



AGENDA

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

Tuesday, March 14, 2023

6:30 PM

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

NOTE: Vice Mayor Williams will join via teleconference. Her location is the Grand Hyatt Washington lobby, 1000 H Street NW, Washington DC 20001. 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.

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

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

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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 (Boy Scout Troop 152)**
- 1.3 Proclamation Recognizing March as American Red Cross Month and Presentation by Brian Oftedal, Red Cross Volunteer, Member of the Red Cross Contra Costa Leadership Council and Fire Commissioner with ConFire**
[American Red Cross Month Proclamation](#)
- 1.4 Ironhouse Sanitary District Update (General Manager, Chad Davisson)**

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 February 28, 2023 (Libby Vreonis, City Clerk)

[Minutes 02-28-23](#)

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

[Memo](#)

3.3 Creating Zone 187 within the Oakley Special Police Tax Area consisting of 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. Resolution](#)

[1A. Exhibit A](#)

[2. Ordinance](#)

[2A. Exhibit A](#)

[2B. Exhibit B](#)

3.4 Adopt a Resolution approving the Travel and Expense Policy (Jeri Tejeda, Human Resources Director)

[Staff Report](#)

[1. Resolution](#)

[2. Proposed Travel and Expense Policy](#)

[3. Current Travel Policy](#)

4.PUBLIC HEARINGS

5.REGULAR CALENDAR

5.1 Adopt A Resolution Establishing the Rules for the Conduct of Meetings of the Oakley City Council (Superseding Resolution No. 10-10) (Derek Cole, City Attorney)

[Staff Report](#)

1. Proposed Resolution

5.2 Selection Process for Special Event Vendors (Lindsey Bruno, Recreation Manager)

Staff Report

1. Rating Rubric

5.3 Authorization for the City Manager to Execute a Purchase and Sale Agreement with Juli Del Barba Favalora for the sale of the property located at 204 2nd Street (APN: 035-132-002) (Joshua McMurray, City Manager)

Staff Report

1. Draft Purchase and Sale Agreement

2. Draft Resolution

5.4 Adopt a resolution declaring one property as "Surplus" and direct staff to provide the notices required by AB 1255 and AB 1486 (Joshua McMurray, City Manager)

Staff Report

1. Resolution

2. Aerial Map of the Property

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

7.1 Economic Development Work Plan Update (Harumi Murata, Economic Development Analyst)

[Staff Report](#)

**7.2 Follow Up Recommendations from Oakley Youth Council Recommendations
(Lindsey Bruno, Recreation Manager)**

[Staff Report](#)

8.CLOSED SESSION

**8.1 CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED
LITIGATION-SIGNIFICANT EXPOSURE TO LITIGATION
Pursuant to Government Code Section 54956.9(d)(2). One potential case.**

9.ADJOURN

PROCLAMATION

AMERICAN RED CROSS MONTH, 2023

WHEREAS; *During American Red Cross Month in March, we celebrate the humanitarian spirit of Contra Costa and reaffirm our commitment to help ensure no one faces a crisis alone; and*

WHEREAS; *Caring for one another is at the heart of our community and exemplified by the people of Contra Costa, whose simple acts of kindness through the Red Cross provide help and hope in people's most difficult moments — continuing the lifesaving legacy of Clara Barton, who founded the organization more than 140 years ago to prevent and alleviate human suffering; and*

WHEREAS; *Every day, these ordinary individuals lend a helping hand to make an extraordinary difference for neighbors in need — whether it's providing emergency shelter, food and comfort for families displaced by home fires, floods and other disasters. In 2022 the Red Cross assisted 172 families in need; and*

WHEREAS; *Every day, these ordinary individuals donate lifesaving blood for cancer patients, accident victims, and people with sickle cell disease and other life-threatening conditions. In 2022 there were 568 blood drives held in Contra Costa County, collecting over 16,823 units of blood; and*

WHEREAS; *Every day, these ordinary individuals support military members and veterans, along with their families and caregivers, through the unique challenges of service. The Red Cross Service to the Armed Forces opened and assisted 320 cases; and*

WHEREAS; *Every day, these ordinary individuals use vital skills like first aid and CPR to help others survive medical emergencies. In 2022 we trained over 7,000 people in these skills. and they deliver international humanitarian aid and reconnect loved ones separated by crises around the world; and*

WHEREAS; *In addition, these ordinary individuals, through our Red Cross Sound the Alarm program installed 300 smoke alarms making households safer and trained over 400 youth in preparedness through our Prepare with Pedro and Pillowcase Project.*

WHEREAS; *The support, volunteerism and generous donations by these ordinary individuals and partners are critical to our community's resilience. We hereby recognize this month of March in honor of all those who fulfill Clara Barton's noble words, "You must never think of anything except the need and how to meet it," and ask everyone to join in this commitment.*

NOW, THEREFORE, BE IT RESOLVED THAT I, Aaron Meadows, Mayor of the City of Oakley on behalf of the City Council, hereby proclaim, March 2023 as Red Cross Month.

March 14, 2023

Aaron Meadows, Mayor

**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 Oakley Public Financing
Authority Meeting held
February 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 6:30pm 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 (Bella, Evelyn and Sofia - Cadette Girl Scout Troop 33790)

Bella and Evelyn with Cadette Girl Scout Troop led the Pledge of Allegiance. Sofia was absent.

2) PUBLIC COMMENTS

Gretchen Gandy, Principal at Orchard Park School commented that parents have contacted her to express concern regarding a possible cannabis farm within walking distance of the school. She expressed that she hopes it is still in consideration. She shared it is not good placement as there are already pressures on teens regarding drugs and the school having students TK-8th grades.

Lindsay Wisely, Director of Secondary Schools in Antioch, expressed concerned about the cannabis farm being close to Orchard Park School, indicating she has received numerous complaints from parents about it.

Carol Manning commented against the proposed Continente cultivation project. She mentioned in 2017, the City took action to prohibit the sale and cultivation of marijuana and she would like to know why the City is considering changing it now. She asked why not continue to lead with other cities rejecting it. She also asked what regard is given to the surrounding residents and school. She mentioned this is for profit. She discussed the dangers of cultivation facilities, i.e., San Leandro shoot out, multiple lawsuits regarding odors of indoor facilities, THC impacts, Colorado crime/vehicular accidents, biohazard to surrounding neighborhoods/school if fire, unsafe for first responders, drought-water usage, toxins detrimental to the environment; allergies/asthma, dangers of compounds released, etc. She mentioned it is federally illegal, with cash there is more risk of crime incidents, and tax revenue ends up paying for issues caused by grows.

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 January 10, 2023 (Libby Vreonis, City Clerk)**
- 3.2 Approve Minutes from the Special City Council Meeting held February 14, 2023 (Libby Vreonis, City Clerk)**
- 3.3 Approve Minutes from the Regular Joint City Council/City Council Acting as the Successor Agency to the Redevelopment Agency/Public Financing Authority Meeting Held February 14, 2023 (Libby Vreonis, City Clerk)**
- 3.4 Accept Report Out of Closed Session Memoranda (Derek Cole, City Attorney)**
- 3.5 Waive the 2nd Reading and Adopt an Ordinance Adding Section 2.1.003 to and Amending Section 2.1.005 of the Oakley Municipal Code Concerning the Annual Selection of Mayor and Vice Mayor Following the Implementation of By-District Elections (Derek Cole, City Attorney)**
- 3.6 Award of Construction Contract to TGN Build, Inc. for the construction of the City Hall Human Resources Department Remodeling Project - Capital Improvement Project (CIP) Number 290 (Kevin Rohani, P.E., Public Works Director/City Engineer)**
- 3.7 Approval of the Final Map for Subdivision 9311 (Located east of Jersey Island Road, west of Bethel Island Road and south of Dutch Slough Road) (Kevin Rohani, P.E., Public Works Director/City Engineer)**
- 3.8 Approval of Contract Amendment Number 2 with Park Engineering, Inc. for On-Call Consulting Services Related to Construction Management and Inspection Services for Fiscal Year 2022/23 (Kevin Rohani, P.E., Public Works Director/City Engineer)**
- 3.9 Approval of Contract Amendment Number 1 with HMM Engineers, Inc. for On-Call Consulting Services Related to Development Engineering Support Services for Fiscal Year 2022/23 (Kevin Rohani, P.E., Public Works Director/City Engineer)**
- 3.10 Approval of Contract Amendment Number 1 with BSK Associates for On-Call Consulting Services Related to Materials Testing and Inspection of Private Development Projects for Fiscal Year 2022/23 (Kevin Rohani, P.E., Public Works Director/City Engineer)**
- 3.11 Approval of Contract Amendment Number 1 with F. J. Kennedy and Associates, Inc. for On-Call Consulting Services Related to Clean Water Program Services for Fiscal Year 2022/23 (Kevin Rohani, P.E., Public Works Director/City Engineer)**
- 3.12 Adopt A Resolution Terminating the Declaration of an Emergency Affecting the Public Health and Safety Due to the Novel Coronavirus (COVID-19) Pandemic (Derek Cole, City Attorney)**

3.13 Adopt a Resolution to Appoint 2 Members to the Planning Commission and Change Planning Commissioner Leonard Price's Initial 2-Year Appointment to 4-Years (Brent Smith, Community Development Director)

Councilmember Shaw requested item 3.1 be pulled.

Councilmember Fuller requested item 3.13 be pulled.

No public comments were submitted.

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 Shaw commented that she did not make statements mentioned by Councilmember Fuller during the last meeting regarding item 7.1 on the January 10, 2023 meeting agenda.

Councilmember Fuller mentioned with he and Councilmember Shaw seated on opposite ends of the dais, it is sometimes hard for him to hear her if the sound is not picked up on the microphone when she is speaking; however, in listening to the video, it does appear correct.

No public comments were submitted.

It was moved by Councilmember Fuller and seconded by Councilmember Shaw to approve item 3.1. Motion was unanimous and so ordered. (5-0)

Item 3.13

Councilmember Fuller expressed he would prefer Jeanne Krieg to be in a 4-year term, Jimmy Ramirez in a 2-year term, and Leonard Price remain in a 2-year term.

No public comments were submitted.

Councilmember Shaw expressed she is in favor of Leonard Price to be in a 4-year term as he has already attended training and has been seated longer.

It was moved by Councilmember Fuller to adopt the resolution reflecting Jeanne Krieg to be in a 4-year term, Leonard Price in a 2-year term and Jimmy Ramirez in a 2-year term. The motion died for lack of a second.

It was moved by Councilmember Shaw and seconded by Vice Mayor Williams to adopt the resolution as written, with Leonard Price in a 4-year term, Jeanne Krieg in a 2-year term and Jimmy Ramirez in a 2-year term. Motion was unanimous and so ordered. (5-0)

4) PUBLIC HEARINGS

None.

5) REGULAR CALENDAR

5.1 Consideration of a Resolution Approving the Fiscal Year 2022/2023 Mid-Year Budget Review and Adopting its Recommendations for Revising the Fiscal Year Operating and Capital Budgets (Tim Przybyla, Finance Director)

Finance Director Tim Przybyla provided the staff report and PowerPoint presentation with proposed typo corrections.

No public comments were submitted.

Mayor Meadows mentioned there is currently authorization for 40 Police officers. He proposed the City over hire by 2-3 officers to ensure backfill for officers that may be on workers comp or not long-term.

Councilmember Fuller requested clarification if Mayor Meadows is proposing to over hire by 2 officers or by 3 officers.

Mayor Meadows indicated he would like staff's perspective as they are familiar with the workers comp cases and know who may exit in the next 2-6 months.

Councilmember Fuller requested the cost of 3 over hires and its impact on budget.

City Manager Joshua McMurray indicated the impact on budget would be significant, approximately \$200k-\$250k per officer, depending on level of experience. He indicated a work session will be scheduled either March 28 or April 11 to discuss staffing, dispatch and mutual aid.

Councilmember Fuller commented the City Manager has flexibility to move items around to make necessary hiring and budget adjustments.

Mr. McMurray indicated he has that flexibility with allocated positions that are budgeted.

Mayor Meadows added that Mr. McMurray currently has flexibility up to 40 officers.

Councilmember Henderson supported overstaffing. He mentioned with the timeline of the budget, they can make it all work and it will be important to get a report for the needs of facilities and equipment at the same time so they are looking at the whole picture.

Mayor Meadows agreed.

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

5.2 Adopt five separate Resolutions approving the update to the City's Personnel Rules, approving the Administrative Regulation Policy, approving the Compensation and Benefits for General Staff, approving the Compensation and Benefits for Police Management, and approving a side letter to the MOU between the City of Oakley and the Oakley Police Officers Association (Jeri Tejada, Human Resources Director)

Human Resources Director Jeri Tejada provided the staff report and PowerPoint presentation.

Councilmember Shaw inquired if bilingual pay includes sign language.

Ms. Tejada confirmed bilingual pay includes sign language.

Councilmember Fuller commented the City has a strong harassment policy. He requested confirmation that not only can a person report to a supervisor, but if a supervisor perceives harassment is taking place, the supervisor is expected to take action whether there has been a complaint made or not.

Ms. Tejada confirmed that is correct; if the supervisor witnesses something, they should take it to Human Resources.

Councilmember Fuller requested clarification if it includes any harassment visually perceived.

Ms. Tejada confirmed that is correct.

Councilmember Fuller mentioned page 52, section 6.3, indicates the City Manager selects the hearing officer. He suggested the hearing officer be selected by mutual agreement of the City Manager and grievant to take away any potential taint.

Ms. Tejada mentioned the City Manager would only be allowed to select the hearing officer if not part of a grievance; it would probably go to Human Resources or the City Attorney to select if the City Manager is involved. She added that staff is working with a labor attorney with Liebert Cassidy Whitmore and this has been recommended as best practices as this is what is done in other cities, but she is open to hear any suggestions.

Councilmember Henderson expressed appreciation for staff looking at common practices of other agencies to provide a comprehensive update.

It was moved by Councilmember Henderson and seconded by Vice Mayor Williams to adopt the five resolutions. Motion was unanimous and so ordered. (5-0)

5.3 Adopt a Resolution authorizing the creation of a Citywide Retail & Industrial Revitalization Grant Program (Joshua McMurray, City Manager)

City Manager Joshua McMurray presented the staff report.

Economic Development Analyst Harumi Murata provided a PowerPoint presentation.

Mr. McMurray mentioned staff appreciates the support of the Council, the allocation of funds shows an investment in the community, the program is beneficial to economic development-attracting new business and retaining and expanding existing businesses, and they have tried to

make the program as straightforward for both the applicant and staff. He mentioned recommends to adopt the resolution and for the 2014 program to be closed. He indicated staff will talk to the 3 businesses that are part of the old program to see if they can expedite loan forgiveness on the piece that is forgivable as the improvements have already been made and those businesses are operational and quite successful, and restructure the remaining loan payments to a yearly payment to simplify tracking by staff.

Vice Mayor Williams expressed she loves the program. She inquired about the sustainability of the program. She mentioned currently, 10 to 14 businesses could participate, depending on how much they apply for. She inquired how more businesses can participate.

Mr. McMurray responded it is a policy decision of the Council when staff proposes budget. He mentioned they will see how the program goes and staff will be aggressively talking to existing businesses and using attraction efforts to make sure the program is successful and if it is, staff will request additional funds for future years.

Vice Mayor Williams mentioned Mayor Meadows commented only 3 businesses applied previously but administration of it was clunky; she would like staff to focus on publishing and publicizing it.

Mayor Meadows commented it was only the Downtown last time.

Vice Mayor Williams inquired if staff has any quantifiable idea of the revenue the facade improvement brought into the City.

Mr. McMurray mentioned it is tough to quantify; the City is not looking to make money, but rather bring new investment into the City for long-term benefits, i.e., as sales tax, property tax, job growth, etc.

Vice Mayor Williams inquired if Skipolini's and the other two businesses wouldn't have come without the benefit of this program.

Mr. McMurray responded that the three established their businesses in part because of that program.

No public comments were submitted.

Councilmember Shaw commended the City to reach out to the 3 businesses and close it and hopefully move them to this program. She mentioned the businesses survived COVID and going from 50/50 to 80/20 would be great; it gives them an opportunity if they pay off quickly to apply for more. She indicated it helps the businesses here and helps to attract new businesses.

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

5.4 Appropriating American Rescue Plan Act (ARPA) funds for Recreation Classes, to establish a Tourism Fund and funding related to the Oakley Senior Citizens Club (Joshua McMurray, City Manager)

City Manager Joshua McMurray presented the staff report. He mentioned the first allocation is for \$60k to provide free classes to Oakley youth.

Recreation Director Lindsey Bruno provided a report. She mentioned a presentation was provided earlier this year from the Oakley Youth Advisory Council (OYAC) to the Council during which they suggested to engage youth and since summer is when youth typically have the most free time to engage, if the allocation is approved, staff will include information in the Summer Recreation Guide regarding free classes available by registering in person. She shared that last year a free week of summer camp was offered and because it was closer to the deadline, staff didn't advertise; however they filled up summer camp with about half of registrants using the free week of camp. She mentioned this year, registrants can have a week of free summer camp and a free class, i.e., karate or skateboarding.

Mr. McMurray mentioned the second allocation is \$300k for a tourism fund to attract locals and visitors to access the Delta. He shared that the Council included in the City's Specific Plan to attract people to the Delta and grow its brand, with more focused effort on the Delta for recreation sport and fishing. He mentioned the City will look at long-term funding through TOT tax which is common in other cities and staff will bring an item back to Council with its findings.

Mr. McMurray indicated the Oakley Seniors have requested \$20k to assist with financial difficulties. He shared staff has been meeting with the Oakley Seniors for about a month discussing their funding deficiencies and providing potential resources. He indicated if the allocation is approved, staff will structure up to \$20k to be used in a calendar year with funds available for reimbursement (providing invoices and receipts) due April 1st. He mentioned staff will also require the Oakley Seniors to provide an update to the Council on May 16th to share how they have used ARPA funding along with their plan how they will be successful, sustainable and financially independent.

Online Public Comment

Claudia Correia commented as a member of the Oakley Senior Center. She shared resources the center provides, i.e., classes, hot meals and food donations. She mentioned other organizations use the building as well. She requested the support of the City so the center does not close.

Kyle Correia requested to speak on behalf of the senior center and his mother, Claudia Correia.

Public Comment

Mr. Correia shared he is a first responder and was previously assigned to a social service unit in Alameda County which has been disbanded and he sees this situation to be similar. He mentioned social services played a massive but not widely known part in the community, creating positive momentum, but due to a misunderstanding of what positive production is, the Board of Supervisors defunded the unit. He expressed that officials were not involved in daily operations and did not see the impact the unit had on lives; they only referred to the financial cost on paper. He shared that with the unit being disbanded, it has created problems in the community resulting in more spending on resources to resolve issues. He mentioned everyone has a part to play in the Senior Center in Oakley, sometimes seniors have only few tasks to look forward to each day, and elders are a large part of the Oakley community. He asked the Council to consider the lives that will be impacted and to invest in the future, invest in the community, and invest in Oakley.

Councilmember Shaw inquired if the Seniors would be able to come in with a proposal that is not a reimbursement if they find a good funding source.

Mr. McMurray mentioned the City approved nonprofit grants last year so they could've applied. He expressed it is possible but they need to have a plan how to become financially sustainable.

Councilmember Fuller thanked Ms. Bruno for having the registration waived on classes; there are a number of children impacted because of the income of their parents. He expressed he is glad to see the City is providing guidance so the City has a solid senior center that is offering many services.

Vice Mayor Williams inquired if they approve funding but need to make changes to any of these items because their accounting may not make it through if they can they adjust it.

Mr. McMurray indicated if it is the desire of the Council to do so, then yes.

Councilmember Shaw expressed the Seniors and Recreation classes are great and she is excited and fully supports bringing waterfront tourism.

Mayor Meadows expressed support for all three proposed allocations. He mentioned the Senior Center needs to do a lot of work for its plan and finances, the other organizations using the facility need to help carry the weight and pay rent for use of space. He inquired if the City's lease with the Seniors allows for subleasing and if so, if subtenants have insurance that meet City standards.

Mr. McMurray commented that the current lease agreement doesn't allow for subleases, but it can be amended and he has instructed them to do that. He mentioned he is not aware they sublease but would hope if they do they have insurance. He added that some groups such as the Veterans and Community Gardens have insurance and they assume 4-H has insurance, but they are not certain of the square dancing group.

Ms. Bruno mentioned during her meeting with the Seniors, they mentioned programs using space are providing insurance and naming the Seniors on their insurance; however, she is not aware if the insurance meets City standards.

Mayor Meadows commented they should be adding the City as an additional insured.

Ms. Bruno shared that staff did offer to share the City's rental agreements with the Seniors so they can have an idea of the fee structure, forms and policies.

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

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

Councilmember Shaw reported she attended an Ironhouse Sanitary District (ISD) Board meeting on February 21st where the Board voted to approve the First Implementation Agreement to the Partner Agreement between ISD and Montezuma Water regarding Jersey Island and they are talking about entering a Memorandum of Understanding with the City of Oakley. She mentioned an ISD special meeting was held on February 7th that provides a lot more detail. She also reported she attended the Oakley Police Awards Ceremony held February 22nd honoring officers and their families, and the Tri-Delta Transit Board meeting on February 22nd which she will let the Chair report on.

Vice Mayor Williams reported that after the last Council meeting, she met with the Oakley Seniors to learn more about the importance of the Senior Center; it is not just assisting seniors but others that may receive their only hot meal of day there. She mentioned they expressed issues with transportation for people to get to the Senior Center, so she worked with Tri-Delta and the County to get transportation vouchers issued by Tri-Delta of which the County reimburses Tri-Delta beginning March 1st. She mentioned she is also working with people to help them write grants and explore other options for funding. She also reported she attended the Tri-Delta Board meeting and there was a reduction for the BART feeder bus; a committee is being formed for better solutions. She mentioned Tri-Delta and other small operators went to the Capitol to rally for funding, there is a one-seat trial project where there is no transfer which is important for people with mobility concerns, and weekends and holidays and better access to underserved areas have been added to Tri MyRide.

Councilmember Henderson reported he also attended the ceremony for Police, he attended the Diablo Water Board meeting on February 22nd and has nothing to report, and yesterday the East Contra Costa Habitat Conservancy had its meeting, and its meetings will be live beginning in April and they will be using the Brentwood Chambers for the first couple of meetings.

Mayor Meadows reported he also attended the Police ceremony, the Contra Costa Transportation Authority meeting this month, and a special ECCRFA meeting to reprioritize the Sand Creek Road extension above James Donlon Blvd.; one developer will get reimbursed now for the work they have done to Sand Creek and as Sand Creek progresses, the others will get reimbursed.

(b) Requests for Future Agendas

Councilmember Fuller requested to review whether to call forward any legislation to the City Council directly (passing the Planning Commission) regarding cannabis. He mentioned he believes it should go to the voters. There was no support for the request.

Councilmember Shaw requested to consider a resolution in opposition of the California Business Roundtable Ballot Measure also known as the Taxpayer Protection and Government Accountability Act. The request was supported by Vice Mayor Williams.

Vice Mayor Williams requested a review of the CalCities' report on Council pay which indicates pay may be limiting candidates' ability to run for office. The request was supported by Councilmember Shaw with the condition it is looked at on a regular basis.

Councilmember Fuller commented he understands there is only a limited time when Council salary can be discussed, after an election.

Mr. McMurray indicated staff will look into it.

7) WORK SESSIONS

8) CLOSED SESSION

Mayor Meadows announced the three closed session items.

8.1 CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION *O'Hara Properties, LLC. v. City of Oakley et al.*, Contra Costa Sup. Ct. Case No. N22-0924

City Attorney Derek Cole reported that the City Council gave direction to staff to publicly notice the McDonald's and Quick Quack applications that are the subject of this litigation for further public hearings. No other reportable action was taken.

8.2 CITY ATTORNEY PERFORMANCE EVALUATION Pursuant to Government Code Section 54957

A performance review of the City Attorney was provided. There is no further reportable action.

8.3 CONFERENCE WITH REAL PROPERTY NEGOTIATORS Pursuant to Government Code Section 54956.8 Property: 3070 Main Street, Oakley, CA, APN 037-200-010 Agency Negotiator: Joshua McMurray, City Manager Negotiating Party: Kent A. Ipsen Under Negotiation: Price and term of payment

Direction was provided to staff and there was no reportable action.

9) ADJOURN

There being no further business, the meeting was adjourned at 9:19 p.m.

Respectively Submitted,

Libby Vreonis
City Clerk



MEMORANDUM
Office of the City Attorney

Date: March 1, 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 MARCH 14, 2023

Background and Analysis

The City Council considered the following closed session items during its regular meeting held February 28, 2023:

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

O'Hara Properties, LLC v City of Oakley et al., Contra Costa Sup. Ct. Case No. N22-0924

The City Council gave direction to staff to publicly notice the McDonald's and Quick Quack applications that are the subject of this litigation for further public hearings. No other reportable action was taken.

CITY ATTORNEY PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957

A performance review of the City Attorney was provided. There is no further reportable action.

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Property: 3070 Main Street, Oakley, CA APN 037-200-010

Agency Negotiator: Joshua McMurray, City Manager

Negotiating Party: Kent A. Ipsen

Under Negotiation: Price and term of payment

Direction was provided to staff and there was no reportable action.

Fiscal Impact

None.

Recommendation

Receive and file this report.

Attachments

None.

STAFF REPORT

DATE: March 14, 2023

TO: Joshua McMurray, City Manager

Approved and Forwarded to the City Council

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

SUBJECT: Creating Zone 187 within the Oakley Special Police Tax Area consisting of 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 Developer to mitigate the financial impact 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.

Beginning May 2016, the City established its own police department and no longer contracts with the Sheriff's office to provide public safety. In order to ensure that revenue grows at a rate sufficient to cover the cost of providing police services, City Council approved Resolution No. 113-16 on July 12, 2016, that allows for an adjustment in the annual tax per parcel by the increase in the Consumer Price Index for all Urban Consumers for the San Francisco-Oakland-Bay Area to become effective July 1, 2016. Adoption of the attached resolution and introduction of the attached ordinance will set an election date for April 17, 2023, which shall be conducted by the City Clerk via a mail ballot election. The vote will then be ratified at the April 25, 2023, regular City Council meeting, and the ordinance will take effect at that time assuming a favorable vote.

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 parcels is \$1,230.73/parcel (FY 2022-23 rates). The project is anticipated to consist of 50 parcels at build-out. 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.

Staff Recommendation

The Conditions of Approval for the Brownstone project located on the north side of Brownstone Road approximately 500 feet west of Main Street (APN 034-210-009) require the property owner to mitigate their financial impact on the police services budget. Adoption of this resolution and ordinance will set an election to be held on April 17, 2023. The election will then be ratified at the April 25, 2023, regular City Council meeting. Staff recommends that the City Council:

1. Adopt the Resolution creating Zone 187 within the Oakley Special Police Tax Area consisting of the Brownstone project located on the north side of Brownstone Road approximately 500 feet west of Main Street (APN 034-210-009); and
2. Introduce the Ordinance Establishing a Special Tax for Police Protection.

Attachments

- 1) Resolution Creating Oakley Special Police Tax Zone 187
 - 1A. Exhibit A - Diagram
- 2) Ordinance Establishing a Special Tax
 - 2A. Exhibit A – Diagram
 - 2B. Exhibit B – Schedule for Police Service Tax

RESOLUTION NO. XX-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY CREATING OAKLEY SPECIAL POLICE TAX AREA ZONE 187 WITHIN THE OAKLEY SPECIAL POLICE TAX AREA 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)

WHEREAS, it is the intention of the City Council to create Oakley Special Police Tax Area Zone 187 (Zone 187) within the Oakley Special Police Tax Area and authorize an election; and

WHEREAS, it is the intention of the City Council to adopt an ordinance establishing a special tax for police services within Zone 187; and

WHEREAS, the City recognizes the need for increased police protection services within Zone 187 and the difficulty of funding the current or increased level of police services with revenues now available; and

WHEREAS, it is the intention of the City Council to direct the City Clerk to conduct the election required by Government Code Section 53978, to be conducted by mail ballot pursuant to Elections Code Section 4108 and to be held on the earliest date permitted by law; and

WHEREAS, the property located on the north side of Brownstone Road approximately 500 feet west of Main Street known as Brownstone (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 Developer 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 Developer/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. The initial annual special tax rate for single family parcels is \$1,230.73/parcel (FY 2022-23 rates) per the rate schedule that was adopted by the City Council on July 12, 2016, by Resolution No. 113-16; and

WHEREAS, this Resolution is adopted pursuant to Government Code section 53978; and

WHEREAS, under Government Code section 53978 and for the purposes of this Resolution, a "voter" entitled to vote on the creation of Zone 187 is a person who owns real property within Zone 187 at the time Ordinance No. XX-23 is adopted, as shown on the last equalized assessment roll prepared by the Contra Costa County Assessor's Office.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Oakley hereby finds and determines as follows:

1. All of the City of Oakley shall be considered as the Oakley Special Police Tax Area.
2. That portion of the City of Oakley shown on the plats titled Exhibit A is established as Zone 187 of the Oakley Special Police Tax Area.
3. That Ordinance No. XX-23 introduced this date is to be presented for approval of the voters of Zone 187 by a mail ballot election, to be held on April 17, 2023. The ballot proposition shall read as follows:

"Shall Ordinance No. XX-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."

4. The City Clerk is directed to take all steps necessary to conduct the election required by this order. Said election shall be conducted by mailed ballot pursuant to Elections Code Section 4000 and shall be held on a date other than the same date as a statewide direct primary election on statewide general election as specified above.
5. Zone 187 of the Oakley Special Police Tax Area shall not be created, and the tax authorized in Ordinance No. XX-23 shall not be imposed if the Ordinance is not approved by two-thirds of the voters participating in the election called in Ordinance No. XX-23.

PASSED AND ADOPTED by the City Council of the City of Oakley 14th day of March 2023 by the following vote:

AYES:

NOES:

ABSTENTION:

ABSENT:

APPROVED:

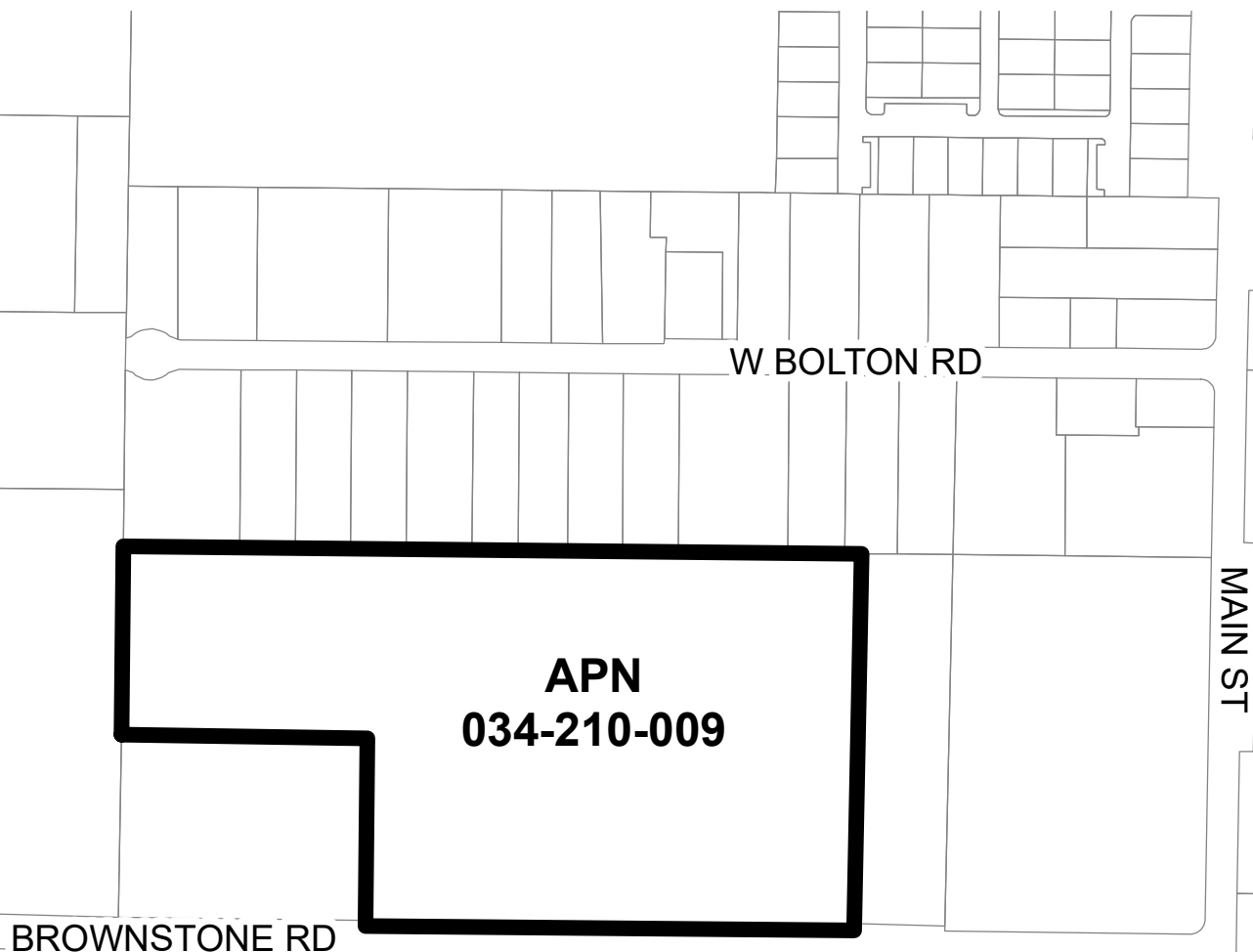
ATTEST:

Aaron Meadows, Mayor

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

ORDINANCE NO. XX-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:

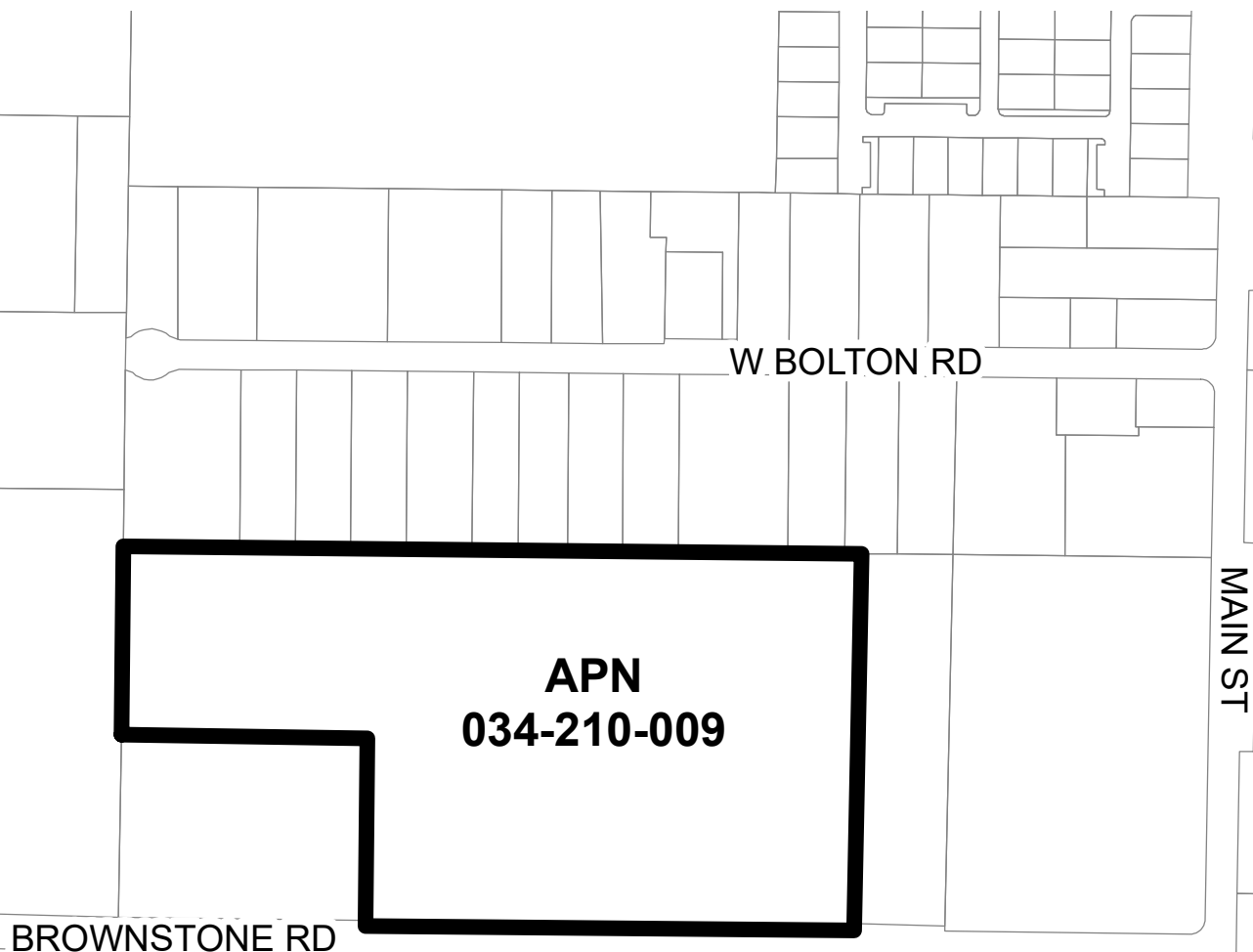
Aaron Meadows, Mayor

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

A horizontal scale bar with a black outline. The left end is labeled '0' and the right end is labeled '500'. Below the bar, the word 'Feet' is written.

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%



STAFF REPORT

DATE: 03/14/2023

TO: Joshua McMurray, City Manager

Approved and Forwarded to the City Council

FROM: Jeri Tejeda, Human Resources Director

SUBJECT: Adopt a Resolution approving the Travel and Expense Policy

Background and Analysis

As part of the clean-up of our Personnel Rules, many policies were identified as being either administrative in nature or to be a stand-alone policy and therefore removed from the Personnel Rules. The Travel and Expense Policy is one of those policies that was determined to better serve as a stand-alone policy.

This policy was rewritten to allow for a more streamlined simpler process when it comes to employee or appointed and elected official travel. Items that changed significantly are listed below:

1. When employees are required to travel for business related purposes, the City will compensate non-exempt employees per the Fair Labor Standards Act (FLSA) for all hours spent traveling.
2. Provide a better definition of covered expenses and what is needed for either an advance or reimbursement for those covered expense.
3. Simplified the per diem for meals and created a schedule as to when each meal will be considered a covered expense. Per diem rates are determined annually by utilizing the General Service Administration (GSA) for Contra Costa County.
4. Adds a section specific to elected or appointed officials as the California Government Code Sections 53232.2 and 53232.3 requires detailed receipts even if per diem rates are used.

This policy will better guide all departments on what is allowed when traveling for business related purposes. It will allow for the compensation of employees for representing the City at trainings, meetings or conferences and will ensure that the City

is up to date with current practices and laws. Replacing the current policy will help to provide employees with a simplified set of guidelines to follow and will help all departments more efficiently manage employee travel.

Consistency with the Oakley Strategic Plan 27+

This item is consistent with our strategic plans, sustainable organization goal as we continue to strive for transparency and trust within the City. Updating our policies to be current with best practices will allow for consistency which will build trust and transparency.

Fiscal Impact

The adoption of this resolution does not have a fiscal impact. All travel and training are provided for in the annual budget.

Staff Recommendation

Adopt a Resolution approving the Travel and Expense Policy.

Attachments

1. Resolution
2. Proposed Travel and Expense Policy
3. Current Travel Policy

RESOLUTION NO. XX-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING THE TRAVEL AND EXPENSE POLICY

WHEREAS, the current policy was adopted as part of the Personnel Manual and has not had a significant update since 2006, and

WHEREAS, the City recently did a clean-up of the Personnel Rules and determined some of the policies within the Rules would better serve as a stand-alone policy, and

WHEREAS, the Travel and Expense Policy was determined to better serve as a stand-alone policy as it needs to be reviewed and updated more consistently than the Personnel Rules in order to keep current with best practices and the law, and

WHEREAS, the California Government Code permits the City to reimburse employees and elected and appointed officials for expenses incurred in the performance of official duties, and

WHEREAS, Assembly Bill 1234 (2005) requires the City Council to, prior to providing reimbursement to members of the legislative bodies, adopt a policy regarding the reimbursement for expenses incurred by members of the legislative bodies in the performance of official duties, and

WHEREAS, this Resolution is intended (a) to satisfy the pertinent requirements of AB 1234 relating to reimbursement of expense of members of legislative bodies; (b) to set forth a reimbursement policy applicable to employees and (c) to establish other requirements related to travel expenses paid for by the City,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Oakley hereby approves the City of Oakley Travel and Expense Policy attached as Exhibit A.

PASSED AND ADOPTED by the City Council of the City of Oakley this 14th day of March 2023 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

Aaron Meadows, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date



Travel and Expense Policy

SUBJECT: Travel and Expense Policy

Effective Date | March 15, 2023 Revised Date | n/a

Policy Number | CC-001

1. PURPOSE AND SCOPE

The purpose of the Travel and Expense Policy is to establish responsibilities and guidelines for City employees or elected or appointed officials when attending business or professional conferences, training seminars or other travel on authorized City business.

It is the intent of the City of Oakley to assure compliance with all federal and state regulations and laws and to reimburse all reasonable and necessary expenses incurred during approved travel.

2. POLICY

In general, all reimbursements are a use of public funds. Anyone seeking reimbursement should incur the lowest reasonable travel expenses. Reimbursement is allowed only when reimbursement has not, and will not be, received from other sources. If a circumstance arises that is not specially covered by this travel policy, advanced approval must be received from the City Manager or their designee.

The City Manager or designee may authorize attendance, travel and reimbursement of all normal and necessary expenses incurred by the traveler while representing the City on official business or at an approved function. Authorized travel should be necessary to accomplish the purposes of the City effectively, economically, and incurred expenses should be prudent, reasonable and necessary.

A detailed record of all expenses incurred during the travel must be submitted on a Travel Expense Form and all necessary approvals must be received prior to travelling.

3. Definitions

3.1. Traveler

City employee, elected official, or appointed official authorized to represent the City of Oakley.

3.2. Business Travel

Authorized attendance at conferences, meetings and seminars or authorized travel for any other purpose in connection with official City business. Business travel includes day trips and trips requiring one or



Travel and Expense Policy

SUBJECT: Travel and Expense Policy

Effective Date | March 15, 2023 Revised Date | n/a

Policy Number | CC-001

more overnight stays in connection with official representation of the City in order to:

- Attend training schools, seminars, conferences, hearings, conventions or other meetings.
- Interview persons, inspect facilities or institutions, or transport equipment to and from a distant point.
- Communicate with representatives of regional, state and national government on City adopted policy positions.
- Participate in other activities requiring expenditures for travel and have been approved by the City Manager or designee to serve in the best interest of the City.

3.3. Local Travel

Travel within a radius of sixty (60) miles from the traveler's regular worksite.

3.4. Out of Town Travel

Travel greater than sixty (60) miles from the traveler's regular worksite.

3.5. Business Travel Period

Period of time necessary to travel by the most cost effective and appropriate travel method to attend conferences, meetings and seminars related to City business. Additional time required to travel as a result of alternative travel methods selected by the traveler are not included in the business travel period and expenses are not covered by this policy.

3.6. Mileage Allowance

The reimbursement paid to the traveler for the use of their own personal vehicle during travel on official City business. The mileage rate will be the prevailing rate established by the Internal Revenue Service (IRS) and will be provided annually on the Travel Expense Form.

3.7. Per Diem

The advanced payment to a traveler for allowable meals in accordance with the U.S. General Service Administration (GSA) rates for Contra Costa



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County and in accordance with the travel times determined by this Policy.
This rate will be provided annually on the Travel Expense Form.

4. Traveler Responsibility

Travelers are responsible for ensuring compliance with this Policy, which may be amended occasionally. While travelling, travelers must:

- Attend the approved conference, training, meeting, convention, or function.
- Only commit City funds once travel is approved in accordance with this Policy.
- Limit reimbursement requests to expenses incurred by the approved traveler during the course of the event.
 - Costs associated to a travel companion on City travel or travelling in advance or extending the stay beyond the necessary timeframe shall not be reimbursed or paid by the City.
- Document all allowable and authorized travel-related expenses with itemized receipts or invoices unless stated otherwise in the policy.
- Submit all documents that apply to specific travel to the Department Director or designee for approval. Necessary documents include but are not limited to the following:
 - A schedule of events for which the traveler is attending to include days, times and meals that will be provided at the event.
 - Dates and times the traveler is leaving for the event and returning from the event.
 - If mileage is requested, a round trip map showing mileage to and from the event. The round trip should be from the traveler's normal worksite. If the traveler is leaving from any other site, the other site should be used if mileage is less than from the worksite. If the other site is more than the mileage from the worksite, the worksite should be used.
 - Hotel detail on cost per day for the entire stay as well as the dates that the traveler will be staying.



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- If flying, a detailed receipt from the airline.
- If car rental is the most economical means of transportation to or from an airport, a detailed receipt of the car rental cost.
- Any receipts related to parking, bridge tolls, baggage, internet, or other authorized expenses etc.

5. Travel Authorization

All travel must be pre-approved in writing using the Travel Expense Form at least 14 days prior to the event.

Department Directors must approve all travel, including the authorization of the mode of travel to ensure the most economical route has been chosen.

6. Travel Time

The City will compensate all employees in accordance with the Fair Labor Standards Act (FLSA) and the laws of the State of California, and approved memorandums of understanding (MOU).

6.1. Non-Exempt Employees

- Non-exempt travelers will be compensated for hours spent traveling to and from an event. The traveler should take the most economical route to and from an event to limit hours of travel to the minimum necessary to get to and from the location safely.
- While traveling, time spent taking a break from travel to eat a meal, sleep or engage in personal activities, is not compensable.
- Should travel create overtime as defined by FLSA, the traveler will be paid according to the law.
- Employee schedules should not be changed temporarily in order to avoid paying overtime.
- Travel that will create overtime for any traveler, must receive pre-approval of the Department Director or designee.
- Any personal time spent before or after the event will not be considered as time worked and any personal time spent during the employee's normal work schedule will require the use of accruals in accordance with the Personnel Rules.



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7. Travel Advances and Reimbursements

Whenever possible, travel expenses should be paid in advance of travel utilizing the accounts payable process or the City credit card for allowable expenses. Travelers should only use their personal credit cards for items that could not be paid in advance. Travelers with a City issued credit card, should use their card for all allowable expenses when traveling.

7.1. Advances

Request for travel advances for authorized travel must be submitted to Finance in accordance with the accounts payable schedule at least two weeks in advance of the event.

The advance request should be submitted on the Travel Expense Form and should include all of the items included in Section 4 of this policy.

Advances will be provided to the traveler two weeks prior to the event. If an advance is necessary for any reason prior to this timeline, travelers will need to seek approval from the Finance Director.

Should an actual expense be less than the amount advanced, unless specified otherwise in this policy, the overpayment is due to the City within fifteen (15) days of the traveler's return date.

7.2. Reimbursements

Requests for reimbursement for authorized travel activity must include all receipts and documentation for the expenditure incurred. Reimbursements shall be limited to normal and necessary expenses incurred by employees representing the City on official business.

8. Travel Expenditures

Travelers should exercise discretion and choose the most economical means for all expenses related to travel.



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Travelers choosing a more expensive route of transportation for personal comfort will only be paid or reimbursed for the most economical means of travel.

8.1. Ground Transportation

Travelers should choose the lowest cost for ground transportation considering reasonable travel time and other related cost factors such as parking. Carpooling is encouraged whenever possible.

A traveler using a personal vehicle for approved travel shall be reimbursed per mile at the mileage rate defined in Section 3.6 of this Policy. When receiving a mileage reimbursement, gas would not be an allowable expense.

If a traveler is assigned a City vehicle and participates in the Employer DMV Pull Program, it is encouraged to use a City vehicle for travel if ground transportation is the most economical form of transportation. Mileage reimbursement would not be paid for the use of the City vehicle, and gas would be an allowable expense. Whenever possible, the City gas card should be used to purchase gas.

8.2. Airfare

The City will pay only the costs for the most direct route necessary to accomplish the purpose of the City travel.

The City will cover air transportation expenditures at economy class fares. On rare occasions, the City Manager may authorize business class for long distances or emergency travel with prior written approval.

Upgrades of any kind are not an allowable expense, including early boarding and seat upgrades, unless the rate is the less expensive fare.

Costs to change or re-book a flight is borne solely by the traveler unless the change is driven by business necessity as documented in a memo signed by the Department Director. Modifications made without prior approval will not be paid for by the City or reimbursed.

Excess baggage charges are not an allowable expense. For travel more than three days in length, the City will cover the cost of one (1) checked



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bag. For travel less than three days in length, the City will cover the cost, if any, of a carryon bag. Sworn travelers required to carry their weapon on a flight will be allowed one (1) checked bag without regards to the number of days of travel.

Travelers should not use any frequent flyer miles or credit card miles to pay for travel as the City will not reimburse the value of the ticket for any type of points used in the purchase.

8.3. Rental Car

Rental cars are only allowed for business reasons when the lodging location is not within walking distance, a shuttle service is not available, and ridesharing is not the most economical option for the event you are attending.

The use of the rental car should be pre-approved.

The traveler should select the most economical mid-sized car for the purpose of getting the traveler to and from the event or airport. If anything larger than a mid-sized car is needed to accommodate travel companions, only the lesser of the two amounts will be paid for by the City or reimbursed.

Fuel costs are an allowable expense for rental cars. The traveler should re-fuel the car prior to return and any charges for failing to re-fuel prior to return will be the responsibility of the traveler.

Any options added to the rental car such as GPS, insurance, fuel, car seats, etc. are not allowable expenses and will be the responsibility of the traveler.

8.4. Ride Sharing

Ride sharing is an allowable expense when it is deemed the most economical form of transportation.

Ride sharing may be used when transferring from the airport to the hotel or the hotel to the airport as well as to get to the event in the rare case the traveler is not at the sponsored hotel.



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8.5. Lodging

Travelers are eligible for lodging when the travel activity necessitates the employee to stay overnight due to the distance of travel or the attendance times of the event. The traveler shall seek lodging options that provide safety and convenience to the traveler at the lowest cost possible.

- Overnight stays are not considered required when the event is within sixty (60) miles of the traveler's normal worksite or the traveler's residence, unless approved in advance for a traveler with an early or late attendance at an event.
- Travelers should stay at the conference hotel at the negotiated conference rate, whenever possible.
- Any mandatory hotel-related fees will be paid by the City or reimbursed with the submission of an itemized receipt.

8.6. Meals

All meals will be paid in advance on per diem basis. Per diem meal expenses will be determined annually and in accordance with the U.S. General Service Administration (GSA) rates for Contra Costa County. Receipts not required unless otherwise specified in this Policy.

- The City will use the Breakfast, Lunch and Dinner rate provided by the GSA for Contra Costa County. This rate will be updated annually in accordance with GSA and will be provided on the Travel Expense Form at the start of each calendar year.
- Travel times and meals will be allowed as follows:
 - Breakfast is allowable when:
 - ☐ First day of travel when travel begins on or before 6:00am
 - ☐ Last day of travel when travel ends on or after 8:00am
 - ☐ Other days of travel, as long as breakfast is not provided as part of the event or paid for by a vendor or others.
Continental breakfast is not considered a meal.
 - Lunch is allowable when:
 - ☐ First day of travel when travel begins on or before 11:00am



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- ☐ Last day of travel when travel ends on or after 1:00pm
- ☐ Other days of travel, as long as lunch is not provided as part of the event or paid for by a vendor or others.
- Dinner is allowable when:
 - ☐ First day of travel when travel begins on or before 5:00pm
 - ☐ Last day of travel when travel ends on or after 7:00pm
 - ☐ Other days of travel, as long as dinner is not provided as part of the event or paid for by a vendor or others.
- When the traveler can justify a legitimate business, medical, dietary, or personal reason and there are no accommodations available to participate in the provided meal, the traveler must submit written justification to receive the per diem for that meal and it must be pre-approved by the Department Director.

8.7. Other Travel Expenses

Reasonable incidental expenditures, such as parking fees, internet connection services or bridge tolls required in connection with official City business will be paid for by the City or reimbursed. Receipts must be submitted for proof of expenditures incurred.

Non-reimbursable travel expenses include but are not limited to , personal expenses, alcoholic beverages, laundry services and any expense not necessary to conduct official City business. When in doubt on whether an expense is allowable, seek advanced approval from your Department Director.

9. Emergency or Expedited Travel

The City Manager and Chief of Police may authorize emergency travel for personnel in the following cases:

- For investigative travel, where such travel requires immediate departure by authorized personnel.
- For lawful extraditions of felons wanted by the City of Oakley, where immediate departure by authorized City personnel is required.
- In response to mutual aid requests.



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- Any other situation deemed as an emergency by the City Manager.

Emergency or expedited travel procedures are under the discretion of the City Manager and Chief of Police. The traveler shall comply with the Policy to the greatest extent possible while making emergency arrangements.

10. Elected or Appointed Officials

In accordance California Government Code Sections 53232.2 and 53232.3, all elected or appointed officials shall provide detailed receipts along with an expense report for all expenses incurred.

Meals per diem may be received in advance in accordance with Section 8.6 of this Policy. Additionally, detailed receipts for meal purchases must be submitted within fifteen (15) days of the return of the traveler.

Should the receipts total less than the amount of per diem per meal, the traveler must return the difference between the actual cost of the meal and the per diem to the City within fifteen (15) days of their return. Should the receipts total more than the per diem, the traveler will only receive up to the per diem amount and any additional costs will be the responsibility of the traveler.

RESOLUTION NO. 65-06

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF OAKLEY**

**ESTABLISHING A POLICY REGARDING OFFICIAL TRAVEL AND OTHER
BUSINESS AND REIMBURSEMENT OF EXPENSES ASSOCIATED THEREWITH**

WHEREAS, members of the City's legislative bodies and city employees perform official duties that require travel; and

WHEREAS, the official duties that involve travel include trainings, conferences, meetings with legislators and regulators, and meetings with staff and officials of surrounding communities regarding matters of mutual importance; and

WHEREAS, the performance of such official duties facilitates the efficient and satisfactory completion of City business and promotes a good relationship between the City and surrounding communities, the state government, and the federal government; and

WHEREAS, members of legislative bodies and city employees incur expenses related to the performance of official duties, which may take place both within and outside of the City of Oakley; and

WHEREAS, the California Government Code permits the City to reimburse employees and members of the City Council for expenses incurred in the performance of official duties; and

WHEREAS, the City Council has adopted an ordinance authorizing reimbursement for the members of the Planning Commission and Youth Advisory Committee for expenses incurred in the performance of official duties; and

WHEREAS, Assembly Bill 1234 (2005) requires the City Council to, prior to providing reimbursement to members of City legislative bodies, adopt a policy regarding the reimbursement for expenses incurred by members of legislative bodies in the performance of official duties; and

WHEREAS, this Resolution is intended (a) to satisfy the pertinent requirements of AB 1234 relating to reimbursement of expenses of members of legislative bodies; (b) to set forth a reimbursement policy applicable to employees; and (c) to establish other requirements related to travel expenses paid by the City.

NOW, THEREFORE, The City Council of the City of Oakley does hereby RESOLVE as follows:

Purpose: The purpose of this policy is to ensure that the reimbursement of members of legislative bodies and city employees for expenses incurred in the performance of official duties complies with the California Government Code, including the recently enacted Assembly Bill 1234, which adds Sections 53232.2 et seq. to the Government Code, to establish a *reimbursement policy applicable to City officials and employees*, and to establish other requirements related to travel expenses paid by the City.

1. ***Policy.*** Members of a legislative body and city employees may be reimbursed for reasonable expenses incurred in the performance of official duties only as provided in this Policy pursuant to the provisions of this policy.
2. ***Definitions.*** The following definition shall apply to this Policy:
 - a.) “Legislative body” means the City Council, Planning Commission, Youth Advisory Committee, or any other advisory body formally appointed by the City Council.
3. ***Types of Occurrences that Qualify for Reimbursement.*** Members of a legislative body and city employees may be reimbursed for reasonable expenses incurred in the performance of official duties pursuant to the provisions of this Policy, including: (a) attending conferences, (b) attending organized educational activities, (c) meeting with local, state, and federal legislators and officials regarding official City business, (d) meeting with staff and officials of surrounding communities regarding matters of mutual concern, (e) attending City events, (f) participating in regional, state, and national organizations whose activities affect the City’s interests, and (g) implementing a City-approved strategy for attracting and retaining businesses to the City, which will typically involve at least one staff member.
4. ***Government Rates.*** Airlines, hotels, and rental car companies often make special rates available to state, federal, and local governments. These rates are presumed to be the most economical and reasonable rates for the purposes of this Policy. Those booking travel should consult available resources, such as www.catravelsmart.com, to determine the applicable government rates.
5. ***Travel Authorization and Reconciliation:*** Members of the legislative body and all city employees must submit a travel authorization form at least 10 days prior to the proposed travel date(s). Within 10 working days of returning from travel a member of the legislative body and all city employees must complete a travel reconciliation form. If arrangements cannot be made due to lack of advance

warning or other extenuating circumstances as approved by the City Manager or his or her designee, the above timeframe may be reduced.

6. *Transportation.*

a. **Cost Comparison to Determine Mode of Transportation.** When contemplating travel arrangements, members of a legislative body and city employees should choose the least expensive mode of travel. For example, in some cases, it may be less expensive for the city to reimburse members of a legislative body or an employee for mileage associated with vehicle transportation than to pay for air travel. Prior to making travel arrangements, the employee or member of the legislative body shall compare the cost of traveling by the various modes of travel available and determine the most cost-effective mode given the official or employee's scheduling needs. Members of legislative bodies and City employees shall also consider cost-saving strategies such as car-pooling in the cost comparison.

b. **Air Travel.** When possible, members of a legislative body and city employees should arrange for air travel to be directly paid for by the City with a City credit card. The designated individual in each City Department responsible for making travel arrangements, pursuant to City of Oakley Administrative Policy, shall book the most economical and reasonable mode and class of transportation available that is consistent with the official or employee's scheduling needs.

If advance arrangements cannot be made due to lack of advance warning or other extenuating circumstances as approved by the City Manager or his or her designee before the expenses are incurred, members of a legislative body and city employees may be reimbursed for the expense of a roundtrip airplane ticket, so long as the claimant obtained three quotations for airfare, including government and group rates when available, reasonable and practical, and the amount of reimbursement sought does not exceed the least expensive airfare that is consistent with the official or employee's scheduling needs.

c. **Personal Vehicle Travel:** Members of a legislative body and city employees may be reimbursed expenses incurred in traveling by personal vehicle on official business at the Internal Revenue Service Mileage Rate as it may be amended from time to time. Members of a legislative body and city employees requesting such reimbursement shall file a Mileage Reimbursement Request form, which shall satisfy the documentation requirements of this Policy.

- d. **Car Rental Reimbursement:** Prior to requesting a rental car, officials and employees traveling on business shall consider whether a rental car is the least expensive means of transportation at the destination. When possible, members of a legislative body and city employees should arrange for car rentals paid for in advance by City credit card and by the designated individual in each Department responsible for travel arrangements. The City will book the most economical and reasonable rental rate that is available.

If advance arrangements cannot be made due to lack of advance warning or other extenuating circumstances as approved by the City Manager or his or her designee before the expenses are incurred, members of a legislative body and city employees may be reimbursed for the expense of car rental, so long as claimant obtained three quotations for car rental rates, including government and group rates when available, and the amount of reimbursement sought does not exceed the least expensive car rental rate that is available.

- 7. **Meals:** Compensation for meals consumed by members of the legislative body and city employees in conjunction with travel on official business consistent with Section 3 of this policy will be based on "per diem" rates published annually by the U.S. General Services Administration (USGSA) for the location(s) of travel. When a member of the legislative body or city employee submits a travel authorization form identifying the location and purpose of travel, the "per diem" meal rate pursuant to the USGSA published rates will be determined and provided to the member of the legislative body or city employee traveling. If a member of the legislative body or city employee is concerned that the published USGSA "per diem" rate will not be sufficient, the City Manager may increase the "per diem" rate for a specific travel occurrence.

If a meal is provided by a conference or organized educational activity, or otherwise included in the registration fee, members of legislative bodies and city employees may not be reimbursed for a meal purchased in lieu of, or in addition to, the provided meal. If a member of a legislative body or a city employee is not traveling for the entire day, the per diem allowance will be prorated for the meals actually required.

- a. **Reimbursement for Other Meals.** Where authorized by Section 4 of this Policy, members of a legislative body and city employees may be reimbursed for their meals associated with the performance of duties at rates not to exceed the amounts set forth in this Policy. Meals for spouses, members, and other third parties shall not be reimbursed.

- 8. **Lodging.**

- a. The City will pay for or reimburse for lodging expenses when travel on official city business reasonably requires an overnight stay.
 - b. When possible, members of a legislative body and city employees should arrange for lodging expenses to be paid by City credit card, pursuant to City of Oakley Administrative Policy relating to credit card usage. The designated individual in each Department responsible for making travel arrangements, shall book lodging at the most economical and reasonable rates for lodging that is in a location that is reasonable and convenient in relation to the official or employee's scheduling and official business needs. For lodging in connection with a conference or organized educational activity, such lodging costs shall generally not exceed the maximum group rate published by the conference or activity sponsor, provided that lodging at the group rate is available to the member of a legislative body or city employee at the time of booking.
 - c. If such advance arrangements cannot be made due to lack of advance warning or other extenuating circumstances as approved by the City Manager or his or her designee before the expenses are incurred, a member of the legislative body or city employee may be reimbursed for lodging expenses, so long as the amount of the reimbursement does not exceed the government or group rates offered by a provider of lodging in a location that is reasonable and convenient in relation to the official or employee's official business needs or the maximum group rate published by the event or activity sponsor, whichever is higher.
9. ***Miscellaneous Expense Reimbursement.*** Members of a legislative body and city employees may be reimbursed for actual and necessary incidental expenses incurred in connection with a conference, organized educational activity, or other performance of official duties. Incidental expenses include reasonable gratuities for hotel and airline employees (but not for meals), parking fees, cab fares, public transportation costs, tolls, telephone calls relating to the performance of official duties, and other business-related, miscellaneous expenses.
10. ***Conference Registration Fee Reimbursement.*** When possible, members of a legislative body and city employees should arrange for conference and organized educational activity registration fees to be paid in advance of the conference by City credit card, pursuant to City of Oakley Administrative Policy relating to credit card usage. If such advance arrangements cannot be made due to lack of advance warning or other extenuating circumstances as determined by the City Manager or his or her designee, members of a legislative body and City employees may be reimbursed for the expense of a conference or organized educational activity registration fee.

11. ***Expenses to Accommodate Disabilities.*** This policy shall not be construed to limit the City's ability to reimburse members of a legislative body and city employees for necessary expenses in excess of that which is otherwise permitted under this policy where such additional expenses are necessary to accommodate for a disability.
12. ***Other Expenses.*** All other reasonable expenses incurred in the performance of official duties that are not described in this Reimbursement Policy shall not be reimbursed unless approved before the expense is incurred by the City Manager.
13. ***Prohibited Expense Reimbursements.*** Members of a City legislative body and City employees shall not be reimbursed for expenses such as alcoholic beverages, spouse or family meals, entertainment expenses such as movie rental fees, theater tickets or sporting event fees, and fines for parking citations.
14. ***Brief Report to Legislative Body.*** Members of City legislative bodies shall provide brief written reports on meetings attended at the expense of the City at the next regular meeting of the legislative body immediately following the event for which reimbursement is sought. If more than one member of a legislative body attends the event, a report from one of the members that mentions the other's presence is sufficient.
15. ***Effect of Violation.*** A violation of this Reimbursement Policy may result in the following penalties, including, but not limited to: 1) loss of reimbursement privileges; 2) restitution to the City; 3) civil penalties for the misuse of public resources pursuant to Section 424 of the California Penal Code; 4) prosecution for misuse of public resources pursuant to Section 424 of the California Penal Code; 5) for City employees, disciplinary action, up to and including termination.
 - b. ***Development of and periodic revisions to City Credit Card Policy.*** The City Manager will develop an Administrative Policy on City Credit Card Usage and will periodically update the policy conform to the limits on expenditures for transportation, lodging, meals, and other expenses set forth in this Policy.
 - c. ***Effective Date.*** This Resolution shall take effect immediately.
 - d. ***Severability Clause.*** The provisions of this Resolution are severable and if any provision, clause, sentence, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of the ordinance or their applicability to other persons or circumstances.

PASSED, APPROVED, AND ADOPTED this 24th day of April, 2006, by the following vote:

AYES: Connelley, Nix, Rios, Romick

NOES: None

ABSENT: Anderson

ABSTENTIONS: None

APPROVED:



MAYOR

ATTEST:



CITY CLERK

STAFF REPORT

DATE: March 14, 2023

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

FROM: Derek P. Cole, City Attorney

SUBJECT: Adoption of Resolution Establishing the Rules for the Conduct of Meetings of the Oakley City Council (Superseding Resolution No. 10-10)

Background and Analysis

At a previous City Council meeting, the Council, at the request of Councilmember Fuller, directed Staff to prepare for consideration revisions to its Meeting Policies and Procedures (Resolution 10-10). The attached resolution makes those proposed revisions through a new Section 10 of the Resolution. The changes, which are shown in "redline" format, would make clear:

- No Councilmember may make any representation concerning the full Council's position on any issue before the Council has formally considered that position. And once the Council has taken a position, councilmembers would not be able to express that the full Council's position is different than as the full Council actually expressed.
- At the same time, no councilmember would ever be precluded from expressing his or her own position on any issue, even if that position is different than that which the full Council took.
- Interpretation of the Council's position on any issue would be based on any instrument the Council adopted (such as a resolution or letter) or, absent the existence of such an instrument, on the Council's official minutes.

As you will see, an additional change is proposed, although this change was not directed by the Council. This proposed change (new Section 9.e) reflects a change in the Brown Act that took effect on January of this year. The change confirms the legal requirements for removal of disruptive persons. The City Attorney believed that this change should be made, even though not requested, given that the Council would already be considering the other changes.

Recommendation

The City Council is requested to consider the adoption of the Resolution Establishing the Rules for the Conduct of Meetings of the Oakley City Council (Superseding Resolution No. 10-10)

Attachments

1. Proposed Resolution

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY
ESTABLISHING THE RULES FOR THE CONDUCT OF MEETINGS OF THE
OAKLEY CITY COUNCIL (SUPERSEDING RESOLUTION NO. 10-10)**

WHEREAS, Government Code section 36813 authorizes a City Council to establish rules for the conduct of its meetings; and

WHEREAS, shortly after Incorporation the City Council adopted Resolution 18-99 establishing rules for the conduct of its meetings; and

WHEREAS, the City amended its rules for conduct of meetings through Resolution 10-10, adopted on January 28, 2010.

WHEREAS, the City Council desires to further update and amend these rules by replacing Resolution 10-10 with this Resolution.

NOW, THEREFORE, the City Council of the City of Oakley hereby rescinds Resolution 10-10 and resolves that the following shall be established as the Rules for the Conduct of Meetings of the Oakley City Council:

1. THE PRESIDING OFFICER.

a) The Mayor shall preside at all City Council meetings and perform such other duties consistent with the office as may be imposed by the Council. He/she shall be entitled to vote, but shall possess no veto power. He/she shall be recognized as the official head of the City for all ceremonial purposes and by the Governor for military purposes. In the time of public danger or emergency, he/she may, with the consent of the Council, cause order to be maintained and enforce laws.

b) The Mayor shall state every question coming before the Council, call for the vote, announce the decision of the Council on all subjects and decide all questions of order, subject, however, to an appeal to the Council, in which event a majority vote of the Council shall govern and conclusively determine such question of order. He/she shall sign all ordinances and resolutions adopted by the Council. In the event of the absence of the Mayor, the Mayor Pro Tern shall sign ordinances and resolutions as then adopted.

c) The Mayor shall be responsible for preserving order and decorum in the meetings. Councilmembers shall assist the Mayor in doing so and no Councilmember shall, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council, nor disturb any Councilmember while speaking, and/or refuses to obey the orders of the Council or the Mayor. Members of the Council shall not leave their seats during the meeting without first obtaining the permission of the Mayor.

2. MEETING BUSINESS. There is no required order of business at a City Council meeting. The agenda for the meeting must provide a "brief general description" of each item of business to be discussed. No action or discussion may occur with respect to any item not appearing on a posted agenda, except that on a regular meeting agenda, an item can be added if the City Council either determines that an "emergency" exists, or that there is a need to take immediate action and the need came to the attention of the City subsequent to the posting of the agenda (Government Code §54954.2(b)). Generally the meeting is divided into three parts: opening, business, and closing. Within the business section, it is common to find:

a) **Closed session:** A closed session may be conducted at either a regular meeting or a special meeting (but not an emergency meeting) and must be noticed in accordance with the Brown Act on the agenda. The Brown Act similarly limits the subject matter for closed sessions. The most common types of closed sessions discuss pending litigation, evaluation of employee performance, hiring and firing employees, and acquisition, lease or sale of real property. Special reporting requirements also attach to closed sessions.

b) **Public hearing:** A public hearing is most commonly conducted to consider a land use application (conditional use permit, subdivision map, rezoning, general plan amendment). There are specific notice requirements for public hearings. The City Council shall accept public testimony on each item, which is the subject of a public hearing; no public testimony is to be received after the public hearing has been closed.

c) **Public Comments:** Every agenda for a regular meeting shall provide a specific agenda item as "Public Comments" to allow members of the public to address the City Council on any item of interest to the public not otherwise on the agenda.

d) **Background Information/Handouts:** Background information prepared for the City Council in advance of a meeting and materials distributed at the meeting to the City Council must be available for public inspection at the meeting. Any handouts to be provided to the City Council by a member of the audience must be received by the City Clerk at least forty-eight (48) hours prior to the meeting. Ten (10) copies of the handout must be provided.

e) **Adjournment of Meetings:** The Council establishes 11:00 p.m. as the hour of adjournment and will not continue beyond 11:00 p.m. without a majority vote of the Council. If agenda items remain after the 11:00 p.m. adjournment, and the meeting is not continued by a majority vote of the Council, a special meeting may be scheduled or the items deferred until the next meeting.

3. MEETING TYPES.

a) **Regular meetings:**

(1) Time. Regular meetings of the City Council shall be held

at the time and place specified by separate resolution.

(2) Public. All meetings of the Council shall be open to the public; provided, however, the City Council may hold closed sessions as provided by the law.

b) **Special meetings:** A special meeting may be called by the Mayor (or Mayor Pro Tern in the absence or illness of the Mayor) or by a majority of the members of the City Council (Government Code §54956). A special meeting generally will be called to conduct business that either (a) requires more time than is available during a regular meeting; or that (b) requires attention during the period between scheduled regular meetings. Notice of a special meeting shall be posted at least 24 hours prior to the meeting, with a statement of the business to be transacted and an opportunity for the public to address the City Council on that item. Notice shall be delivered personally or by any other means to all members of the City Council and to the press.

c) **Worksessions:** The Council may conduct worksessions or study sessions on matters which are expected to come before the Council for formal action at a regular meeting or otherwise need study by the Council. At worksessions the Council will receive information and presentation of issues from invited speakers and staff. Final action or formal vote on items is not taken at workshop or study sessions. Worksessions are not public hearings. At the discretion of the Mayor, questions may be directed by the Council to a member of the public or another interested party or a brief presentation may be permitted by a member of the public or another interested party on an agenda item or a particular question related to an agenda item. The Mayor may limit or end the time for such response to questions or presentation. A worksession may be conducted as either a Regular meeting or a Special meeting.

d) **Emergency meetings:** Emergency meetings may be called under very limited circumstances. An "emergency" exists when a majority of the members of the legislative body determines a "work stoppage or other activity" or a "crippling disaster" has occurred which severely impairs or threatens to impair the public health or safety (for example, an earthquake) (Government Code §54956.5).

e) **Adjourned meetings:** Any regular or special meeting (or any adjourned regular or special meeting) may be adjourned to a time and place specified in the order of adjournment (Government Code §54955). An adjournment must be ordered if less than a quorum attends a meeting. If no members attend, the clerk or secretary may declare the meeting adjourned.

4. **AGENDA.** In order to facilitate the orderly conduct of the business of the Council, the City Clerk shall receive no later than 9:00a.m. on the Wednesday immediately preceding a regular Council meeting of all reports, communications, ordinances, resolutions, contract documents or other matters to be submitted to the Council at such meeting.

5. **READING OF MINUTES.** Unless the reading of the minutes of a council meeting is requested by a member of the Council, such minutes may be approved without reading if the Clerk has previously furnished each member with a copy thereof.

6. **RULES OF DEBATE**

a) **Rules of Order.** Except as otherwise provided in this resolution or in conflict with State law, the current edition of "Roberts Rules of Order" shall generally govern the rules of debate.

b) **Presiding Officer.** The Mayor, if present shall preside at all meetings of the City Council. In the absence of the Mayor, the Vice-Mayor shall preside. The presiding officer may vote, make a motion, second a motion, offer a resolution, introduce an ordinance and debate any items on an agenda, without relinquishing the chair.

c) **Getting the Floor.** Every member desiring to speak shall address the Mayor, and, upon recognition by the Mayor, shall confine remarks to the question under debate.

d) **Interruptions.** A member once recognized shall not be interrupted when speaking unless it is to call that member to order, or as herein otherwise provided. If a member, while speaking, be called to order, the member shall cease speaking until the question of order is determined, and, if in order, shall be permitted to proceed.

e) **Discussion Prior to Formal Action.** It shall not be necessary to a make a motion, offer a resolution, or introduce alternatives to a proposed ordinance before debate by the Council or before the public is allowed to speak. No such motion or resolution, or introduction of an ordinance shall be made at any time before a public hearing is closed.

f) **Process for considering an item on the Agenda.** Typically, the Mayor will announce the agenda item and then ask for a verbal staff report. The Mayor then asks the City Council if there are any questions of City staff. Following the discussion and answer of any questions, the applicant or proponent (if one exists for the item) is allowed to speak followed by members of the public. (This may or may not be the opening of a formal public hearing). The Mayor then closes the public discussion or public hearing (if applicable) and calls for Council deliberation and a motion regarding the matter.

g) **Main Motion.** Any member of the City Council may make a motion regarding the agenda item. The Main Motion should be clear and must be seconded to receive further consideration. If no second is made, the Mayor shall declare, "The motion dies for the lack of a second."

h) **Amendments to Main Motion.** After a motion has been moved and seconded, amendments may be made. Each amendment should be made,

seconded, debated and then voted on in turn. When there are no more amendments to be made, the Mayor shall call for a vote on the Main Motion.

i) **Motion to Postpone or Continue.** Any item on the agenda may be postponed or continued to a "date certain" (to a subsequent meeting) by a majority vote of those members present and eligible to vote on the matter. To preserve the publication of a public hearing, the matter should be continued to a "date certain."

j) **Motion to Reconsider.** A motion to reconsider an action taken may only be made at the meeting at which the action was taken or at the next succeeding regular meeting of the City Council. A motion to reconsider any action taken by the City Council may be made by a member of the prevailing side, but may be seconded by any member, and may be made at any time and have precedence over all other motions or while a member has the floor; it shall be debatable.

k) **Voting.** A voice vote shall be taken as either "Aye," "No," or "Abstain." Silence shall be considered a vote in the affirmative. The Mayor shall announce the results of the vote.

7. PUBLIC PARTICIPATION IN COUNCIL MEETINGS

a) **Audience Decorum.** Members of the audience shall not engage in disorderly or boisterous conduct, including the utterance of loud, threatening, or abusive language; clapping; whistling; stamping; displaying large signs; or other acts that disturb, disrupt, impede, or otherwise render the orderly conduct of the City Council meeting unfeasible. A member of the audience engaging in such conduct shall, at the discretion of the Mayor or a majority of the Council Members, be subject to removal from that meeting. The audience may applaud at the conclusion of the presentation of a proclamation or other presentation of honor made by the City Council.

b) **Request to Speak Card.** Members of the public may address the City Council during Public Comments and/or before consideration of any agenda item; however, no person shall address the Council without first being recognized by the Mayor. Any person wishing to speak, whether during Public Comments or on an agenda item, shall first submit a Request to Speak Card to the City Clerk **before** the Mayor calls for Public Comments or calls the particular agenda

c) **Purpose.** The purpose of addressing the City Council is to communicate formally with the Council regarding matters that relate to Council business or citizen concerns within the subject matter and jurisdiction of the City Council. Persons addressing the City Council on an agenda item shall confine their remarks to the matter under consideration by the Council.

d) **Speaker Decorum.** Each person addressing the City Council shall do so in an orderly manner and shall not engage in conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of the Council meeting as

described above. Any person who so disrupts the meeting shall, at the discretion of the Mayor or a majority of the Council Members, be subject to removal from that meeting.

e) **Time Limit.** In the interest of fairness to other persons wishing to speak and to other individuals or groups having business before the City Council, each speaker shall limit comments to three (3) minutes. If a large number of people wish to speak, this time may be shortened by the Mayor so that the number of persons wishing to speak may be accommodated within the time available.

f) **Public Comment on Items Not on the Agenda.** Public Comment for items not on the agenda will be heard at the beginning of the meeting for a maximum of thirty (30) minutes. Any persons desiring to speak beyond the thirty minute time frame will be heard at the end of the meeting.

g) **Speak Only Once Per Issue Per Meeting.** Second opportunities for the public to speak on the same issue at the same meeting will not be permitted unless mandated by State or local law.

h) **Addressing the Council.** Comment and testimony are to be directed to the Mayor. Dialogue between and inquiries from citizens at the lectern and individual Council Members, members of staff, or the seated audience are not permitted. Council Members seeking to clarify testimony or gain additional information should direct their questions through the Mayor.

i) **Yielding of Time.** It is understood that a person making a request to speak does so on his own behalf. For this reason and to guarantee all persons an ample opportunity to be heard, all speakers will be recognized for the same amount of time. No speaker will be allowed to yield part or all of his time to another, and no speaker will be credited with time requested but not used by another.

j) **Handouts/Audiovisual Presentations:** Any handouts or audiovisual presentations to be provided to the City Council by a member of the audience must be received by the City Clerk at least forty-eight (48) hours prior to the meeting. Ten (10) copies of the handout must be provided; and a flashdrive, CD, DVD, or videocassette must be provided of the audiovisual presentation.

8. PUBLIC COMMENTS

a) **Non-Agenda Items.** The Agenda shall provide for public comment about matters that are within the jurisdiction of the City, but are not specifically listed on the Agenda. The Public Comments period shall be for a maximum of thirty (30) minutes. A member of the public who wishes to speak under Public Comments must fill out a Request to Speak Card and submit it to the City Clerk **before** the Mayor calls for Public Comments. Persons may speak under Public Comments for a maximum of three (3) minutes and shall not be allowed to defer any portion of their time to any other person.

State law prohibits the City Council from taking action on any item not listed on the Agenda unless the Council makes a determination that an emergency exists or that the need to take immediate action on the item arose subsequent to the final posting of the Agenda. Council Members or staff members may occasionally provide a brief response to comments made by the public when recognized by the Mayor for the purpose of doing so.

b) **Agenda Items.** Public comment will be accepted on Agenda items. A member of the public who wishes to speak on an Agenda item, including items on the Consent Calendar, must fill out a Request to Speak Card and submit it to the City Clerk **before** the Mayor calls the Agenda item. Persons may speak about an Agenda item for a maximum of three (3) minutes and will not be allowed to defer any portion of their time to any other person.

c) **Public Hearing Agenda Items.** At Public Hearings the property owner or the applicant has the burden of proof and, therefore, shall be allowed twenty (20) minutes for an initial presentation and an additional ten (10) minutes for rebuttal following the other comments on the matter. The Mayor may allow more time if required to provide due process for the property owner or applicant. An appellant, other than the property owner or applicant, and the spokesperson for an organized group of residents residing within the noticed area of the property which is the subject of the Public Hearing, may have up to ten (10) minutes to speak on behalf of the group and shall not be allowed to defer any portion of their time to other speakers. All other members of the public may speak during the Public Hearing for a maximum of three (3) minutes and shall not be allowed to defer any portion of their time to other speakers. In the event the time required for members of the public to speak would exceed ninety (90) minutes, the Mayor may reduce the maximum time limit for members of the public to speak.

9. **VIOLATION OF THE RULES OF DECORUM** Upon violation of the rules of decorum established outlined herein, the procedure to enforce the rules shall be as follows:

a) **Warning.** The Mayor shall first request that a person who is violating the rules cease such conduct. If, after receiving a request from the Mayor, the person persists in violating the rules, the Mayor shall call for a short recess of the meeting. Any representative of law enforcement who is present at the meeting when the violation occurs shall be authorized to warn the person that his or her conduct is violating the rules and that he or she is requested to cease such conduct. If upon resumption of the meeting the violation persists, the Mayor shall order another recess, whereupon the Mayor shall have the authority to ask the law enforcement personnel to remove the person from the meeting and/or to cite the person as being in violation of Penal Code Section 403.

b) **Motion to Enforce.** If the Mayor fails to enforce the rules of decorum set forth herein, a majority of the City Council may move to require the Mayor to do so, and an affirmative vote of a majority of the Council shall order the person to be warned and/or removed from the meeting.

c) **Clearing the Room.** Pursuant to Government Code Section 54957.9, in the event that any meeting is willfully interrupted by a person or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of the individuals who are willfully interrupting the meeting, by a majority vote of the City Council, the meeting room may be ordered cleared and the meeting shall continue in session. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to Government Code Section 54957.9.

d) **Violation of the California Penal Code.** A person or persons who substantially impair(s) the conduct of a City Council meeting by knowingly and intentionally violating these rules of decorum may be prosecuted under Penal Code Section 403 for disturbing a public meeting. Every person who violates Penal Code Section 403 is guilty of a misdemeanor.

e) **Removal of disruptive persons.** A person may be removed from a meeting in accordance with Government Code section 54957.95, provided the standards of that section are strictly met, and the disruptive person is not removed unless and until he or she has been given a clear, express warning as the section requires, and the disruptive conduct is not discontinued.

10. EXPRESSION OF CITY COUNCIL POSITIONS

a) From time-to-time, the City Council may by vote take a position on issues of importance or interest to the City or its residents. For instance, the City Council may consider supporting or opposing federal or state legislation or actions pending before other governmental agencies. Before the City Council has taken a position on any such subject, or on any other subject for which the City Council must vote to register its position, no City Councilmember shall represent that a particular position is that of the full City Council. Likewise, after the City Council has voted to take a position on any subject, no City Councilmember shall represent that the City Council has taken a position different than that which the City Council actually took by its vote.

b) Nothing in this Section shall be deemed to preclude or inhibit any City Councilmember from expressing his or her own position regarding any subject, even if that position is contrary to the position the full City Council adopted by vote.

c) The interpretation of the City Council's position regarding any subject shall be based on the position as expressed in any document or instrument the City Council adopted in taking the position (e.g., resolution, letter) or, if no such document or instrument exists, on the description of the action taken in the City Council's official Minutes.

10.11. EFFECTIVE DATE

These Rules for the Conduct for the Conduct of Meetings of the Oakley City Council shall take effect and be in full force and effect immediately following adoption by the City Council.

The foregoing resolution was adopted at a regular meeting of the City Council of the City of Oakley held on the 14th day of march, 2023 by Councilmember _____, who moved its adoption, which motion being duly seconded by Councilmember _____, was upon voice vote carried and the resolution adopted by the following vote:

AYES:

NOES:

ABSTENTION:

ABSENT:

APPROVED:

Aaron Meadows, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date



STAFF REPORT

DATE: March 14, 2023

TO: Joshua McMurray, City Manager

Approved and Forwarded to the City Council

FROM: Lindsey Bruno

SUBJECT: Selection Process for Special Event Vendors

Background and Analysis

Each year the Recreation Division hosts events that provide an opportunity for vendors to engage with the public, sell their goods, and publicize their services in alignment with the Strategic Plan 2022-2027+. The annual events for which vendors apply are Summer Festival, Heart of Oakley, and Oaktober Festival (formerly Harvest Festival).

Event attendance has grown at our events, word of mouth spreads, and the number of vendor applications received has grown as well. Typical vendor types that are at events include food vendors, handmade goods, arts and crafts, service providers, nonprofit organizations, direct sales, and more. Although the footprint of the events has grown, more vendor applications are received than space permits at each of the events and not all vendors who apply are able to participate.

In 2022, City Council requested that staff bring back a process by which vendors and nonprofit organizations are selected to fill the available spaces at events.

Staff have prepared and propose a ranking system for the vendors and non-profit organizations. Once the vendor application period closes for each of the events, staff will review each of the vendors and rank them on a scale of 1 to 5 in each of three categories. Those with the top scores will be selected to have a space at the events. In a situation where two of the same vendor are in the highest-ranking scores, the space would go to the vendor with the higher score. If they have the same score, the space would be assigned by which vendor submitted their application first.

The three categories for general vendors are: Fit for the Event, Health and Safety, and Uniqueness. The categories for Non-Profit booths are Oakley Based/Fit for Event, Community Partner Status, and Alignment with the Strategic Plan.

In the event that the number of vendor/nonprofit applications received does not exceed the number of spaces available, staff would not implement the evaluation rubric and all vendors would be accepted with the exception of duplicate vendors or vendors that have created significant health and safety issues.

The Strategic Plan 2022-2027+ Parks and Open Space subgoal highlights “Continuing to offer special events and streamline the process for community groups to host events that create a sense of Oakley community and showcase the importance of families, youth, seniors and Veterans, and promote Oakley’s events and recreation and differentiate our offerings from adjacent cities.” Additionally, the Community and Collaborative Partnerships Goal focuses on building strong community and collaborative partnerships with non-governmental organizations which this process helps to achieve.

Fiscal Impact

There is no fiscal impact with the approval process.

Staff Recommendation

Staff Recommend the Council approve the rating rubric for special event vendor selection.

Attachments

1. Rating Rubric



Evaluation Rubric for Vendor Booths at City Events

Criteria and Score	5	4	3	2	1
Fit for Event	Fits the theme of the event, target audience is an Oakley based business.	Fits the theme of the event, target audience is NOT an Oakley based business.	Vendor does not have handmade items but fits the theme of the event.	Vendor does not fit the theme or target of the event and does not have hand made items. Vendor was selected in the past and did not show up and did not provide notice or reason for absence.	Application incomplete.
Health and Safety	Vendor has demonstrated they are able to meet the health and safety requirements.	Has not been a vendor previous to demonstrate they can meet the health and safety requirements but have successfully completed other events in the County.	When a health or safety issue has arisen the vendor was able to remedy the issue and open safety.	When a health or safety issue has arisen the vendor attempted to remedy the issue but was unable to.	The vendor has created an unsafe environment at a previous event. *
Uniqueness	Vendor has unique handmade or artisinal items.	Vendor has handmade items however they are more common items.	Mass manufactured items and direct sales.	Informational only, does not have activities, prizes or giveaways.	Incomplete Application

Only one of each vendor would be accepted (Example: A direct sales company that sells scented candles and wax melts)
*Based on the severity of the unsafe environment and how many times it happens the vendor may be prohibited from participating in the future.



Evaluation Rubric for Nonprofit Organizations at City Events

Criteria and Score	5	4	3	2	1
Fit for the Event/Oakley Based	Is an Oakley based nonprofit and its the theme of the event and target audience.	Fits the theme of the event, and target audience, and serves Oakley community but is not an Oakley based nonprofit.	Fits the theme of the event, and target audience, has valid nonprofit status however does not provide a majority of service in Oakley.	Does not fit the theme of the event or serve Oakley however is a nonprofit.	Application incomplete or not valid nonprofit.
Community Partner Status	The organization has a written agreement with the City for Non-Profit Grant.	The organization has another type of agreement with the City for partnership like a joint use agreement.	The organization has not formally signed a written agreement however in the process of finalizing an agreement.	City does not have a written agreement for partnership.	City terminated partnership status with this group.
Alignment with Strategic Plan	The project demonstrates a clear and strong alignment between the City's Strategic Plan (mission, vision, values, goals, and objectives).	There is significant evidence of alignment between the City's Strategic Plan.	There is some alignment between the City's Strategic Plan.	Does not describe or demonstrate alignment with the City's Strategic Plan.	Insufficient information provided to determine alignment.

*At Summer Fest and Heart of Oakley non-profit organizations will be provided one six foot table and two chairs inside the City Council Chambers at no cost.

*Nonprofit organizations must provide a valid nonprofit Tax ID number for their organizations, nonprofit status cannot be transferred to another organization and booth space may not be shared without indicating that at time of submission.



STAFF REPORT

DATE: March 14, 2023

TO: City Council

Approved and Forwarded to the City Council

FROM: Joshua McMurray, City Manager

SUBJECT: Authorization for the City Manager to Execute a Purchase and Sale Agreement with Juli Del Barba Favalora for the sale of property located at 204 2nd Street (APN: 035-132-002)

Background and Analysis

As background, in September 2021, Staff brought an item forward that identified surplus properties and asked the City Council for authorization to move forward with the notification process as required by AB 1255 and AB 1486. Essentially, that notification process allowed affordable housing developers to show early interest and required the City to negotiate in good faith in the hopes of disposing of the property, in the event an affordable housing developer submitted a Letter of Intent (LOI). That authorization from September 2021 was granted and Staff proceeded with the notification process. During that notification process, the City did not receive any LOI's and proceeded to issue a Request for Proposals last year from Wednesday, July 13, 2022, through September 14, 2022. We did not receive any formal proposals but we did start talking with Juli Del Barba Favalora, who expressed interest in the property. With that interest, Staff has continued to work with her up to this current Purchase and Sale Agreement.

Approval of this item would allow the City to formally enter into the attached Purchase and Sale Agreement, thereby formally agreeing to sell the property to Juli Del Barba Favalora. Staff is supportive of this agreement and is recommending approval. The sale of the property will now shift the maintenance and upkeep to the new owner while also allowing the new owner to repair the property and come up with a new use for the property. The property price as stated in the Purchase and Sale Agreement is \$50,000 and this price reflects the condition of the property, the condition of the building and the anticipated work it will take to bring the building into compliance with ADA and other building codes for a new use.

Consistency with the Oakley Strategic Plan 27+

This item is consistent with the Community and Economic Development goal of Strategic and Thoughtful Growth, specifically the sub-objective that points to the City revitalizing and drawing people into the downtown through the sale of City-owned property based on community benefit.

Fiscal Impact

The City stands to generate approximately \$50,000 of gross revenue off of the sale of the City owned parcel.

Staff Recommendation

Staff recommends that the Council adopt the resolution approving the Purchase and Sale Agreement with Juli Del Barba Favalora for the sale of property located at 204 2nd Street (APN: 035-132-002).

Attachments

1. Draft Purchase and Sale Agreement
2. Draft Resolution

PURCHASE AND SALE AGREEMENT

This Purchase and Sale Agreement (“Agreement”) is made by and between and the City of Oakley, a California municipal corporation (“Seller”), and Juli Del Barba Favalora (“Buyer”). The effective date of this Agreement is March ___, 2023 (“Effective Date”).

In consideration of the respective agreements hereinafter set forth, Seller and Buyer agree as follows:

RECITALS

- A. Seller is the owner of the Property as defined in Paragraph 1 below.
- B. Buyer desires to purchase the Property from Seller, and Seller desires to sell the Property to Buyer, subject to the terms and conditions described within.

AGREEMENT

NOW, THEREFORE, the parties agree as follows:

1. Property Included in Sale. Seller shall sell and convey to Buyer, and Buyer shall purchase from Seller, subject to the terms and conditions set forth herein, the following:

1.1 The Real Property located at 204 2nd Street in Oakley, California, which is described in Exhibit “A”, attached hereto, which is developed with a single family home, which has in the past been used as a home, commercial, government and assembly uses, situated on Assessor’s Parcel Number 035-132-002.

1.2 All of Seller’s right, title and interest in and to all rights, privileges and easements appurtenant to the Real Property, including without limitation all development rights, permits, entitlements and any rights-of-way or other appurtenances used in connection with the beneficial use and enjoyment of the Real Property (collectively, the “Appurtenances”). The Real Property and Appurtenances are collectively referred to herein as the (“Property”).

2. Purchase Price. The purchase price for the Property shall be the sum of \$50,000 (the “Purchase Price”).

3. Opening of Escrow. An escrow account shall be opened within 10 days of the City Council authorizing the Purchase and Sale Agreement to be signed. Within five calendar days of the opening of escrow, Buyer will deposit the sum of \$1,000.00 into escrow as the initial deposit for this transaction.

4. Title to the Property. At the closing of the purchase and sale contemplated hereunder (the “Closing”), Seller shall convey to Buyer insurable title to the Property by a duly executed and acknowledged Grant Deed in Title Company’s standard form (the “Grant Deed”). At Closing, Title Company shall issue to Buyer a California Land Title Association Owner’s Policy of Title Insurance in the amount of the Purchase Price insuring fee simple title to the Property in Buyer. The cost of the Title Policy shall be paid by the Buyer.

5. Conditions to Closing. The following conditions are conditions precedent to Buyer's obligation to purchase the Property (the "Conditions Precedent"):

5.1 Buyer's Review and Approval of Title to the Property. Seller shall use reasonable efforts to cause Title Company to deliver to Buyer a preliminary title report on the Property within twenty (10) days after the Effective Date, which preliminary title report shall be issued by Title Company and accompanied by copies of all documents referred to in the report (collectively, the "Preliminary Report"). Buyer shall advise Seller, within thirty (30) days after the Effective Date, what exceptions to title, if any, will be accepted by Buyer. Seller shall have ten (10) days after receipt of Buyer's objections to give Buyer: (i) notice that such exceptions will be removed on or before the Closing Date; or (ii) notice that Seller elects not to cause such exceptions to be removed. If Seller gives Buyer notice under clause (ii), Buyer shall notify Seller within ten (10) days after Buyer's receipt of Seller's notice whether Buyer elects to proceed with the purchase or terminate this Agreement. If Buyer shall fail to give Seller notice of its election within such ten-day period, Buyer shall be deemed to have elected to terminate this Agreement.

6. Closing and Escrow.

6.1 Execution of Agreement. The parties hereto shall deposit executed counterparts of this Agreement with the Title Company and this Agreement shall serve as instructions to the escrow holder for consummation of the donation, purchase, and sales contemplated hereby. Seller and Buyer agree to execute such additional escrow instructions as may be appropriate to enable the escrow holder to comply with the terms of this Agreement; provided, however, that in the event of any conflict between the provisions of this Agreement and any supplementary escrow instructions, the terms of this Agreement shall control.

6.2 Closing Date. Escrow shall close within 45 days of the opening of Escrow.

6.3 Delivery of Documents. At or before the Closing Date (except to the extent otherwise specifically provided below), Seller shall deliver to Buyer the following:

(i) The grant deed for the Property, duly executed and acknowledged by Seller;

(ii) Such other documents or records as may be required under applicable law or as specified by the Title Company to ensure completion of all transactions described hereby.

6.4 Apportionment. The following are to be apportioned as of the Closing Date, as follows:

(i) Real Estate Taxes and Assessments. Buyer shall assume responsibility for all real estate taxes and assessments on the Property from the Closing Date forward.

(ii) Closing Costs. Buyer and seller shall split the recording fees, any County of Contra Costa transfer tax and the premium for the Title Policy and escrow fees and such other costs and charges of the escrow for the sale not otherwise provided for in this paragraph or elsewhere in this Agreement.

7. Party Representations. Seller or Buyer hereby represent as follows:

7.1 Full Authority. Seller and Buyer have full power and authority and have taken all action necessary to execute this Agreement and to fulfill all obligations hereunder.

7.2 Hazardous Materials. Seller represents the Property is free of contamination and hazardous materials.

8. As-Is Acquisition. Buyer represents and warrants that as of the Close of Escrow, Buyer will have satisfied itself as to the physical, environmental, legal and economic condition and all other aspects of the Property and its suitability for the purposes intended by Buyer. Buyer acknowledges and agrees that Buyer is acquiring the Property subject to all existing laws, ordinances, rules and regulations, and that neither Seller nor any of Seller's agents, representatives and attorneys (collectively, "Seller's Agents") have made any warranties, representations or statements regarding the availability of any approvals, or the laws, ordinances, rules or regulations of any governmental or quasi-governmental body, entity, district or agency having authority with respect to the ownership, possession, development, occupancy, condition and/or use of the Property except as expressly provided herein. Buyer, moreover, acknowledges that Buyer has entered into this Agreement with the intention of relying upon its own investigation of the physical, environmental, economic and legal condition of the Property, including, without limitation, the compliance of the Property with laws and governmental regulations and the operation of the Property, and that Buyer is not relying on any representations and warranties made by Seller or anyone acting or claiming to act on Seller's behalf concerning the Property except as expressly provided herein. Buyer further acknowledges that it has not received from Seller any accounting, tax, legal, architectural, engineering, property management or other advice with respect to this transaction and is relying upon the advice of its own accounting, tax, legal, architectural, engineering, property management and other advisors. Buyer shall purchase the Property in its "As-Is" condition on the Closing Date and assumes the risk that adverse physical, environmental, economic or legal conditions may not have been revealed by its investigations. Seller shall have no liability for any subsequently discovered defects, whether latent or patent.

9. Miscellaneous.

9.1 Notices. Any notice, consent or approval required or permitted to be given under this Agreement shall be in writing and shall be deemed to have been given upon (i) hand delivery, or (ii) three (3) days after being deposited in the U.S. Mail, and addressed as follows

If to Seller:

Joshua McMurray, City Manager
City of Oakley
3231 Main Street
Oakley, California 94561
McMurray@ci.oakley.ca.us

If to Buyer:

Juli Del Barba Favalora
[insert business address]
Oakley, CA 94561
julisopi@aol.com

Seller and Buyer shall each have the right from time to time to change the place notice is to be given under this section by written notice thereof to the other party.

9.2 Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors, heirs, administrators and assigns.

9.3 Amendments. Except as otherwise provided herein, this Agreement may be amended or modified only by a written instrument executed by Seller and Buyer.

9.4 Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of California.

9.5 Merger of Prior Agreements. This Agreement and the exhibits hereto constitute the entire agreement between the parties and supersede all prior agreements and understandings between the parties relating to the subject matter hereof.

9.6 Negotiated Agreement. Seller and Buyer acknowledge that this Agreement has been negotiated and that each party has had an opportunity to have the Agreement reviewed by legal counsel. Accordingly, notwithstanding the fact that this Agreement was prepared by Seller's counsel, the doctrine that ambiguities in an agreement shall be construed against the drafting party shall not be employed in connection with this Agreement.

9.7 Enforcement. If either party commences legal proceedings to enforce the terms of this Agreement, the prevailing party shall be entitled to recover from the other party its attorneys' fees and court costs incurred therein.

9.8 Time of the Essence. Seller and Buyer agree that time is of the essence of this Agreement. If either party fails to perform an obligation contained herein by the date such performance is required, it shall not be deemed to be unreasonable for the other party to pursue its remedies hereunder, including termination of this Agreement.

9.9 Severability. If any provision of this Agreement or the application thereof to any person, place or circumstance shall be held by a court of competent jurisdiction to be invalid, unenforceable or void, the remainder of this Agreement and such provisions as applied to other persons, places and circumstances shall remain in full force and effect.

9.10 Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original but all of which shall constitute one and the same document.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

SELLER:

CITY OF OAKLEY

BUYER:

JULI DEL BARBA FAVOLORA

Joshua McMurray
City Manager

Juli Del Barba Favolora

APPROVED AS TO FORM:

By: _____
Derek Cole, City Attorney

EXHIBIT A

[PROPERTY DESCRIPTION]

RESOLUTION NO. XX-23

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY AUTHORIZING
THE CITY MANAGER TO EXECUTE A PURCHASE AND SALE AGREEMENT WITH
JULI DEL BARBA FAVALORA FOR THE SALE OF A PROPERTY LOCATED AT 204
2ND STREET (APN: 035-132-002)**

BE IT RESOLVED by the City Council of the City of Oakley that the City Manager is hereby authorized and directed to sign on behalf of the City that certain Purchase and Sales Agreement between the City and with Juli Del Barba Favalora for the sale of one parcel more specifically identified as 204 2nd Street (APN: 035-132-002).

PASSED AND ADOPTED by the City Council of the City of Oakley this 14th day of March 2023 by the following vote:

AYES:

NOES:

ABSTENTION:

ABSENT:

APPROVED:

Aaron Meadows, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date



STAFF REPORT

Date: March 14, 2023
To: City Council
From: Joshua McMurray, City Manager
Subject: **Adopt a resolution declaring one property as “Surplus” and direct Staff to provide the notices required by AB 1255 and AB 1486**

Summary and Background

Two specific laws relating to City-owned surplus properties, AB 1255 and AB 1486, became effective January 1, 2020. Both laws provide regulations for cities to prepare a list of its surplus land, and to then make the surplus land available to affordable housing developers, school districts, and other public agencies before disposing of the property. The list of surplus land must also be reported to the California Department of Housing and Community Development (HCD). The term “surplus” is explained as properties “*in excess of its foreseeable needs*” and that are “*no longer necessary for the agency’s use.*”

The City Council has taken two actions over the last 2 years that identified several properties as surplus. The purpose of this staff report is to provide information regarding one additional property that has been identified and to seek the City Council’s approval of the property identified in Table 1. With the construction of the downtown infrastructure project in association with the train platform, there is additional interest in the downtown and more specifically an area near the train platform. The City has about 40,000 square feet of land available that is not currently designed for parking or infrastructure, but was anticipated to be used as a parking lot to support the downtown and the train platform in the future.

Table 1: Proposed Surplus Properties

	Property Address and APN	Parcel Size	Condition
1.	No Address Portion of APN 037-160-018	0.91-acres or 40,000 sq. ft.	Vacant

Further, we seek City Council’s direction to submit the list to HCD and specific entities mentioned in these new laws. Specifically, those to be notified of the surplus properties list are:

- low- and moderate income housing to housing sponsors that have notified the California Department of Housing and Community Development of their interest in surplus land;
- county park and recreation departments and regional park authorities land that have jurisdiction over the area where the land is located, and the State Resources agency;
- school districts in the city that have jurisdiction over the area where the land is located; and,
- to any county, city, public transportation agency, or housing authority within whose jurisdiction the surplus land is located.

Any entity receiving a written notice of availability has 60 days to notify the City in writing of its interest in purchasing or leasing the surplus land. If the City receives multiple notices of interest from entities to whom the notice was sent, the City is required to give first priority to the entity that agrees to use the site for affordable housing purposes as specified in the regulations. If more than one entity proposes the same number of affordable units, the city must give priority to the entity that proposes the deepest average level of affordability.

The city is required to negotiate in good faith with the interested entity for at least 90 days. If a price or terms cannot be agreed upon during that time period, or if no entity expresses interest after the initial 60 days, the City may dispose of the properties without further regard to the regulations of AB 1255 and AB 1486. There are serious remedies and significant penalties for cities who do not properly follow the provisions of AB 1255 and AB 1486.

Consistency with the Oakley Strategic Plan 27+

This item is consistent with the Community and Economic Development goal of Strategic and Thoughtful Growth, specifically the sub-objective that points to the City revitalizing and drawing people into the downtown through the sale of City-owned property based on community benefit.

Fiscal Impact

Undetermined

Recommendation

Adopt the resolution declaring the property listed in Table 1 as “surplus” and direct Staff to provide the notices required by AB 1255 and AB 1486.

Attachments

1. Resolution
2. Aerial map of the property

RESOLUTION NO. XX-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY DECLARING PURSUANT TO GOVERNMENT CODE SECTION 54221 THAT CERTAIN REAL PROPERTY OWNED BY THE CITY IS NOT NECESSARY FOR THE CITY'S USE

WHEREAS, the City of Oakley ("City") is the owner in fee simple of certain real property located at various locations within the City and described in Exhibit "A" attached hereto and made a part of hereof ("Properties"); and

WHEREAS, under the Surplus Property Land Act, Government Code Sections 54220-54233 ("Act"), surplus land is land owned in fee simple by the City for which the City Council takes formal action in a regular public meeting declaring the land is surplus and not necessary for the City's use. The land must be declared either surplus land or exempt surplus land; and

WHEREAS, under the Act, land is necessary for the City's use if the land is being used, or is planned to be used pursuant to a written plan adopted by the City Council, for City work or operations; and

WHEREAS, City staff has evaluated the Property for its potential to be used for City work or operations; and

WHEREAS, City staff has determined that the Property is not suitable for the City's use; and

WHEREAS, the City Council desires to declare that the Property is surplus land and not necessary for the City's use; and

WHEREAS, the Act requires that before the City Council disposes of the Property or engages in negotiations to dispose of the Property, the City shall send a written notice of availability of the Property to certain designated entities; and

WHEREAS, the accompanying staff report provides supporting information upon which the declaration and findings set forth in this Resolution are based;

NOW, THEREFORE, the City Council hereby resolves as follows:

SECTION 1. The above recitals are true and correct and are a substantive part of this Resolution.

SECTION 2. The City Council hereby declares that the Property is surplus land and not necessary for the City's use. The basis for this declaration is that the property is a residential parcel and no planned city facility or building that the City can financially afford is feasible for the site.

SECTION 3. Staff is hereby directed to send a notice of availability, to the entities designated in Government Code Section 54222 ("Designated Entities") by electronic mail or by certified mail.

SECTION 4. This Resolution has been reviewed with respect to the applicability of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA"). City staff has determined that the designation of the properties as surplus does not have the potential for creating a significant effect on the environment and is therefore exempt from further review under CEQA pursuant to State CEQA Guidelines Section 15060(c)(3) because it is not a project as defined by the CEQA Guidelines Section 15378. Adoption of the Resolution does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. If and when the properties are sold to a purchaser and that purchaser proposes a use for the property that requires a discretionary permit and CEQA review, that future use and project will be analyzed at the appropriate time in accordance with CEQA.

SECTION 6. The officers and staff of the City are hereby authorized, jointly and severally, to do all things which they may deem necessary or proper to effectuate the purposes of this Resolution, and any such actions previously taken are hereby ratified and confirmed. Such actions include negotiating in good faith in accordance with the requirements of the Act with any of the Designated Entities that submit a written notice of interest to purchase or lease the Property in compliance with the Act.

PASSED AND ADOPTED by the City Council of the City of Oakley this 14th day of March 2023 by the following vote:

AYES:

NOES:

ABSTENTION:

ABSENT:

APPROVED:

Aaron Meadows, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date

Exhibit “A”

	Property Address and APN	Parcel Size	Condition
1.	No Address Portion of APN 037-160-018	0.91-acres or 40,000 sq. ft.	Vacant

Portion of APN 037-160-018



Legend

- Board of Supervisors' Districts
- City Limits
- Unincorporated
- Streets
- Building Footprints
- Assessment Parcels
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations

Notes

Contra Costa County -DOIT GIS

0.1 0 0.04 0.1 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

STAFF REPORT

Date: March 14, 2023

To: Joshua McMurray, City Manager

Approved and Forwarded to the City Council

From: Harumi Murata, Economic Development Analyst

Subject: **Overview of Economic Development Work Plan Update and Work Session**

Background and Analysis

In July 2022, the City Council directed staff to update the 2016 Economic Development Work Plan. After an ad-hoc committee evaluated all applicant proposals, the City contracted with Chabin Concepts, Inc. to assist with developing the necessary economic trends and competitive analysis, acquiring the necessary employment data from regional stakeholders, including Contra Costa County Conservation and Development Office, Workforce Development Board, Los Medanos College, Mount Diablo Water District, and East Bay Small Business Development Center. Chabin Concepts conducted a site visit and 1-on-1 local interviews with key stakeholders within the Oakley Business Community.

Chabin Concepts has developed the presentation of the background information as well as findings from stakeholder interviews, research, and site visit for the City Council's review and comment. The City Council's input, as well as public comment from this work session, will be reflected in the basis for the Draft Economic Development Work Plan. The presentation and background information provides Oakley's position within the region and global economy, prospective advantages, strategies to remediate challenges, and gap analysis.

The Draft Economic Development Work Plan will be submitted for public review and revised before being submitted for City Council Approval.

Fiscal Impact

Not applicable to this work session; however, this Economic Development Work Plan Update project was allocated \$50,000 of ARPA funds. The goals and action items in the Updated Work Plan will have their own budgetary impact and will be accounted for in the upcoming Economic Development budget.

Staff Recommendation

Staff recommends that the City Council provide general direction on the next steps in updating the Economic Development Work Plan.

DATE: March 14, 2023

TO: Joshua McMurray, City Manager

Approved and Forwarded to the City Council

FROM: Lindsey Bruno

SUBJECT: Follow Up Recommendations from Youth Council Presentation

Background and Analysis

In January of 2022 the Youth Council presented to the City Council a number of recommendations for things they would like to see in the community that would make it more youth friendly. Council requested staff to bring back a work session on the implementation of these items.

Staff have continued to coordinate with the Youth Council to brainstorm ideas and come up with ways that items they requested could be implemented and have prepared a list of those items based on the specific presentation items.

Teen Center-

- Last month City Council approved \$60,000 of ARPA Funding to provide Oakley youth under 18 one free class which will begin with the Summer Recreation Guide and continue as funds allow into 2024.
- Staff are working with instructors to resume cooking classes, and City Council has authorized The City Manager to continue exploring the Oakley Library which has long been envisioned to have some of the open study areas for teens. Staff have also proposed hosting study hours at the Recreation Center during finals weeks.

More Entertainment, More Restaurants, More Small Businesses-

- Provide an easy way for the Youth Council to be notified of future projects utilizing the Remind app to be notified when new projects are posted and a link to the Planning Commission/City Council comment form to provide direct comments to City Council regarding projects and their feedback about the business.

- The Youth Council discussed implementing a business award program to highlight those business already in Oakley that are friendly to teens.

Outdoor Areas

- Staff propose additional outreach via flyers to the school districts when public park projects are available for public input like the upcoming 55 acre park.

Community Art

- Many cities coordinate with their local high schools to provide opportunities for public art installations. Staff propose outreach and coordination with the local schools to determine interest and project costs to implement a public art project at the Civic Center playground.
- The City currently offers various art contests throughout the year including Art in the Park and the local schools are invited to showcase their arts both visual and theater.

Fiscal Impact

The financial impact associated with offering a free class session were estimated to be approximately \$60,000 which were allocated from ARPA funds at the February 28, 2023 City Council meeting. The financial impact of the Teen Business Choice Awards are minimal and can be absorbed in the Recreation budget.

The community art project could be researched and built into the 2023/2024 FY Budget.

Staff Recommendation

Staff recommend Council provide feedback on the suggested follow up items and direct staff and Youth Council to provide follow up on implementations semiannually.

Attachments