L Street, Suite 1180
Sacramento, CA 95814

US Bureau of Reclamation
Attn: Project/CEQA Reviewer
Federal Office Building
2800 Cottage Way
Sacramento, CA 95825

Coastal Conservancy
Attn: Project/CEQA Reviewer
1515 Clay Street, 10th Floor
Oakland, CA 94612-1401

Contra Costa County Assessor's Office
Attn: Project/CEQA Reviewer
2530 Arnold Dr. Ste. 100
Martinez, CA 94553

California Department of Fish and Wildlife
Attn: Project/CEQA Reviewer
2109 Arch Airport Rd
Stockton, CA 95206

Federal Highway Administration
Attn: Project/CEQA Reviewer
650 Capitol Mall Road, Suite 4-100
Sacramento, CA 95814

Department of Water Resources
Levees and North Delta Branch
Attn: Project/CEQA Reviewer
PO Box 942836
Sacramento, CA 94236

US Post Office - Oakley Branch
Attn: Project/CEQA Reviewer
400 Del Antico Ave.
Oakley, CA 94561

Knightsen Elementary School District
Attn: Project/CEQA Reviewer
1923 Delta Road
Knightsen, CA 94548

Contra Costa County Department of
Agriculture
Attn: Project/CEQA Reviewer
2380 Bisso Lane, Ste. A
Concord, CA 94520

Contra Costa County
Conservation and Development
30 Muir Road
Martinez, CA 94553

Contra Costa County Health Services
Attn: Project/CEQA Reviewer
50 Douglas Drive
Martinez, CA 94553

US Fish and Wildlife Service
Attn: Project/CEQA Reviewer
2800 Cottage Way, Room E, 1823
Sacramento, CA 95825

City of Antioch
Attn: Project/CEQA Reviewer
PO Box 5007
Antioch, CA 94531

Jeanne Grube
Adams Broadwell Joseph & Cardozo
601 Gateway Blvd. Suite 1000
South San Francisco, CA 94080
jgrube@adamsbroadwell.com

CC Mosquito and Vector Control District
155 Mason Circle
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jshannon@contracostamosquito.com

Department of Transportation (Caltrans)
111 Grand Ave.
PO Box 23660
Oakland, CA 94623
LDIGR-D4@dot.ca.gov

California Native American
Heritage Commission
1550 Harbor Blvd. Ste 100
West Sacramento, CA 95691
nahc@nahc.ca.gov

East Bay Regional Park District
PO Box 5381
Oakland, CA 94605
SAGE@ebparks.org

Delta Protection Commission
2101 Stone Blvd., Ste. 210
West Sacramento, CA 95691
kirsten.pringle@delta.ca.gov
bruce.blodgett@delta.ca.gov

Western Area Power Administration
114 Parkshore Drive
Folsom, CA 95630
MBSmith@WAPA.GOV;
mcafee@WAPA.GOV ;
Espinoza@WAPA.GOV

CA State Department of Conservation
801 K Street
Sacramento, CA 95814
Crina.Chan@conservation.ca.gov

Greenbelt Alliance
1601 North Main Street, Ste. 105
Walnut Creek, CA 94596
hcurrier@greenbelt.org

Lozeau Drury, LLP
1939 Harrison Street, Suite 150
Oakland, CA 94612
michael@lozeaudrury.com
hannah@lozeaudrury.com
sophie@lozeaudrury.com

California Native Plant Society
East Bay Chapter
PO Box 5597, Elmwood Station
Berkeley, CA 94705
conservation@ebcnps.org

Contra Costa Environmental Health
2120 Diamond Blvd. #200
Concord, CA 94520
eric.fung@hdscctcounty.us

City of Brentwood
708 Third Street
Brentwood, CA 94513
enolthenius@brentwoodca.gov
jdhaliwali@brentwoodca.gov

TRANSPAN
30 Muir Road
Martinez, CA 94553
John.Cunningham@dcd.cccounty.us
Jamar.Stamps@dcd.cccounty.us

Mt. Diablo Resource Recovery
85 Carol Lane, Oakley, CA 94561
Sal.Evola@mdrr.com
Mike.Scudero@mdrr.com
Sarah.Davis@mdrr.com

Liberty Union High School
20 Oak Street
Brentwood, CA 94513
voltae@luhsd.net; stewartd@luhsd.net;
mellonip@luhsd.net

Ironhouse Sanitary District
PO Box 1105
Oakley, CA 94561
vhousen@housenassociates.com;
solana@isd.us.com; whyte@isd.us.com

Tri-Delta Regional Transit
Attn: Project/CEQA Reviewer
801 Wilbur Ave.
Antioch, CA 94509
adiaz@eccta.org; sponte@eccta.org
jkrieg@eccta.org; tharais@eccta.org

Contra Costa County Flood Control
& Water Conservation District
255 Glacier Road
Martinez, CA 94553
catherine.windham@pw.cccounty.us

Robert Sarmiento
Contra Costa County
Department of Conservation and Development
Transportation Planning Section
Robert.Sarmiento@dcd.cccounty.us

Carpenter 46 Counties Conference Board
Attn: Project Tracking
265 Hegenberger Rd., Suite 220
Oakland, CA 94621
project.tracking@nccrc.org

Diablo Water District
PO Box 127
Oakley, CA 94561
cmilina@diablowater.org
cbelleci@diablowater.org
dmuellrath@diablowater.org

US Army Corps of Engineering
Sacramento District
1325 J Street
Sacramento, CA 95814
RegMailbox@usace.army.mil

East Contra Costa Irrigation District
1711 Sellers Avenue
Brentwood, CA 94513
atrott@cwco.com

Reclamation District #799
PO Box 353
Bethel Island Rd.
Bethel Island, CA 94511
dholder@rd799.com

California Highway Patrol
5001 Blum Road
Martinez, CA 94553
agregorian@chp.ca.gov

OUESD
91 Mercedes Lane
Oakley, CA 94561
jpalmquist@ouesd.k12.ca.us
cpeterson@ouesd.k12.ca.us
kedwards@ouesd.k12.ca.us

ABAG/MTC
375 Beal Street Suite 700
San Francisco, CA. 94105
clearinghouse@bayareametro.gov

Contra Costa County Fire Protection District
4005 Port Chicago Hwy, Suite 250
Concord, CA 94521
saube@cccfd.org

STAFF REPORT

DATE: April 25, 2023

TO: Joshua McMurray, City Manager

Approved and Forwarded to the City Council

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

SUBJECT: Ratify Election: Adopt Ordinance No. 02-23 Authorizing the Levy of a Special Tax on Parcels of Land within Tax Area Zone 187 within the Oakley Special Police Tax Area for Police Protection Services for the Brownstone project (Subdivision 8803) located on the north side of Brownstone Road approximately 500 feet west of Main Street (APN 034-210-009)

Background and Analysis

On February 12, 2007, the City Council approved a vesting tentative map with certain Conditions of Approval for the proposed Brownstone project (Subdivision 8803) (the "Project"). The Project is designated as Single Family Residential, High Density in the Oakley 2020 General Plan and zoned R-6 (Single Family Residential) on the City of Oakley Zoning Map. The Project is currently comprised of APN 034-210-009, which is expected to be subdivided into 50 single-family residential units at build-out.

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

On March 14, 2023, the City Council introduced Ordinance No. 02-23 which would authorize a special tax for police services within Zone 187 subject to property owner voter approval. On April 17, 2023, the City Clerk conducted the property owner election. There was one (1) ballot issued to the property owner representing Brownstone. The City Clerk tabulated the property owner ballot, and the property owner was in favor of annexing into the Oakley Special Police Tax Area as Zone 187.

Consistency with the Oakley Strategic Plan 27+

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

Fiscal Impact

There will be no financial impact to the City's General Fund. The applicant has funded all costs associated with the annexation of Zone 187 to the Oakley Special Police Tax Area. The FY 2022-23 special tax rate for Single Family Residence (1 res., 1 site) parcels are \$1,230.73/parcel (FY 2022-23 rates). Therefore, successful creation of the Zone is expected to provide up to \$61,536.50 (in FY 2022-23 dollars) in revenue annually at build-out. The taxes can be collected on the property tax rolls commencing in FY 2023-24.

Recommended Action

Staff recommends that the City Council ratify the election and adopt Ordinance No. 02-23 authorizing the levy of a special tax on parcels of land within Tax Area Zone 187 within the Oakley Special Police Tax Area for Police Protection Services for the Brownstone project (Subdivision 8803) located on the north side of Brownstone Road approximately 500 feet west of Main Street (APN 034-210-009).

Attachments

- 1) One (1) Signed Ballot
- 2) Ordinance No. 02-23
 - a. Exhibit A – Boundary Map for Police Tax Area Zone 187
 - b. Exhibit B – Tax Rate Schedule for Fiscal Year 2022-23

SPECIAL POLICE TAX AREA BALLOT
CREATING ZONE 187 FOR THE BROWNSTONE (SD 8803) PROJECT
LOCATED ON THE NORTH SIDE OF BROWNSTONE ROAD APPROXIMATELY 500
FEET WEST OF MAIN STREET

Parcel Description: Assessor Parcel Number 034-210-009
 Record Owner: Clyde Miles Development, LLC
 Address: Brownstone Road

Shall Ordinance No. 02-23 of the City Council of the City of Oakley be approved so as to authorize a special tax on property located in Zone 187 of the Oakley Special Police Tax Area to maintain the present level of police protection service and provide additional funding for increased police protection service? The initial annual special tax rate for County use code 11 (Single Family Residence – 1 res., 1 site) is \$1,230.73 per parcel and \$615.37 per vacant parcel per the current FY 2022-23 rate schedule. I also acknowledge that the tax rate can be adjusted annually as described in Ordinance No. 02-23.



_____ Yes, Ordinance No. 02-23 shall be approved.

_____ No, Ordinance No. 02-23 shall not be approved.



 Signature of Authorized Representative for
 CLYDE MILES DEVELOPMENT, LLC



 Printed Name



 Title

CALIFORNIA ACKNOWLEDGMENT

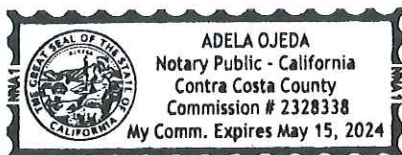
CIVIL CODE § 1189

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

State of California

County of Contra Costa }On April 10th, 2023 before me, Adela Ojeda, Notary Public
Date Here Insert Name and Title of the Officerpersonally appeared Clyde E. Miles
Name(s) of Signer(s)

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



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

WITNESS my hand and official seal.

Place Notary Seal and/or Stamp Above

Signature Adela Ojeda
Signature of Notary Public

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Special Police Tax Area BallotDocument Date: N/A Number of Pages: 1Signer(s) Other Than Named Above: N/A

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

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

Signer is Representing: _____

Signer's Name: _____

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

Signer is Representing: _____

ORDINANCE NO. 2-23

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY ESTABLISHING OAKLEY SPECIAL POLICE TAX AREA ZONE 187 WITHIN THE OAKLEY SPECIAL POLICE TAX AREA FOR A SPECIAL TAX FOR POLICE PROTECTION SERVICES FOR THE BROWNSTONE PROJECT (SUBDIVISION 8803) LOCATED ON THE NORTH SIDE OF BROWNSTONE ROAD APPROXIMATELY 500 FEET WEST OF MAIN STREET (APN 034-210-009)

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

Section 1. Purpose, Intent and Authority.

It is the purpose and intent of this Ordinance to authorize the levy of a special tax on real property that is within Oakley Special Police Tax Area Zone 187 of the Oakley Special Police Tax Area as shown on the Exhibit A map attached hereto in order to provide funding for police protection to serve the property and persons within said Zone.

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

The revenues raised by this tax are to be used solely for the purposes of obtaining, furnishing, operating, and maintaining police protection equipment or apparatus, for paying the salaries and benefits of police protection personnel, and for such other police protection service expenses as are deemed necessary for the benefit of the residents of Zone 187.

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

Section 2. Definitions.

The following definitions shall apply throughout this Ordinance.

A. "Constant first year dollars" shall mean an actual dollar amount which, in years subsequent to the first fiscal year the tax is levied, shall have the same purchasing price as the base amount in first fiscal year dollars as measured by the actual cost of services for the City of Oakley's cost of obtaining police services. The base amount shall be the amount of tax per parcel as specified in Section 3.A herein. The adjustments from actual

to constant dollars shall be made by use of the actual cost of services, as specified in Section 3.B herein.

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

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

D. Oakley Special Police Tax Area Zone 187 (hereinafter called "Zone") means that portion of the incorporated area of the City of Oakley located within the boundaries as shown on the map Exhibit A hereto.

E. "Parcel" means the land and any improvements thereon, designated by an assessor's parcel map and parcel number and carried on the secured property tax roll of Contra Costa County. For the purposes of this Ordinance, parcel does not include any land or improvements outside the boundaries of Zone 187, nor any land or improvements owned by any governmental entity.

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

Section 3. Amount and Level of Taxes.

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

A. For First Fiscal Year:

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

B. For Subsequent Fiscal Year:

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

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

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

Section 4. Collection and Administration.

A. Taxes as Liens Against the Property.

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

B. Collection.

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

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

C. Costs of Administration by County.

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

Section 5. Severability Clause.

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

Section 6. Effective Date and Posting.

This Ordinance shall take effect immediately upon its confirmation by two-thirds of the voters voting within the Zone in an election to be held on April 17, 2023 so that taxes shall first be collected hereunder for the tax year beginning July 1, 2023. If not confirmed by two-thirds of the voters participating in the election, this Ordinance and the tax approved herein shall not become effective.

PASSED AND ADOPTED by the City Council of the City of Oakley this 25th day of April 2023 by the following vote:

AYES:

NOES:

ABSTENTION:

ABSENT:

APPROVED:

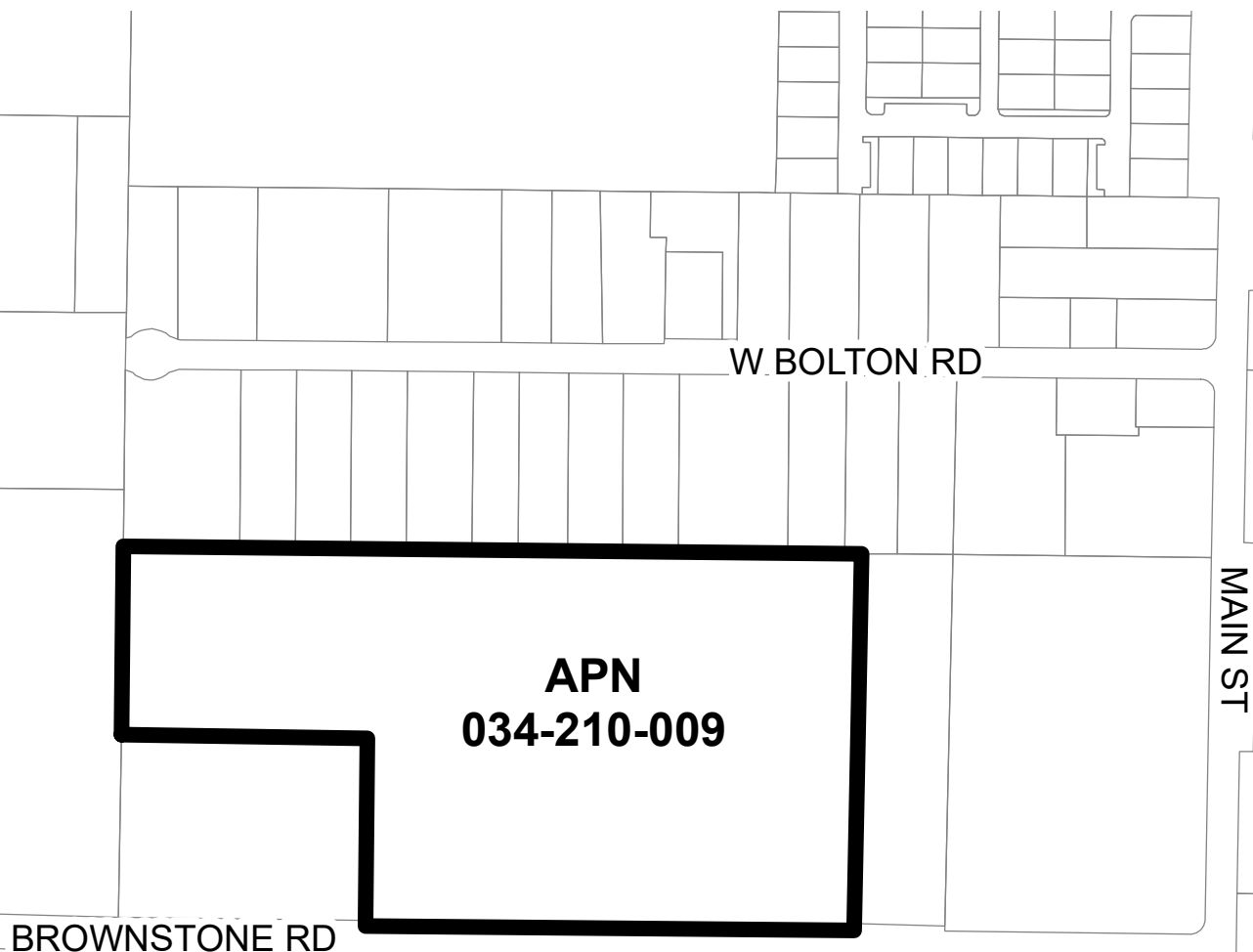
Aaron Meadows, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date

EXHIBIT A - BOUNDARY MAP
CITY OF OAKLEY SPECIAL POLICE TAX AREA (P-6) ZONE 187
CITY OF OAKLEY
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA
BROWNSTONE (SUBDIVISION 8803)



0 500 Feet

Legend

-  Zone 187 Boundary
-  Parcel Lines

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

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

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

CALCULATION OF COST OF LIVING INCREASE

Percent increase from FY 2021-22 in the San Francisco-Oakland-Bay Area Consumer Price Index for all Urban Consumers.

5.00%

ORDINANCE NO. 3-23

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY ADOPTING ZONING TEXT AMENDMENTS TO ARTICLE 12 OF CHAPTER 1 OF TITLE 9 OF THE OAKLEY MUNICIPAL CODE ("SPECIAL LAND USES") – ADDING THREE SUBSECTIONS TO ADDRESS DRIVE-THROUGH RESTAURANTS, CARWASHES, AND GAS STATIONS (RZ 04-21)

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

SECTION 1. Subsection 9.1.1210 of the Oakley Municipal Code, titled "Gasoline Service Stations. – Reserved," is hereby amended to have the title, "Reserved."

SECTION 2. Subsection 9.1.1236, titled "Drive-Through Restaurants," is hereby added to the Oakley Municipal Code in its entirety, as follows:

"9.1.1236 Drive-Through Restaurants.

- a. Purpose and Intent. It is the purpose of this subsection to specify performance and operational standards for restaurants or food-related uses seeking to incorporate one or more drive-through lanes in association with the proposed use.
 - 1) This subsection shall apply to any use proposed within the City of Oakley that is considered a "Drive-thru Restaurants and Services," and that is a restaurant or food/drink-related business.
- b. Definitions and Meanings.
 - 1) For the purposes of this subsection "Drive-Through" is interchangeable with "Drive-thru" found elsewhere in the Oakley Municipal Code.
 - 2) "Sensitive Uses," as referenced in this subsection shall mean any Residential or Agricultural designated property, whether occupied or vacant, on the Oakley General Plan Land Use Map, any legal and conforming residential use, or any public or private school with students in any grade ranging from K-12. Residential uses located in non-residential zoning districts and General Plan land use designations are not considered "Sensitive Uses" for the purposes of this subsection. Other uses may be considered as "Sensitive Uses" subject to the discretion of the Community Development Director.
- c. Performance Standards.
 - 1) A conditional use permit for a drive-through restaurant use may only be considered for approval if the site for the proposed use is a minimum of 0.7 acres in size after any necessary right of way dedications, or the site is

part of a larger commercial center with contiguous parcels that total at least 0.7 acres in size after any necessary right of way dedications.

- 2) A conditional use permit for a drive-through restaurant use may only be considered for approval if the proposed use will not result in three or more total number of drive-through restaurants/carwashes for any commercial center of less than five acres in size after any necessary right of way dedications, or a commercial center with contiguous parcels of less than five acres in size after any necessary right of way dedications.
- 3) A conditional use permit for a drive-through restaurant use may only be considered for approval if the proposed use will not result in four or more total number of drive-through restaurants/carwashes for any commercial center of less than eight acres after any necessary right of way dedications, or a commercial center with contiguous parcels of less than eight acres after any necessary right of way dedications.
- 4) An application for a proposed drive-through restaurant shall include a traffic analysis that specifically analyzes onsite and nearby pedestrian/bicycle safety and drive-through lane queuing for the purposes of providing recommendations to avoid conflicts between various modes of transportation. The traffic analysis shall also analyze drive-through vehicle queuing and make recommendations to the site planning design that results in avoiding or minimizing negative impacts to the surrounding area on- and off-site, including but not limited to:
 - i. Blocking access to parking spaces;
 - ii. Creating conflicts to internal circulation; or
 - iii. Spill back into adjacent main drive aisles or rights of way causing interference to vehicular, bicycle, or pedestrian flow or reduction in road capacity.

The Community Development Director and/or City Engineer may require the queuing analysis include observation of similar nearby businesses. This analysis is in addition to any Vehicle Miles Traveled ("VMT") or Level of Service ("LOS") analysis that may already be required.

- 5) An application for a proposed drive-through restaurant shall include either a detailed acoustical analysis of the menu board speaker consistent with the proposed site plan, or a detailed specification sheet on the menu board speaker and any sound reducing technologies it may incorporate. All menu board speakers shall function in compliance with the City of Oakley General Plan.

- 6) No portion of the drive-through lane or its required queuing as determined in the traffic analysis shall obstruct any drive aisles or off-street parking. The drive-through shall not take ingress or egress from a local residential road.
- 7) The entire drive-through lane shall be screened from adjacent street and residential views to a height of at least three feet. Screening devices shall be a combination of berming, hedge and landscape materials, and solid walls as approved by the Community Development Director.
- 8) Menu boards shall be oriented or screened to avoid direct visibility from adjacent public streets.
- 9) The speaker box on menu boards shall be oriented away from adjacent residential uses or other commercial uses with an outdoor setting.
- 10) Pedestrian access to the building either from the parking lot or public right of way shall not cross the drive-through lane at any point between the last queuing area and end of the building facade where the pick-up window is located.
- 11) Site plans shall be designed so drive-through lanes or regular use queuing areas shall not intersect or interfere with pedestrian access through the parking lot or drive aisles to the main entrance of the associated use from any of the on-site parking spaces for that use.
- 12) Site plans shall be designed so access to the building from adjacent parcels and public rights of way is accomplished without direct interference with a drive-through or queuing lane. In the event such a design is not achievable, the crossing shall be located a reasonable distance away from any building corners and enhanced with a raised crossing, signage, and an automatic or pedestrian operated warning light to vehicles.
- 13) Site plans shall be designed so that all pedestrian walkways adjacent to a drive-through lane shall contain a pedestrian barrier to prevent pedestrians from cutting through the drive-through lane. The barrier shall direct the pedestrian to safe areas to exit the walkway.
- 14) Site plans shall be designed so all driveways with access to public rights of way have pedestrian sidewalks that connect directly to a path that leads to the main building, and that continue into the remainder of the shopping center, if applicable, with marked crossings where appropriate and recommended by the traffic analysis.

d. Operational Standards.

- 1) Hours of operation may be limited as a condition of approval in the conditional use permit as necessary to achieve compatibility with adjacent sensitive land uses.
- 2) The applicant shall prepare and submit an operational plan related to litter control, and/or recycling as a part of the conditional use permit application, subject to the review and approval of the Community Development Director.
- 3) The applicant shall prepare and submit an operational plan addressing noise, loitering or other potential nuisances that may be caused by employees, patrons, or other citizens while on the premises, subject to the review and approval of the Community Development Director. The operational plan shall include plans to ensure graffiti shall be removed within 48 hours of it being discovered by or reported to the businesses.”

SECTION 3. Subsection 9.1.1238, titled “Carwashes,” is hereby added to the Oakley Municipal Code in its entirety, as follows:

“9.1.1238 Carwashes.

a. Purpose and Intent. It is the purpose of this subsection to specify performance and operational standards for carwashes.

- 1) This subsection shall apply to any carwash use proposed within the City of Oakley, including carwashes ancillary to gas stations, self-service carwashes, stand-alone automated carwashes, and carwash businesses that may include additional detailing whether indoors or under a shade structure.

b. Definitions and Meanings.

- 1) For the purposes of this subsection “Carwash” may include the types of carwashes listed above. If a part of this subsection only applies to specific type of carwash, it will be explicitly stated as such. Otherwise, the part applies to all types of carwashes.
- 2) “Sensitive Uses,” as referenced in this subsection shall mean any Residential or Agricultural designated property, whether occupied or vacant, on the Oakley General Plan Land Use Map, any legal and conforming residential use, or any public or private school with students in any grade ranging from K-12. Residential uses located in non-residential zoning districts and General Plan land use designations are not be considered “Sensitive Uses” for the purposes of this subsection. Other uses may be considered as “Sensitive Uses” subject to the discretion of the Community Development Director.

c. Performance Standards.

- 1) A conditional use permit for a carwash use may only be considered for approval if the site for the proposed use is a minimum of 0.7 acres in size after any necessary right of way dedications, or the site is part of a larger commercial center with contiguous parcels that total at least 0.7 acres in size after any necessary right of way dedications.
- 2) A conditional use permit for a carwash use may only be considered for approval if the proposed use will not result in three or more total number of drive-through restaurants/carwashes for any commercial center of less than five acres in size after any necessary right of way dedications, or a commercial center with contiguous parcels of less than five acres in size after any necessary right of way dedications.
- 3) A conditional use permit for a carwash use may only be considered for approval if the proposed use will not result in four or more total number of drive-through restaurants/carwashes for any commercial center of less than eight acres after any necessary right of way dedications, or a commercial center with contiguous parcels of less than eight acres after any necessary right of way dedications.
- 4) An application for a proposed carwash shall include a traffic analysis that specifically analyzes onsite and nearby pedestrian/bicycle safety and queuing for the purposes of providing recommendations to avoid conflicts between various modes of transportation. The traffic analysis shall also analyze drive-through vehicle queuing and make recommendations to the site planning design that results in avoiding or minimizing negative impacts to the surrounding area on- and off-site, including but not limited to:
 - i. Blocking access to parking spaces;
 - ii. Creating conflicts to internal circulation; or
 - iii. Causing potential for spill back into adjacent main drive aisles or rights of way causing interference to vehicular, bicycle, or pedestrian flow or reduction in road capacity.

The Community Development Director and/or City Engineer may require the queuing analysis include observation of similar nearby businesses. This analysis is in addition to any Vehicle Miles Traveled ("VMT") or Level of Service ("LOS") analysis that may already be required.

- 5) An application for a proposed carwash shall include a detailed acoustical analysis of noise generated by the use, and confirm that the use complies with the noise thresholds in the City of Oakley General Plan in relation to noise impacts on sensitive uses. If a generally accepted decibel variance

allowance would result in the noise exceeding a threshold, the noise source shall be reduced until the analysis shows the noise, including any decibel variance allowance, falls within the thresholds in the General Plan.

- 6) There shall be no more than one carwash located within any shopping center or contiguous commercial properties that have internally shared access. In addition, no new carwash shall be proposed within 1,000 feet of an existing carwash as measured between the shortest distance from either the perimeter of the carwash operations or parcel lines, subject to the determination by the Community Development Director.
- 7) No portion of the required queuing as determined in the traffic analysis shall obstruct any drive aisles or off-street parking.
- 8) The entire carwash queuing lane shall be screened from adjacent street and residential views to a height of at least three feet. Screening devices shall be a combination of berming, hedge and landscape materials, and solid walls as approved by the Community Development Director.
- 9) Any speaker box on automated payment machine shall be oriented away from adjacent residential uses or other commercial uses with an outdoor setting.
- 10) Pedestrian access to the building either from the parking lot or public right of way shall not cross the queuing lane at any point between the automated payment machine and entrance to the carwash. Nor should it be located within 25 feet of the exit of the carwash.
- 11) Site plans shall be designed so drive-through lanes or regular use queuing areas shall not intersect or interfere with pedestrian access through the parking lot or drive aisles to the main entrance of the associated use from any of the on-site parking spaces for that use.
- 12) Site plans shall be designed so access to the building from adjacent parcels and public rights of way is accomplished without direct interference with a drive-through or queuing lane. In the event such a design is not achievable, the crossing shall be located a reasonable distance away from any building corners and enhanced with a raised crossing, signage, and an automatic or pedestrian operated warning light to vehicles.
- 13) Site plans shall be designed so that all pedestrian walkways adjacent to a drive-through lane shall contain a pedestrian barrier to prevent pedestrians from cutting through the drive-through lane. The barrier shall direct the pedestrian to safe areas to exit the walkway.
- 14) Site plans shall be designed so all driveways with access to public rights of way have pedestrian sidewalks that connect directly to a path that leads to

the main building, and that continue into the remainder of the shopping center, if applicable, with marked crossings where appropriate and recommended by the traffic analysis.

d. Operational Standards.

- 1) Hours of operation may be limited as a condition of approval in the conditional use permit as necessary to achieve compatibility with adjacent sensitive land uses.
- 2) The applicant shall prepare and submit an operational plan related to litter control, and/or recycling as a part of the conditional use permit application, subject to the review and approval of the Community Development Director.
- 3) The applicant shall prepare and submit an operational plan addressing noise, loitering or other potential nuisances that may be caused by employees, patrons, or other citizens while on the premises, subject to the review and approval of the Community Development Director. The operational plan shall include plans to ensure graffiti shall be removed within 48 hours of it being discovered by or reported to the businesses."

SECTION 4. Subsection 9.1.1240, titled "Gas Stations," is hereby added to the Oakley Municipal Code in its entirety, as follows:

"9.1.1240 Gas Stations.

a. Purpose and Intent. It is the purpose of this subsection to specify performance and operational standards for gas stations.

- 1) This subsection shall apply to any gas station use proposed within the City of Oakley, whether or not they include a convenience store, carwash, or vacuum stations.

b. Definitions and Meanings.

- 1) For the purposes of this subsection "Gas Station" is interchangeable with "Gasoline Service Station" found elsewhere in the Oakley Municipal Code.
- 2) "Sensitive Uses," as referenced in this subsection shall mean any Residential or Agricultural designated property, whether occupied or vacant, on the Oakley General Plan Land Use Map, any legal and conforming residential use, or any public or private school with students in any grade ranging from K-12. Residential uses located in non-residential zoning districts and General Plan land use designations are not considered "Sensitive Uses" for the purposes of this subsection. Other uses may be considered as "Sensitive Uses" subject to the discretion of the Community Development Director.

c. Performance Standards.

- 1) An application for a gas station shall include a traffic analysis that specifically analyzes onsite and nearby pedestrian/bicycle safety for the purposes of providing recommendations to avoid conflicts between various modes of transportation. This analysis is in addition to any Vehicle Miles Traveled ("VMT") or Level of Service ("LOS") analysis that may already be required.
- 2) Any proposed gas station shall be minimum of 500 feet from an existing gas station, as measured between the shortest distance from either the perimeter of the gas station operations or parcel lines, subject to the determination by the Community Development Director, except that any intersection of two arterial streets (as defined in the City's General Plan) or of any two existing streets each with at least four travel lanes (two in each direction) may have two gas stations on separate corners. An exception to the 500 foot buffer may also be considered if a gas station is located within 1,000 feet of a highway on/off ramp, or part of a larger master development plan consisting of at least 45,000 square feet of building floor area, subject to the approval of the applicable decision-making body.
- 3) The speakers on gas pumps shall comply with all applicable noise regulations in the Oakley General Plan.
- 4) Any new gas station shall include a parking location for fueling trucks that does not block or cross over any required drive aisles or off-street parking spaces.
- 5) Any new gas station shall consider including alternative fuels pumps as an option to customers with alternative fuel vehicles.

d. Operational Standards.

- 1) Hours of operation for all or any individual component of a gas station (i.e., pumps, convenience store, carwash, or vacuum stations) may be limited as a condition of approval in the conditional use permit as necessary to achieve compatibility with adjacent sensitive land uses.
- 2) The applicant shall prepare and submit an operational plan related to litter control, and/or recycling as a part of the conditional use permit application, subject to the review and approval of the Community Development Director.
- 3) The applicant shall prepare and submit an operational plan addressing noise, loitering or other potential nuisances that may be caused by employees, patrons, or other citizens while on the premises, subject to the review and approval of the Community Development Director. The

operational plan shall include plans to ensure graffiti shall be removed within 48 hours of it being discovered by or reported to the businesses.”

SECTION 5. California Environmental Quality Act (CEQA).

This project is exempt from environmental analysis under the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3), because it can be seen with certainty that the proposed amendments will not have a significant effect on the environment in that they do not relax any land use requirements or bypass any project’s requirement to comply with CEQA.

SECTION 6. 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 this 25th day of April, 2023 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

Aaron Meadows, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date



Agenda Date: _____

Agenda Item: _____

STAFF REPORT

Date: April 25, 2023
To: City Council
From: Joshua McMurray, City Manager
Subject: **Consideration to Adopt a Resolution to Oppose Initiative 21-0042A1, the Taxpayer Protection and Government Accountability Act (California Business Roundtable Ballot Measure)**

Background

The League of California Cities (Cal Cities), along with a broad coalition including the California Professional Firefighters, SEIU California, California Alliance for Jobs, AFSCME California, and the California Special Districts Association issued a press release announcing strong opposition to a proposed California Business Roundtable ballot measure. This release can be found on the Cal Cities [website](#).

In 2018, the “Tax Fairness, Transparency and Accountability Act” or (AG# 17-0050 Amdt. #1), was being circulated to qualify for the November 2018 ballot. This initiative would have drastically limited local revenue authority. Through the successful work and advocacy of the League of California Cities and its coalition, the measure’s proponents withdrew the initiative from the ballot in June 2018.

On Jan. 4, 2022, the California Business Roundtable filed the Taxpayer Protection and Government Accountability Act or AG# 21-0042A1. This measure is far more detrimental to cities than the measure filed in 2018, because it would decimate vital local and state services to the benefit of wealthy corporations.

Cal Cities, along with a broad coalition of local governments, labor and public safety leaders, infrastructure advocates, and businesses, strongly oppose this initiative, which would limit voters’ authority, adopt new and stricter rules for raising taxes and fees, and make it more difficult to hold violators of state and local laws accountable.

Cal Cities has noted that this initiative would do the following:

1. Limit voter authority and accountability

- Limits voter input. Prohibits local voters from providing direction on how local tax dollars should be spent by prohibiting local advisory measures.
- Invalidates the Upland decision that allows a majority of local voters to pass special taxes. Taxes proposed by the Initiative are subject to the

same rules as taxes placed on the ballot by a city council. All measures passed between January 2022 and November 2022 would be invalidated unless reenacted within 12 months.

2. Restrict local fee authority to provide local services

- Impacts franchise fees. Sets new standard for fees and charges paid for the use of local and state government property. The standard may significantly restrict the amount oil companies, utilities, gas companies, railroads, garbage companies, cable companies, and other corporations pay for the use of local public property. Rental and sale of local government property must be “reasonable” which must be proved by “clear and convincing evidence.”
- Except for licensing and other regulatory fees, fees and charges may not exceed the “actual cost” of providing the product or service for which the fee is charged. “Actual cost” is the “minimum amount necessary.” The burden to prove the fee or charge does not exceed “actual cost” is changed to “clear and convincing” evidence.

3. Restrict authority of state and local governments to issue fines and penalties for violations of law

- Requires voter approval of fines, penalties, and levies for corporations and property owners that violate state and local laws unless a new, undefined adjudicatory process is used to impose the fines and penalties.

4. Restrict local tax authority to provide local services

- Requires voter approval to expand existing taxes (e.g., UUT, use tax, TOT) to new territory (e.g., annexation) or expanding the base (e.g., new utility service).
- City charters may not be amended to include a tax or fee.
- New taxes can be imposed only for a specific time period.
- Taxes adopted after Jan. 1, 2022, that do not comply with the new rules, are void unless reenacted.
- All state taxes require majority voter approval.
- Prohibits any surcharge on property tax rate and allocation of property tax to state.

5. Other changes

- No fee or charge or exaction regulating vehicle miles traveled can be imposed as a condition of property development or occupancy.

Fiscal Impact

There is no fiscal impact associated with the requested action.

Recommendation

Staff recommends the City Council adopt a Resolution Expressing Opposition to the Initiative 21-0042A1, the Taxpayer Protection and Government Accountability Act (California Business Roundtable Ballot Measure).

Attachments

1. Draft Resolution

2. Initiative 21-0042A1

RESOLUTION NO. XX-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY TO OPPOSE INITIATIVE 21-0042A1, THE TAXPAYER PROTECTION AND GOVERNMENT ACCOUNTABILITY ACT

WHEREAS, an association representing California's wealthiest corporations is behind a deceptive proposition aimed for the November 2022 statewide ballot; and

WHEREAS, the measure creates new constitutional loopholes that allow corporations to pay far less than their fair share for the impacts they have on our communities, including local infrastructure, our environment, water quality, air quality, and natural resources; and

WHEREAS, the measure includes undemocratic provisions that would make it more difficult for local voters to pass measures needed to fund local services and infrastructure, and would limit voter input by prohibiting local advisory measures where voters provide direction on how they want their local tax dollars spent; and

WHEREAS, the measure makes it much more difficult for state and local regulators to issue fines and levies on corporations that violate laws intended to protect our environment, public health and safety, and our neighborhoods; and

WHEREAS, the measure puts billions of dollars currently dedicated to state and local services at risk, and could force cuts to public schools, fire and emergency response, law enforcement, public health, parks, libraries, affordable housing, services to support homeless residents, mental health services, and more; and

WHEREAS, the measure would also reduce funding for critical infrastructure like streets and roads, public transportation, drinking water, new schools, sanitation, and utilities.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Oakley does hereby opposes Initiative 21-0042A.

THEREFORE BE IT FURTHER RESOLVED, that the City of Oakley will join the NO on Initiative 21-0042A1 coalition, a growing coalition of public safety, labor, local government, infrastructure advocates, and other organizations throughout the State. We direct staff to email a copy of this adopted resolution to the League of California Cities at BallotMeasures@calcities.org.

PASSED AND ADOPTED by the City Council of the City of Oakley this 25th day of April 2023
by the following vote:

AYES:

NOES:

ABSTENTION:

ABSENT:

APPROVED:

Aaron Meadows, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date

BELL, McANDREWS & HILTACHK, LLP
ATTORNEYS AND COUNSELORS AT LAW
455 CAPITOL MALL, SUITE 600
SACRAMENTO, CALIFORNIA 95814

(916) 442-7757
FAX (916) 442-7759
www.bmhlaw.com

21 - 0042 Amdt. # 1

January 4, 2022

RECEIVED

JAN 04 2022

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Anabel Renteria
Initiative Coordinator
Office of the Attorney General
State of California
PO Box 994255
Sacramento, CA 94244-25550

Re: Initiative 21-0042 - Amendment Number One

Dear Initiative Coordinator:

Pursuant to subdivision (b) of Section 9002 of the Elections Code, enclosed please find Amendment #1 to Initiative No. 21-0042 "The Taxpayer Protection and Government Accountability Act." The amendments are reasonably germane to the theme, purpose or subject of the initiative measure as originally proposed.

I am the proponent of the measure and request that the Attorney General prepare a circulating title and summary of the measure as provided by law, using the amended language.

Thank you for your time and attention processing my request.

Sincerely,



Thomas W. Hiltachk

The Taxpayer Protection and Government Accountability Act

[Deleted codified text is denoted in ~~strikeout~~. Added codified text is denoted by *italics and underline*.]

Section 1. Title

This Act shall be known, and may be cited as, the Taxpayer Protection and Government Accountability Act.

Section 2. Findings and Declarations

(a) Californians are overtaxed. We pay the nation's highest state income tax, sales tax, and gasoline tax. According to the U.S. Census Bureau, California's combined state and local tax burden is the highest in the nation. Despite this, and despite two consecutive years of obscene revenue surpluses, state politicians in 2021 alone introduced legislation to raise more than \$234 *billion* in new and higher taxes and fees.

(b) Taxes are only part of the reason for California's rising cost-of-living crisis. Californians pay billions more in hidden "fees" passed through to consumers in the price they pay for products, services, food, fuel, utilities and housing. Since 2010, government revenue from state and local "fees" has more than doubled.

(c) California's high cost of living not only contributes to the state's skyrocketing rates of poverty and homelessness, they are the pushing working families and job-providing businesses out of the state. The most recent Census showed that California's population dropped for the first time in history, costing us a seat in Congress. In the past four years, nearly 300 major corporations relocated to other states, not counting thousands more small businesses that were forced to move, sell or close.

(d) California voters have tried repeatedly, at great expense, to assert control over whether and how taxes and fees are raised. We have enacted a series of measures to make taxes more predictable, to limit what passes as a "fee," to require voter approval, and to guarantee transparency and accountability. These measures include Proposition 13 (1978), Proposition 62 (1986), Proposition 218 (1996), and Proposition 26 (2010).

(e) Contrary to the voters' intent, these measures that were designed to control taxes, spending and accountability, have been weakened and hamstrung by the Legislature, government lawyers, and the courts, making it necessary to pass yet another initiative to close loopholes and reverse hostile court decisions.

Section 3. Statement of Purpose

(a) In enacting this measure, the voters reassert their right to a voice and a vote on new and higher taxes by requiring any new or higher tax to be put before voters for approval. Voters also intend that all fees and other charges are passed or rejected by the voters themselves or a governing body elected by voters and not unelected and unaccountable bureaucrats.

(b) Furthermore, the purpose and intent of the voters in enacting this measure is to increase transparency and accountability over higher taxes and charges by requiring any tax measure placed on the ballot—

either at the state or local level—to clearly state the type and rate of any tax, how long it will be in effect, and the use of the revenue generated by the tax.

(c) Furthermore, the purpose and intent of the voters in enacting this measure is to clarify that any new or increased form of state government revenue, by any name or manner of extraction paid directly or indirectly by Californians, shall be authorized only by a vote of the Legislature and signature of the Governor to ensure that the purposes for such charges are broadly supported and transparently debated.

(d) Furthermore, the purpose and intent of the voters in enacting this measure is also to ensure that taxpayers have the right and ability to effectively balance new or increased taxes and other charges with the rapidly increasing costs Californians are already paying for housing, food, childcare, gasoline, energy, healthcare, education, and other basic costs of living, and to further protect the existing constitutional limit on property taxes and ensure that the revenue from such taxes remains local, without changing or superseding existing constitutional provisions contained in Section 1(c) of Article XIII A.

(e) In enacting this measure, the voters also additionally intend to reverse loopholes in the legislative two-thirds vote and voter approval requirements for government revenue increases created by the courts including, but not limited to, *Cannabis Coalition v. City of Upland*, *Chamber of Commerce v. Air Resources Board*, *Schmeer v. Los Angeles County*, *Johnson v. County of Mendocino*, *Citizens Assn. of Sunset Beach v. Orange County Local Agency Formation Commission*, and *Wilde v. City of Dunsmuir*.

Section 4. Section 3 of Article XIII A of the California Constitution is amended to read:

Sec. 3(a) Every levy, charge, or exaction of any kind imposed by state law is either a tax or an exempt charge.

(b)(1) (a) Any change in state statute law which results in any taxpayer paying a new or higher tax must be imposed by an act passed by not less than two-thirds of all members elected to each of the two houses of the Legislature, and submitted to the electorate and approved by a majority vote, except that no new ad valorem taxes on real property, or sales or transaction taxes on the sales of real property, may be imposed. Each Act shall include:

(A) A specific duration of time that the tax will be imposed and an estimate of the annual amount expected to be derived from the tax.

(B) A specific and legally binding and enforceable limitation on how the revenue from the tax can be spent. If the revenue from the tax can be spent for unrestricted general revenue purposes, then a statement that the tax revenue can be spent for "unrestricted general revenue purposes" shall be included in a separate, stand-alone section. Any proposed change to the use of the revenue from the tax shall be adopted by a separate act that is passed by not less than two-thirds of all members elected to each of the two houses of the Legislature and submitted to the electorate and approved by a majority vote.

(2) The title and summary and ballot label or question required for a measure pursuant to the Elections Code shall, for each measure providing for the imposition of a tax, including a measure proposed by an elector pursuant to Article II, include:

(A) The type and amount or rate of the tax;

(B) The duration of the tax; and

(C) The use of the revenue derived from the tax.

(c) Any change in state law which results in any taxpayer paying a new or higher exempt charge must be imposed by an act passed by each of the two houses of the Legislature. Each act shall specify the type of exempt charge as provided in subdivision (e), and the amount or rate of the exempt charge to be imposed.

(d) ~~(b)~~ As used in this section and in Section 9 of Article II, "tax" means every ~~any~~ levy, charge, or exaction of any kind imposed by the State state law that is not an exempt charge, except the following:

(e) As used in this section, "exempt charge" means only the following:

(1) a charge imposed for a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the State of conferring the benefit or granting the privilege to the payor.

(1) ~~(2)~~ A reasonable charge imposed for a specific government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable actual costs to the State of providing the service or product to the payor.

(2) ~~(3)~~ A charge imposed for the reasonable regulatory costs to the State incident to issuing licenses and permits, performing investigations, inspections, and audits, enforcing agricultural marketing orders, and the administrative enforcement and adjudication thereof.

(3) A levy, charge, or exaction collected from local units of government, health care providers or health care service plans that is primarily used by the State of California for the purposes of increasing reimbursement rates or payments under the Medi-Cal program, and the revenues of which are primarily used to finance the non-federal portion of Medi-Cal medical assistance expenditures.

(4) A reasonable charge imposed for entrance to or use of state property, or the purchase, rental, or lease of state property, except charges governed by Section 15 of Article XI.

(5) A fine, or penalty, ~~or other monetary charge~~ including any applicable interest for nonpayment thereof, imposed by the judicial branch of government or the State, as a result of a state administrative enforcement agency pursuant to adjudicatory due process, to punish a violation of law.

(6) A levy, charge, assessment, or exaction collected for the promotion of California tourism pursuant to Chapter 1 (commencing with Section 13995) of Part 4.7 of Division 3 of Title 2 of the Government Code.

(f) ~~(e)~~ Any tax or exempt charge adopted after January 1, ~~2022~~ 2010, but prior to the effective date of this act, that was not adopted in compliance with the requirements of this section is void 12 months after the effective date of this act unless the tax or exempt charge is reenacted by the Legislature and signed into law by the Governor in compliance with the requirements of this section.

(g) ~~(1) ~~(d)~~~~ The State bears the burden of proving by a preponderance of the clear and convincing evidence that a levy, charge, or other exaction is an exempt charge and not a tax. The State bears the burden of proving by clear and convincing evidence that the amount of the exempt charge is reasonable and that the amount charged does not exceed the actual cost of providing the service or product to the payor., that the amount is no more than necessary to cover the reasonable costs of the governmental activity and

that the manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the payor's burdens on, or benefits received from, the governmental activity

(2) The retention of revenue by, or the payment to, a non-governmental entity of a levy, charge, or exaction of any kind imposed by state law, shall not be a factor in determining whether the levy, charge, or exaction is a tax or exempt charge.

(3) The characterization of a levy, charge, or exaction of any kind as being voluntary, or paid in exchange for a benefit, privilege, allowance, authorization, or asset, shall not be a factor in determining whether the levy, charge, or exaction is a tax or an exempt charge.

(4) The use of revenue derived from the levy, charge or exaction shall be a factor in determining whether the levy, charge, or exaction is a tax or exempt charge.

(h) As used in this section:

(1) "Actual cost" of providing a service or product means: (i) the minimum amount necessary to reimburse the government for the cost of providing the service or product to the payor, and (ii) where the amount charged is not used by the government for any purpose other than reimbursing that cost. In computing "actual cost" the maximum amount that may be imposed is the actual cost less all other sources of revenue including, but not limited to taxes, other exempt charges, grants, and state or federal funds received to provide such service or product.

(2) "Extend" includes, but is not limited to, doing any of the following with respect to a tax or exempt charge: lengthening its duration, delaying or eliminating its expiration, expanding its application to a new territory or class of payor, or expanding the base to which its rate is applied.

(3) "Impose" means adopt, enact, reenact, create, establish, collect, increase or extend.

(4) "State law" includes, but is not limited to, any state statute, state regulation, state executive order, state resolution, state ruling, state opinion letter, or other legal authority or interpretation adopted, enacted, enforced, issued, or implemented by the legislative or executive branches of state government. "State law" does not include actions taken by the Regents of the University of California, Trustees of the California State University, or the Board of Governors of the California Community Colleges.

Section 5. Section 1 of Article XIII C of the California Constitution is amended, to read:

Sec. 1. Definitions. As used in this article:

(a) "Actual cost" of providing a service or product means: (i) the minimum amount necessary to reimburse the government for the cost of providing the service or product to the payor, and (ii) where the amount charged is not used by the government for any purpose other than reimbursing that cost. In computing "actual cost" the maximum amount that may be imposed is the actual cost less all other sources of revenue including, but not limited to taxes, other exempt charges, grants, and state or federal funds received to provide such service or product.

(b) "Extend" includes, but is not limited to, doing any of the following with respect to a tax, exempt charge, or Article XIII D assessment, fee, or charge: lengthening its duration, delaying or eliminating its expiration, expanding its application to a new territory or class of payor, or expanding the base to which its rate is applied.

(c) (a) "General tax" means any tax imposed for general governmental purposes.

(d) "Impose" means adopt, enact, reenact, create, establish, collect, increase, or extend.

(e) (b) "Local government" means any county, city, city and county, including a charter city or county, any special district, or any other local or regional governmental entity, or an elector pursuant to Article II or the initiative power provided by a charter or statute.

(f) "Local law" includes, but is not limited to, any ordinance, resolution, regulation, ruling, opinion letter, or other legal authority or interpretation adopted, enacted, enforced, issued, or implemented by a local government.

(g) (c) "Special district" means an agency of the State, formed pursuant to general law or a special act, for the local performance of governmental or proprietary functions with limited geographic boundaries including, but not limited to, school districts and redevelopment agencies.

(h) (d) "Special tax" means any tax imposed for specific purposes, including a tax imposed for specific purposes, which is placed into a general fund.

(i) (e) As used in this article, and in Section 9 of Article II, "tax" means every any-levy, charge, or exaction of any kind, imposed by a local government law that is not an exempt charge, except the following:

(i) As used in this section, "exempt charge" means only the following:

(1) A charge imposed for a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of conferring the benefit or granting the privilege.

(1) (2) A reasonable charge imposed for a specific local government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable actual costs to the local government of providing the service or product.

(2) (3) A charge imposed for the reasonable regulatory costs to a local government for issuing licenses and permits, performing investigations, inspections, and audits, enforcing agricultural marketing orders, and the administrative enforcement and adjudication thereof.

(3) (4) A reasonable charge imposed for entrance to or use of local government property, or the purchase, rental, or lease of local government property.

(4) (5) A fine, or penalty, or other monetary charge including any applicable interest for nonpayment thereof, imposed by the judicial branch of government or a local government administrative enforcement agency pursuant to adjudicatory due process, as a result of to punish a violation of law.

(5) (6) A charge imposed as a condition of property development. No levy, charge, or exaction regulating or related to vehicle miles traveled may be imposed as a condition of property development or occupancy.

(6) (7) An Assessments and property related fees assessment, fee, or charge imposed in accordance with the provisions of subject to Article XIII D, or an assessment imposed upon a business in a tourism marketing district, a parking and business improvement area, or a property and business improvement district.

(7) A charge imposed for a specific health care service provided directly to the payor and that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of providing the health care service. As used in this paragraph, a "health care service" means a service licensed or exempt from licensure by the state pursuant to Chapters 1, 1.3, or 2 of Division 2 of the Health and Safety Code.

The local government bears the burden of proving by a preponderance of the evidence that a levy, charge, or other exaction is not a tax, that the amount is no more than necessary to cover the reasonable costs of the governmental activity and that the manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the payor's burdens on, or benefits received from, the governmental activity.

Section 6. Section 2 of Article XIII C of the California Constitution is amended to read:

Sec. 2. Local Government Tax Limitation. Notwithstanding any other provision of this Constitution:

(a) Every levy, charge, or exaction of any kind imposed by local law is either a tax or an exempt charge. All taxes imposed by any local government shall be deemed to be either general taxes or special taxes. Special purpose districts or agencies, including school districts, shall have no power to levy general taxes.

(b) No local ~~law government, whether proposed by the governing body or by an elector,~~ may impose, extend, or increase any general tax unless and until that tax is submitted to the electorate and approved by a majority vote. A general tax shall not be deemed to have been increased if it is imposed at a rate not higher than the maximum rate so approved. The election required by this subdivision shall be consolidated with a regularly scheduled general election for members of the governing body of the local government, except in cases of emergency declared by a unanimous vote of the governing body.

(c) ~~Any general tax imposed, extended, or increased, without voter approval, by any local government on or after January 1, 1995, and prior to the effective date of this article, shall continue to be imposed only if approved by a majority vote of the voters voting in an election on the issue of the imposition, which election shall be held within two years of the effective date of this article and in compliance with subdivision (b).~~ (d) No local ~~law government, whether proposed by the governing body or by an elector,~~ may impose, ~~extend, or increase~~ any special tax unless and until that tax is submitted to the electorate and approved by a two-thirds vote. A special tax shall not be deemed to have been increased if it is imposed at a rate not higher than the maximum rate so approved.

(d) The title and summary and ballot label or question required for a measure pursuant to the Elections Code shall, for each measure providing for the imposition of a tax, include:

(1) The type and amount or rate of the tax;

(2) the duration of the tax; and

(3) The use of the revenue derived from the tax. If the proposed tax is a general tax, the phrase "for general government use" shall be required, and no advisory measure may appear on the same ballot that would indicate that the revenue from the general tax will, could, or should be used for a specific purpose.

(e) Only the governing body of a local government, other than an elector pursuant to Article II or the initiative power provided by a charter or statute, shall have the authority to impose any exempt charge. The governing body shall impose an exempt charge by an ordinance specifying the type of exempt charge

as provided in Section 1(j) and the amount or rate of the exempt charge to be imposed, and passed by the governing body. This subdivision shall not apply to charges specified in paragraph (7) of subdivision (j) of Section 1.

(f) No amendment to a Charter which provides for the imposition, extension, or increase of a tax or exempt charge shall be submitted to or approved by the electors, nor shall any such amendment to a Charter hereafter submitted to or approved by the electors become effective for any purpose.

(g) Any tax or exempt charge adopted after January 1, 2022, but prior to the effective date of this act, that was not adopted in compliance with the requirements of this section is void 12 months after the effective date of this act unless the tax or exempt charge is reenacted in compliance with the requirements of this section.

(h)(1) The local government bears the burden of proving by clear and convincing evidence that a levy, charge or exaction is an exempt charge and not a tax. The local government bears the burden of proving by clear and convincing evidence that the amount of the exempt charge is reasonable and that the amount charged does not exceed the actual cost of providing the service or product to the payor.

(2) The retention of revenue by, or the payment to, a non-governmental entity of a levy, charge, or exaction of any kind imposed by a local law, shall not be a factor in determining whether the levy, charge, or exaction is a tax or exempt charge.

(3) The characterization of a levy, charge, or exaction of any kind imposed by a local law as being paid in exchange for a benefit, privilege, allowance, authorization, or asset, shall not be factors in determining whether the levy, charge, or exaction is a tax or an exempt charge.

(4) The use of revenue derived from the levy, charge or exaction shall be a factor in determining whether the levy, charge, or exaction is a tax or exempt charge.

Section 7. Section 3 of Article XIII D of the California Constitution is amended, to read:

Sec. 3. Property Taxes, Assessments, Fees and Charges Limited

(a) No tax, assessment, fee, ~~or charge~~, or surcharge, including a surcharge based on the value of property, shall be assessed ~~by any agency~~ upon any parcel of property or upon any person as an incident of property ownership except:

(1) The ad valorem property tax ~~imposed pursuant to~~ described in Section 1(a) of Article XIII and Section 1(a) of Article XIII A, and described and enacted pursuant to the voter approval requirement in Section 1(b) of Article XIII A.

(2) Any special non-ad valorem tax receiving a two-thirds vote of qualified electors pursuant to Section 4 of Article XIII A, or after receiving a two-thirds vote of those authorized to vote in a community facilities district by the Legislature pursuant to statute as it existed on December 31, 2021.

(3) Assessments as provided by this article.

(4) Fees or charges for property related services as provided by this article.

(b) For purposes of this article, fees for the provision of electrical or gas service shall not be deemed charges or fees imposed as an incident of property ownership.

Section 8. Sections 1 and 14 of Article XIII are amended to read:

Sec. 1 Unless otherwise provided by this Constitution or the laws of the United States:

(a) All property is taxable and shall be assessed at the same percentage of fair market value. When a value standard other than fair market value is prescribed by this Constitution or by statute authorized by this Constitution, the same percentage shall be applied to determine the assessed value. The value to which the percentage is applied, whether it be the fair market value or not, shall be known for property tax purposes as the full value.

(b) All property so assessed shall be taxed in proportion to its full value.

(c) All proceeds from the taxation of property shall be apportioned according to law to the districts within the counties.

Sec. 14. All property taxed by state or local government shall be assessed in the county, city, and district in which it is situated. Notwithstanding any other provision of law, such state or local property taxes shall be apportioned according to law to the districts within the counties.

Section 9. General Provisions

A. This Act shall be liberally construed in order to effectuate its purposes.

B. (1) In the event that this initiative measure and another initiative measure or measures relating to state or local requirements for the imposition, adoption, creation, or establishment of taxes, charges, and other revenue measures shall appear on the same statewide election ballot, the other initiative measure or measures shall be deemed to be in conflict with this measure. In the event that this initiative measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and the provisions of the other initiative measure or measures shall be null and void.

(2) In furtherance of this provision, the voters hereby declare that this measure conflicts with the provisions of the "Housing Affordability and Tax Cut Act of 2022" and "The Tax Cut and Housing Affordability Act," both of which would impose a new state property tax (called a "surcharge") on certain real property, and where the revenue derived from the tax is provided to the State, rather than retained in the county in which the property is situated and for the use of the county and cities and districts within the county, in direct violation of the provisions of this initiative.

(3) If this initiative measure is approved by the voters, but superseded in whole or in part by any other conflicting initiative measure approved by the voters at the same election, and such conflicting initiative is later held invalid, this measure shall be self-executing and given full force and effect.

C. The provisions of this Act are severable. If any portion, section, subdivision, paragraph, clause, sentence, phrase, word, or application of this Act is for any reason held to be invalid by a decision of any court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this Act. The People of the State of California hereby declare that they would have adopted this Act and each and every portion, section, subdivision, paragraph, clause, sentence, phrase, word, and application not

declared invalid or unconstitutional without regard to whether any portion of this Act or application thereof would be subsequently declared invalid.

D. If this Act is approved by the voters of the State of California and thereafter subjected to a legal challenge alleging a violation of state or federal law, and both the Governor and Attorney General refuse to defend this Act, then the following actions shall be taken:

(1) Notwithstanding anything to the contrary contained in Chapter 6 of Part 2 of Division 3 of Title 2 of the Government Code or any other law, the Attorney General shall appoint independent counsel to faithfully and vigorously defend this Act on behalf of the State of California.

(2) Before appointing or thereafter substituting independent counsel, the Attorney General shall exercise due diligence in determining the qualifications of independent counsel and shall obtain written affirmation from independent counsel that independent counsel will faithfully and vigorously defend this Act. The written affirmation shall be made publicly available upon request.

(3) A continuous appropriation is hereby made from the General Fund to the Controller, without regard to fiscal years, in an amount necessary to cover the costs of retaining independent counsel to faithfully and vigorously defend this Act on behalf of the State of California.

(4) Nothing in this section shall prohibit the proponents of this Act, or a bona fide taxpayers association, from intervening to defend this Act.