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, August 08, 2023
6:30 PM

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

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

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

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

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

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If you have a physically challenging condition and require special accommodations, please call the City Clerk's office at (925) 625-7000.

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

Information Regarding Public Comment

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

1.OPENING MATTERS

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

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

1.2 Pledge of Allegiance to the Flag

1.3 Update from Contra Costa Advisory Council on Aging (Michael Rigsby)

1.4 Native American Presentation (Wyatt Moore, East Bay Regional Parks District)

1.5 Update from Nonprofits Awarded American Rescue Plan Act (ARPA) State and Local Fiscal Recovery Fund Grants (a) Liz Fuller, Treasurer/Membership Chair, Friends of the Oakley Library and Lorena Campos, President, Friends of the Oakley Library (b) Cyler Craig, Pastor, Oakley Church (AKA Revive Church)

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/Public Financing Authority Meeting Held July 11, 2023 (Libby Vreonis, City Clerk)

Minutes 07-11-23

3.2 Approve Minutes from the Special City Council Meeting held July 19, 2023 (Libby Vreonis, City Clerk)

Minutes 07-19-23

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

Memo

3.4 Waive the Second Reading and Adopt Ordinance No. 7-23 Amending an existing P-1 (Planned Unit Development) District for the Project Know as Sellers Avenue Subdivision 9614 (RZ 01-22) APN 033-150-013 (Ken Strelo, Planning Manager)

Ordinance No. 7-23

3.5 City of Oakley Quarterly Investment Report (4th Quarter FY 2022/23) (Jeri Tejeda, HR Director)

Staff Report
1. City of Oakley Investment Report for the quarter ended June 30, 2023
2. Quarterly Investment Performance Report

3.6 City of Oakley as Successor Agency to the Oakley Redevelopment Agency Quarterly Investment Report (4th Quarter FY 2022/23) (Jeri Tejeda, HR Director)

Staff Report
1. City of Oakley as Successor Agency to the Redevelopment Agency Investment Report for the

quarter ended June 30, 2023

3.7 Consideration of a Resolution Authorizing the Purchase of a 2023 Ford F550 4WD Diesel Super Duty for $107,957.64 from Big Valley Ford Lincoln of Stockton (Kevin Rohani, P.E., Public Works Director/City Engineer)

Staff Report
1. Resolution
2. Big Valley Ford Quote

3.8 Agreement with Mark Thomas & Co. Inc. for Engineering Design Services associated with Bridgehead Road Widening (Railroad Tracks to Main Street) Capital Improvement Project Number 300 (Kevin Rohani, P.E., Public Works Director/City Engineer)

Staff Report
1. Resolution
2. Mark Thomas Proposal

3.9 Resolution of the City Council of the City of Oakley Renewing the City of Oakley Military Equipment Policy as Enacted in Chapter 39 of Title 4 of the Oakley Municipal Code (Derek P. Cole, City Attorney)

Staff Report
1. Resolution

3.10 Designating Vice Mayor Anissa Williams as Voting Delegate and Councilmember Shannon Shaw as an Alternate Voting Delegate for League of California Cities Annual Conference September 20-22, 2023, and Directing the City Clerk to complete and forward the voting delegate form to the League of California Cities (Libby Vreonis, City Clerk)

Staff Report
1. Resolution
2. Voting Delegate Packet

4.PUBLIC HEARINGS

4.1 Grand Cypress Preserve Development Agreements Master Amendment (DA 01-23) (Ken Strelo, Planning Manager)

Suggested Action: Staff Recommendation: 1) Receive the Staff Report, 2) Receive Questions from the City Council, 3) Open the Public Hearing, 4) Receive Comments from the Applicant, 5) Receive Public Testimony, 6) Close the Public Hearing, 7) Deliberate, 8) Summarize the Deliberation 9) Adopt the Resolution

CEQA Determination: Recommend the City Council find that the project is within the

scope of the East Cypress Corridor Specific Plan Revised Final Environmental Impact Report (SCH No. 2004092011) certified by the City Council through adoption of Resolution No. 46-09 on March 10, 2009
Staff Report
1. Vicinity Map
2. Notice of Public Hearing
3. Planning Commission Resolution 11-23
4. Grand Cypress Preserve Development Agreements Master Amendment
5. Proposed Ordinance

5.REGULAR CALENDAR

5.1 Appeal of Administrative Hearing Officer's Decision, 20 W. Bolton Road, Oakley, California (Libby Vreonis, City Clerk)
Staff Report
Attachment 1
Attachment 2
Attachment 3
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Attachment 29

5.2 Review and Adoption of 2023 Economic Development Work Plan (Harumi Murata, Economic Development Analyst)

Staff Report

1. 2023 Oakley Economic Development Work Plan
2. Draft Resolution

5.3 Adopt a Resolution Authorizing the City Manager or Mayor to Sign and Send Letters of Support or Opposition to Legislation (Danielle Navarro, Assistant City Manager)

Staff Report

1. Resolution

5.4 Adopt a Resolution (1) Declaring as exempt surplus property the real property located at 3080 Main Street (APN 037-200-011); (2) Authorizing the City Manager to Execute a Purchase and Sale Agreement with Kent A. Ipsen concerning this property; and (3) Finding the declaration of surplus property and authorization for sale are categorically exempt under the "class 12" exemption of the California Environmental Quality Act (Joshua McMurray, City Manager)

Staff Report

1. Draft purchase and Sale Agreement
2. Draft Resolution

6.REPORTS

6.1 CITY MANAGER

(a) City Manager

(b) City Council Compensation

Staff Report

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

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

(b) Requests for Future Agendas

7.WORK SESSIONS

8.CLOSED SESSION

8.1 CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION-INITIATION OF LITIGATION
Pursuant to Government Code Section 54956.9(d)(2). One potential case.

8.2 CONFERENCE WITH REAL PROPERTY NEGOTIATORS Pursuant to Government Code Section 54956.8
Property: 3570 Main Street, Oakley, CA, APN 037-160-025
Agency Negotiator: Joshua McMurray, City Manager
Negotiating Party: Juli Del Barba Favalora
Under Negotiation: Price and term of payment

9.ADJOURN

Minutes of the 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 held July 11, 2023

1) OPENING MATTERS

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

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

1.2 Pledge of Allegiance to the Flag

Councilmember Shaw led the Pledge of Allegiance to the Flag.

1.3 Outstanding Youth Award (Lindsey Bruno, Recreation Director)

Recreation Director Lindsey Bruno introduced the award recipients and Mayor Meadows presented certificates and awards to the recipients. Tiffanee Jones, District Director for Assemblymember Lori D. Wilson, provided certificates of recognition to the award recipients.

Mayor Meadows thanked Assemblymember Wilson for her work on AB 102 that provided $2 million for improvements to E. Cypress Road.

1.4 Update from Nonprofits Awarded American Rescue Plan Act (ARPA) State and Local Fiscal Recovery Grant Funds

(a) Caitlin Sly, Executive Director, Meals on Wheels Diablo Region
(b) Pat Walsh, President, St. Vincent de Paul-St. Anthony's Conference

Ms. Sly and Mr. Walsh provided information to the City Council how ARPA grant funds have been utilized by their non-profits.

2) PUBLIC COMMENTS

An online public comment was submitted by Lapamela Price and made part of the meeting record.

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 June 13, 2023 (Libby Vreonis, City Clerk)

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

3.3 Waive the Second Reading and Adopt Ordinance 5-23 Reducing the Acreage of Land and Amending an Existing P-1 (Planned Unit Development) District for the Project Known as Machado Lane Subdivision 9615 (RZ 06-21) APNS 033-190-003 and 033-190-004 (Ken Strelo, Planning Manager)

3.4 Waive the Second Reading and Adopt Ordinance 6-23 Updating Mitigation Fees Imposed to Implement the East Contra Costa County Habitat Conservation Plan / Natural Community Conservation Plan (Ken Strelo, Planning Manager)

3.5 Authorize the City Manager to Execute Amendment Number 1 to the Consulting Services Agreement with Callander Associates Landscape Architecture, Inc. for the Enrico Cinquini Park Construction Project Capital Improvement Project (CIP) Number 281 (Kevin Rohani, P.E., Public Works Director/City Engineer)

3.6 Fiscal Year (FY) 2022/23 Fourth Quarter Report on the Capital Improvement Program (Kevin Rohani, P.E., Public Works Director/City Engineer)

3.7 Agreement with Mark Thomas & Co. Inc. for Engineering Design Services associated with East Cypress Road Lane Alignment Analysis (Railroad Tracks to Main Street) Capital Improvement Project Number 301 (Kevin Rohani, P.E., Public Works Director/City Engineer)

3.8 Award of Construction Contract to Specified Play Equipment Company for the Koda Dog Park Shade Structure Project - Capital Improvement Program (CIP) Number 287 (Kevin Rohani, P.E., Public Works Director/City Engineer)

3.9 Adopt a Resolution Approving a Side Letter to the Oakley Police Officers Association Memorandum of Understanding (Jeri Tejeda, Human Resources Director)

3.10 Adopt a Resolution Authorizing the City Manager to Execute a Consulting Services Agreement with the Public Safety Family Counseling Group, Inc. to Provide Training and Support Related to Critical Incidents as well as Counseling Services on an as Needed Basis for Members of the Oakley Police Department (Jeri Tejeda, Human Resources Director)

It was moved by Dr. Fuller and seconded by Councilmember Henderson to approve the Consent Calendar. Motion was unanimous and so ordered. (5-0)

4) PUBLIC HEARINGS

4.1 Sellers Avenue Subdivision 9614 Rezone (RZ 01-22), Vesting Tentative Map (TM 01-22), Final Development Plan (FDP 01-22), Design Review (DR 01-22) and adoption of a Mitigated Negative Declaration finding that this project, with mitigations, would not require the adoption of an Environmental Impact Report (Ken Strelo, Planning Manager)

Dr. Fuller recused himself and left the Council Chambers.

Planning Manager Ken Strelo presented the staff report.

Mayor Meadows inquired why the streets changed from private to public and Mr. Strelo explained there was less parking with private streets, there is room to adjust lot sizes better with public streets, it would provide for the park to be public as there are no other parks nearby, and there was no proposal for this to be a gated community.

Vice Mayor Williams inquired if the property has ever been zoned agricultural (ag) or if it has always been this proposed density and Mr. Strelo explained it could have been ag prior to incorporation, but in 2002 the City of Oakley 2020 General Plan set forth the land use designation and this property has not changed land use since that time. He further explained zoning and the General Plan must match, and the General Plan sets zoning, not the other way around.

Mayor Meadows opened the public hearing.

Applicant Kevin Freyer with Meritage discussed the changes they have made to the project.

Online public comments were submitted by John de Fremery and Tanya Reisinger and made part of the meeting record.

Mr. Strelo clarified from his staff report this is the first reading and introduction of the ordinance.

Erin Mathias requested single-story homes along Sellers and bushes at exit points for privacy.

Andrew Mathias expressed concerns about trash, traffic, speed, lack of infrastructure and road conditions.

Vince Granberg expressed concerns regarding traffic, speed, the stability of the railroad tracks with its proximity to water, and he addressed the Baldocchi property annexation and related ag easement.

Laurie Seeno expressed concerns regarding safety, traffic, and road conditions. She suggested a stop sign and/or to reduce the speed limit.

Mayor Meadows closed the public hearing.

Vice Mayor Williams asked staff to address traffic mitigation during construction and thereafter and Mr. Strelo explained that peak hours are based on the number of units in

a project, all projects are treated fairly and under the same thresholds in the industry, setting speeds on roads requires a speed survey, and he would not recommend it be conditioned for this project as they would not be able to make findings that this project would be responsible for speed. He discussed a mitigation measure for the truck route.

Vice Mayor Williams inquired what developers are doing to mitigate how new property owners moving near County ag property would handle living near it as well as the ag property owners handling new property owners moving near ag land. Mr. Strelo explained there are disclosure requirements for developers. Mayor Meadows added that buyers sign a right to farm disclosure.

Vice Mayor Williams inquired if single-story homes can be on Sellers as well as the privacy bushes requested by Ms. Mathias and Mr. Strelo responded that staff would not condition the developer to install bushes on private property, but the developer could agree to it, and one-story homes seem feasible, although it would create a cluster.

Ms. Mathias explained they are requesting the bushes in the space between the fence and easement.

Councilmember Shaw commented that traffic analysis can sometimes increase speed. She asked staff to discuss the developer's dedication of 2.35 acres of land for the future Laurel Road extension and Mr. Strelo discussed the extension project and dedication. She expressed appreciation for the collaboration of the developer.

Councilmember Henderson requested clarification if the west lane on Sellers is City property, if the east lane is unincorporated, and Mr. Strelo explained he is not certain, but usually in these circumstances, the right-of-way would be with the City.

Mr. Strelo also responded to a previous comment and verified that the buffer discussed with the previous westerly annexation only applies to the new City limit line south of Cypress, east of Sellers, and west of Knightsen.

Vice Mayor Williams asked staff to explain why the City can't start the road extension today and build roads first and Mr. Strelo explained the improvements are done with development, mostly by developers. Public Works Director/City Engineer Kevin Rohani added that this developer is giving the largest portion of the right-of-way and they will work with landowners for the rest. He mentioned over the past two years, the City has spent substantial time and money to maintain Sellers, from Delta to E. Cypress.

Mr. Freyer commented that he thinks they can accommodate single-story homes on Sellers and will connect with the property owners regarding bushes for privacy and possibly a construction fence for potential trash.

Vice Mayor Williams echoed what Councilmember Shaw said; she appreciates the concessions the developer is willing to make. She shared she was wavering on it, but these were always meant to be homes, the developer is making concessions, and this is not a density increase.

It was moved by Councilmember Shaw and seconded by Councilmember Henderson to waive the first reading and introduce the proposed ordinance for Rezone. AYES: Henderson, Meadows, Shaw, Williams. ABSTENTION: Fuller. (4-0-1).

It was moved by Councilmember Henderson and seconded by Councilmember Shaw to adopt the proposed resolution, including adoption of the initial Study/Mitigated Negative Declaration that also applies to Rezone entitlement. AYES: Henderson, Meadows, Shaw, Williams. ABSTENTION: Fuller. (4-0-1).

Mayor Meadows called for a brief recess at 7:46 p.m. The City Council reconvened at 7:51 p.m.

4.2 Proposed Resolution Revising Fees in the City's Master Fee Schedule for Rental of Fields, Group Picnic Areas, and the Oakley Recreation Center by Oakley Based Businesses (Tim Przybyla, Finance Director)

Finance Director Tim Przybyla presented the staff report and requested a correction to the proposed resolution to reflect September 11 rather than July 11 as the effective date of the fees.

Vice Mayor Williams requested to reduce the Recreation Center kitchen rental fee for Oakley residents and staff indicated that options could be brought back on a future agenda.

Mayor Meadows opened the public hearing and called for public comment. There being none, he closed the public hearing.

It was moved by Vice Mayor Williams and seconded by Dr. Fuller to adopt the resolution as amended to reflect September 11 rather than July 11 as the effective date of the fees. Motion was unanimous and so ordered. (5-0)

5) REGULAR CALENDAR

5.1 Annual Report of Military Equipment Usage-2022 (Paul Beard, Chief of Police)

Chief of Police Paul Beard presented the staff report and provided a PowerPoint presentation. He announced a community meeting regarding Police military equipment will be held July 26th at 6:00 p.m. in the Oakley City Council Chambers.

Dr. Fuller commented his understanding is the equipment is approved through the Peace Officer's Standards and Training (POST) and Oakley Police Officers receive training on how to use it which Chief Beard confirmed is correct and mentioned there are no POST guidelines for drones, therefore training is outsourced.

Dr. Fuller commented that staff is not making a capricious purchase but a well-researched purchase and are using POST guidelines which Chief Beard confirmed is correct.

Vice Mayor Williams inquired if drone footage can be used to monitor and fine illegal fireworks and Chief Beard confirmed Police can use drones to record fireworks, and they can use drone footage to process a report and fine.

No public comments were submitted.

Dr. Fuller commented that "military equipment" is the term used but the equipment has been adapted for police use; it is a valuable tool to save officer and civilian life.

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

5.2 Resolution authorizing the City Manager to execute a contract with Urban Field Studio for the Library and O'Hara Residential Projects Design and Economic Feasibility Analysis and appropriating American Rescue Plan Act funds for the project (Joshua McMurray, City Manager)

City Manager Joshua McMurray presented the staff report.

No public comments were submitted.

Vice Mayor Williams inquired if the Council would need to approve an option today and Mr. McMurray confirmed it would and staff is recommending both.

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

5.3 Authorization to Execute the Purchase and Sale Agreement with R&R Pacific Construction, Inc. for 0.90 Acres of APN 037-160-018 (Joshua McMurray, City Manager)

City Manager Joshua McMurray presented the staff report and provided a PowerPoint presentation.

Dr. Fuller inquired if there is any reason why they can't table the item until after the Downtown Specific Plan has been reviewed by the community and approved. Mr. McMurray responded there is not, but there is momentum in the Downtown and they have a private investment, continuing with the mercantile building, and have a proposal from an experienced developer who can produce what they say they can do and that is real and tangible. He shared that staff will bring an analysis forward in October or November.

Mayor Meadows inquired when the Downtown Specific Plan is coming forward and Mr. McMurray responded it would be mid-2024.

Councilmember Shaw inquired if it would make most sense to do this now with utilities and construction happening which Director of Public Works/City Engineer Kevin Rohani confirmed it would.

Vice Mayor Williams commented that she is a fan of mixed use and wants to keep the Downtown momentum going for economic development. She inquired if parking will be addressed during the design review and if there are other opportunities for mixed use and Mr. McMurray confirmed an application would have to be submitted and go through at least Planning Commission review and mixed use is allowed now in certain areas of the Downtown.

No public comments were submitted.

Councilmember Shaw commented she is also a fan of mixed use, it would be unique to the Downtown, and it would provide residents with the train platform nearby and walkability.

Dr. Fuller commented it has been 2 ½ years that he has been requesting the Downtown Specific Plan and he is concerned they are turning their back on the city; they are moving forward here to say this looks good when residents haven't had an opportunity to speak to the Downtown Specific Plan and this may open the door to the next project. He mentioned he sees no reason to have to approve it tonight; it seems the cart is in front of the horse with R & R. He requested the item be tabled until the Downtown Specific Plan is reviewed and approved.

Vice Mayor Williams inquired if approving the sale would lock the Council into anything or if everything must still come before the Council and Mr. McMurray explained the entitlement requires staff review and presentation to the Planning Commission and approval by the Planning Commission.

Mayor Meadows inquired if it goes to the Planning Commission but not the City Council and Mr. McMurray confirmed that is correct, but if the Council wants to call up an item, it can within the provisions of the municipal code.

Vice Mayor Williams mentioned she has not seen public comment regarding this item in relation to the Downtown Specific Plan nor does she recall receiving any public comment regarding the Downtown Specific Plan.

Councilmember Shaw mentioned while residents have not submitted comments on this item, they have shared that they want more restaurants and businesses and more Downtown and halting progress is not a benefit to the city or its residents; this potentially brings restaurants, housing, tax revenue, and something unique to Oakley.

It was moved by Dr. Fuller to table the item until the first meeting after the Downtown Specific Plan is reviewed and approved by the City Council. The motion died for lack of a second.

Mayor Meadows commented he believes the project as envisioned currently is good for the Downtown, there is momentum going; however, the price is low and fill needs to be on the site, but he will vote for it since the benefits outweigh that for the Downtown.

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

6) REPORTS

6.1 CITY MANAGER
(a) City Manager

City Manager Joshua McMurray thanked staff for their work at Summer Fest held July 1. He announced next Wednesday at 7:00 p.m. in the Oakley City Council Chambers a second community meeting will be held regarding the 55-acre park, the Retro Summer Block party will be held July 29 at 6:00 p.m. at Civic Center Plaza, Friday Night Bites and a concert with be held August 4 at 5:00 p.m. at Civic Center Plaza, and the Annual Kids Fishing Derby will be held at the Oakley/Antioch Pier August 12 at 8:00 a.m.

(b) Results of the Marsh Creek Pedestrian Bridge Survey

Mr. McMurray shared that 78.9% of people surveyed support replacing the current bridge with a longer bridge in a different location; plans should be finished by the end of this year, and then they will seek funding for the implementation phase of that project.

(c) KOA/Tyler Presentation

Holly Sitton Orognen, PMP, CCP, PSMI, Project Manager with Koa Hills Consulting, provided a PowerPoint presentation.

Dr. Fuller inquired how she envisions the project changing priorities and requested she share what she has experienced.

Ms. Sitton Orognen mentioned the project might take the City Manager and Finance Director away from project meetings, for example, where there may need to be creative allocation.

Dr. Fuller inquired if her example is referring to Mammoth and Ms. Sitton Orognen replied “no”. He thanked her for recognizing finances.

Vice Mayor Williams inquired if the Council would receive regular status updates. Mr. McMurray mentioned the Council will receive updates when the project hits critical milestones and Ms. Sitton Orognen added they can view the dashboard for progress and anything overdue.

(d) Fireworks Update

Chief of Police Paul Beard provided an update. He mentioned he had 4 officers from June 30-July 4 on overtime in 2-4 patrol cars, depending on if they rode solo or doubled up. He shared that he conveyed to the officers his experience from previous years and the focus of having no fireworks. He mentioned state-wide that it fell apart. He shared that the worst year in memory was April-October 2021 for fireworks season, and years prior to, Oakley has proven to be a community that loves fireworks. He shared his personal experience of patrolling in previous years, chasing fireworks and getting trapped in small geographical areas. He mentioned he needs to do a better job to educate officers how to better address firework enforcement and drones can also help. He mentioned the Police Department has gone on record to say fireworks are hazardous for pets and veterans, there is a lot of data to support that, as residents can lose animals trying to escape fireworks. He added that they have adopted a zero-tolerance policy and ran an educational program from June 9-29 through social media with an open notice and passed out the same notice in communities. He mentioned the educational period ended June 29 and June 30-July 4, officers cited or wrote reports for admin citations. He shared they had a slow lead up to July 4, but on July 4 it was full on; they had some weekend admin cites, but on July 4 calls for service were abundant and worse than last year. He mentioned statistically fireworks are underreported because historically people are placed on hold from dispatch to get to health and safety calls or nothing happens because an officer never shows up because officers are bouncing from block to block. He shared that they had 84 calls last year and 94 calls this year (over 5 days) and there were 60 fires County-wide between July 4-July 5. He mentioned Pittsburg hosted fireworks and Brentwood hosted a drone show and it didn’t reduce their illegal fireworks shows; Brentwood in 72 hours had 89 calls, Pittsburg had 174 calls over 5 days (112

calls coming in between July 4-July 5). He mentioned they processed 6-7 cases of admin cites. He shared that they will apply current experiences to future strategy.

Vice Mayor Williams shared that there have been comments that if Oakley would just bring back legal fireworks show all illegal fireworks wouldn't happen, but data shows no correlation. She inquired what it would take to put on a safe show and where that might be held.

Chief Beard commented he will apply current experiences to future operations. He mentioned there was a time when fireworks shows were safe, when there was law and order, but until the state and society have sense of what law and order really is; any public event runs the risk of being a disaster. He shared that he doesn't want to cower from criminals, withhold services, or withhold good times, but Police needs to take a measured response to what they do for the community. He mentioned the basin is not an ideal location because there are a concentrated number of people in a bowl and the future 55-acre park is probably not an ideal location for ingress/egress. He mentioned if they host fireworks, he must dedicate a certain number of Police services to make sure it is a safe environment, but they would still need a lot of Police to chase down illegal fireworks in neighborhoods; it takes a lot of resources. He indicated the special services team will be tasked with fireworks suppression next year.

Councilmember Shaw commented that historically fireworks haven't been on July 4 in Oakley so Oakley will still get illegal fireworks on July 4. She mentioned she would like stricter fines and suggested a local tip line.

Chief Beard commented that the tip line went to County dispatch that was serving many different entities that night.

Councilmember Shaw commented that many people don't report fireworks; some think because it is happening near water at the park there is no harm, but winds pick up. She showed remnants of a firework that landed on her neighbor's roof. She shared people were shooting fireworks at one another in her neighborhood, she had Police response at her house, and the crowd dispersed. She mentioned she would like to see drones and stricter fines and if that doesn't work possibly a reward system for reporting when a call leads to an actual fine, having part of that fine go to the reporting party.

Dr. Fuller asked what Chief Beard's response was to Vice Mayor Williams.

Chief Beard commented that law and order in society is lacking so they can't expect society to act accordingly.

Dr. Fuller commented that fireworks have drastically improved since 2020 when they began in April and went through October. He thanked Chief Beard for applying his professional expertise and keeping the city safe.

Chief Beard provided the locations of the administrative citation reports that showed fireworks were widespread across the city.

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 Henderson reported he attended the Diablo Water District Board meeting June 14, the Juneteenth event on June 17, Summer Fest on June 1, Friday Night Bites on June 7, and the swearing-in ceremony yesterday for the promotion of an officer to a sergeant position.

Vice Mayor Williams reported she attended the Tri-Delta Transit meeting where she sat her last meeting as chair since the chair position rotates and discussion points at that meeting included budget, zero emissions capital funds project was funded, a transportation task force will be in place January 2024 to focus policy and better track funding, and they received positive follow up on dynamic personal micro transit (a closed system with a fixed guideway with private seating on demand to move people more efficiently). She mentioned they did a fair/equity analysis because paratransit riders were not able to use Clipper for a period because the app phased out, and because of elimination of the mobile app, it disproportionality impacts the low-income riders so they are working toward correcting that. She shared Tri-Delta was dropped by State Farm Insurance because they no longer insure in California and 21 other providers would not accept them, and the risk pool that agreed to insure them has increased costs. She announced National Night Out is August 1st and requested social media outreach for the event.

Dr. Fuller reported he attended "Dance Around the World" hosted by the Oakley Library with use of ARPA funds, and he attended the Association of Bay Area Governments (ABAG) meeting.

Councilmember Shaw reported she attended Oakley's Juneteenth event and she appreciates Assemblymember Wilson attending and the work of staff. She also reported she attended the East Bay Regional Park District meeting at Big Break on June 20, the "Dance Around the World" event, the Tri-Delta Transit meeting, the Delta Association of Realtors local elected event, the CalCities' Bocce event on June 29, Summer Fest on June 1, Antioch Unified School District's College and Career Expo yesterday, and the swearing-in ceremony yesterday for the promotion of an officer to a sergeant position.

Mayor Meadows reported he attended TRANSPLAN, HWY 4 Bypass Authority, ECCRFA, CCTA meetings, Juneteenth, the swearing-in ceremony for the promotion of an officer to a sergeant position, the Delta Association of Realtors event, and the Mayors Conference in Moraga where he suggested they all receive autographed copies of the Constitution which Senator Mark Desaulnier provided. Mayor Meadows passed them out to the Council.

(b) Requests for Future Agendas

Councilmember Shaw requested a report on fireworks, fines, and what the City can do. It was supported by Vice Mayor Williams.

Mayor Meadows called for a brief recess at 9:36 p.m. The City Council reconvened at 9:45 p.m.

7) WORK SESSIONS

7.1 Work Session to Discuss AB 1657 and Recent General Assembly of the Association of Bay Area Governments (Derek Cole, City Attorney)

City Attorney Derek Cole presented the staff report and requested Dr. Fuller proceed with leading the discussion as he requested the item.

Dr. Fuller mentioned in 2022, during a Bay Area Association of Governments (ABAG) meeting, Mayor Jesse Arreguin from Berkeley (ABAG President) mentioned the Residential Housing Numbers Assessment (RHNA) is exorbitant in Berkeley where they have 8900 units required. He shared in comparison Oakley has done a good job because it has incorporated housing for everyone over the years and only has 479 units required. He mentioned Oakland is in the 5-digit numbers for required units and others were seriously complaining about their RHNA allocation. He commented that Arreguin mentioned they were putting together a bond measure so that they can build affordable housing in open areas, meaning East Contra Costa County, East Alameda County, and South Santa Clara County, which is primarily agricultural, because they don't have any more room. He shared that he took that as "not in my backyard, we have a great idea for you to do". He mentioned he brought this up during the last Council meeting. He shared that prior to the 2023 ABAG meeting in San Francisco, CalCities came out endorsing AB 1657 (Affordable Housing Bond Measure of 2024), a $10 billion bond issue to allocate state-wide affordable housing to be built and sections 54054(a)(b)(c) of the bill are very innocuous, indicating from time to time, the legislature can change the basis of allocation such as RHNA. He mentioned during the 2023 ABAG meeting, Mayor Arreguin supported the bond and announced they were putting together the Bay Area Housing Financing Authority (BAHFA) that is made by the executive committee to help finance getting AB 1657 passed. He mentioned the speaker after Arreguin supported it because the Southern California Association of Governments (SCAG) has the legislature convinced the RHNA allocations are all wrong so the RHNA allocations should be redone which would totally negate what Oakley is doing. He mentioned this legislation is leading to the loss of local control. He shared that SB 555 is to form a 2024 Housing Authority via the state to help allocate the money and determine where it goes. He mentioned AB 1657 provides $925 million to Contra Costa County. Mayor Meadows corrected him mentioning that is through BAHFA. Dr. Fuller mentioned his perception is that we are going to give money for affordable housing and the counties or state can designate where the money would go and the type of public housing. He expressed that he firmly opposes tax money going into public housing. He summarized that ABAG and BAHFA are attempting to reallocate RHNA numbers, and it is a discriminatory move as they are marginalizing people. He commented that Census numbers show Berkeley has had a migration out of Black, Indigenous, People of Color (BIPOC) and an increase of its white population; their affordable housing might bring that back, but they are saying to move lower-income out of their backyard which marginalizes lower-income people and is a discriminatory move. He mentioned that reallocating RHNA would negate all the work the City has done and allows the County to put buildings in wherever they want, MTC is coming with it which Mayor Meadows might have something to do with it, it is state money, say more tax money, and BAHFA would create a regional vote; with population centers along the coast, we would lose local control. He expressed that he would like to see a letter of opposition.

Mayor Meadows agreed and mentioned during the last Mayors Conference, there was a BAHFA presentation and there would be $925 million coming into Contra Costa County if it is a $10 billion bond; they are polling to possibly increase it $10-$20 billion for the 9 Bay Area counties. He mentioned he has an issue with that because it is put back onto parcel tax so we're paying for it. He shared that they sat next to the PIO for BART who mentioned he lives in Berkeley, and it hasn't grown in decades. He commented Oakley has grown a lot in the past few decades because a lot of that growth is pushed out to us. He mentioned the big cities have all the jobs but do not do a good job of providing housing and the people who work those jobs get pushed out and commute back and we don't have the transportation to make that work. He shared he is pro-housing, but he is opposed to cramming this down on Oakley. He added that Oakley takes care of its issues and Berkeley, Oakland and San Francisco need to take care of their issues. He mentioned that Oakley's problem is that it doesn't have the votes; the votes sit on the peninsula which is the same in Southern California. He commented he would support a letter of opposition to AB 1657 and potentially to ABAG stating they don't want this crammed down on Oakley. He mentioned San Francisco needs to step up and provide housing.

Vice Mayor Williams commented she is not seeing in the legislation where it says that another city can allocate housing to another city. She corrected the record to indicate that Oakley has not done a great job in providing affordable housing; Oakley is making changes to make it happen, but the reason Oakley's RHNA numbers are so low is because of how it is allocated. She mentioned in the last couple of housing cycles affordable housing has not been built and Oakley is correcting that now but Oakley has put all of its affordable housing on places that cannot be developed and that is why the legislation has had to come down. She mentioned the legislation talks about transit-oriented community policies and Oakley is not yet transit-oriented so it looks to her like the legislation is trying to put housing where transit is easily accessible and that would apply first to the bigger cities. She mentioned she doesn't agree with how RHNA numbers are allocated, but that is a separate discussion from this legislation. She mentioned Mayor Meadows brings up a fair point that San Francisco, Sacramento, San Jose have the jobs and we don't have the jobs.

Mayor Meadows commented that is the point, Oakley doesn't have the jobs so it shouldn't have the housing.

Vice Mayor Williams mentioned Oakley's workforce needs housing to live.

Mayor Meadows indicated Oakley doesn't have a workforce; San Francisco has a workforce and doesn't provide the housing; Oakley has housing but doesn't have the workforce.

Vice Mayor Williams inquired if Oakley residents who have jobs in San Francisco should not live here anymore, but rather live in San Francisco.

Mayor Meadows explained he is not trying to tell them to move but that doesn't mean that we have to bring more housing to Oakley to exasperate that problem because that is what this legislation would be doing. He mentioned if Oakley is going to provide the housing, San Francisco needs to export the jobs here too. He mentioned they cannot have no low-income housing but all of the high-end jobs and all of the people who work service jobs there have to commute in. He mentioned he is not against housing, but he is against poor planning on big cities' part. He shared that he sits here now addressing this issue, but it is not new; his father sat on LAFCO addressing the same issue with

Lafayette who still doesn't want to do its part. He mentioned Moraga has higher RHNA numbers than Oakley because they don't do anything. He mentioned Oakley has its fair share of low-income housing built over approximately a 15-year period and there was low-income housing here in the 1970s. He mentioned our neighbors in other counties need to step up and do their fair share and Oakley's numbers are low because it had done its fair share which he believes is the lowest in the County. He mentioned we need jobs, and they need housing.

Vice Mayor Williams agreed there should be stricter enforcement for not providing housing but expressed that she doesn't see how this legislation encourages moving people out; there are other policies encouraging it.

Dr. Fuller commented that the numbers are 479 units for Oakley for this cycle but in the previous cycle it was over 500 and Oakley has done its share in all categories; he believes Oakley is the least in the County for very-low-income housing requirement (279 units) as a result of what the City has been doing. He mentioned the City has a varied workforce and varied population and has put it together. He shared he believes they came up with a plan that enhanced equity, diversity and inclusion that they were not going to build public projects but move it around, so everyone is in an equitable spot, not just because they were low-income or in a demographic spot, and Berkeley and Oakland did not. He mentioned the same happened in Los Angeles, they had officers that worked in Los Angeles that lived in Victorville because housing was affordable there, and with a 90 minute trip each way, after 5 years either the officer was divorced and moved back in or the officer quit and went to work for an agency in the outer areas; even modification of work schedule to 3 12-hour shifts did not retain them. He agreed with Mayor Meadows that they like the workforce but don't provide the housing and now this is a way to get out from underneath it. He mentioned he wishes they had the recording so they could hear the discourse, rhetoric, and the speaker's excitement that they were going to get under these unheard of RHNA numbers and they were going to go out to open areas that would marginalize people. He expressed that he wants to see an equitable distribution of affordable housing across all demographic and socioeconomic statuses.

City Manager Joshua McMurray commented that his concern regarding the legislation and bond is that land in far East County is cheaper and developers know they need to rezone a substantial amount of land. He mentioned the money closes the gap and opens resources that are not available now to get these projects constructed which will be far easier in East County than in Central or West County and other parts of the Bay Area. He mentioned he understands Vice Mayor Williams comments in terms of looking at the City's annual progress report and RHNA numbers, but the state and surrounding communities think Oakley has done a good job to address RHNA requirements within this small community which is part of why the RHNA numbers are down. He shared over a decade ago there was a push by ABAG to establish priority development areas (PDAs) in cities and the purpose was to centralize development around services, transit, and jobs. He mentioned the City wanted to have PDA designation because it would open up access to funding it would not otherwise have access to. He shared that the emphasis was not to incentivize affordable housing development but to install infrastructure for development to try to fix the jobs/housing imbalance. He mentioned that it in turn hurt the City because it had too much PDA areas, one being on the west side of the City near the Logistics Center. He shared that ABAG began to come out with new terminology to address jobs and industry, so they began calling areas priority production areas (PPAs) and staff proactively went to ABAG and requested the City's PDAs be changed to PPAs and he believes that is one of the biggest influencers in the RHNA allocation in this cycle. He mentioned the City took out hundreds of acres that ABAG believed was prime

for housing, but the City knew in reality, the housing would never be constructed. He mentioned it is a combination of the City doing a decent job in producing affordable housing given that the City doesn't have an in-lieu fee or funds to subsidize housing which is needed to construct affordable housing. He asked the Council to keep in mind the history and that the methodology changes with each cycle which is established by a committee if they want to consider being part of that in the next cycle.

Councilmember Shaw requested someone show her where it says in the legislation that they can move RHNA allocations to Oakley to be in good conscious to understand it if she is going to oppose it. She shared she is involved in construction of low-income subsidized housing and being BIPOC is still weighted in the application process to receive federal subsidies which she deals with on a regular basis and the projects can't really be built without the subsidies. She shared that HUD no longer funds these projects, so funding occurs through tax credits and local attorney groups. She mentioned if this passes, maybe the City can try to find a loophole to get funding for some properties.

Dr. Fuller commented he does not believe the 2022 transcript was provided, but it was mentioned in the President's Report in the June 17, 2022, ABAG General Assembly. He suggested the Council can visit ABAG.ca.gov and go to past meetings, find the meeting, and listen to Arreguin say they need to be able to move it into open space. He mentioned in the 2023 ABAG meeting, they can listen to Arreguin say the executive committee runs ABAG, the General Assembly does not, and they put together BAHFA. He mentioned the woman that speaks after Arreguin (identified as "speaker" on the transcript) provides the direction they are trying to go. He mentioned with proposed legislation by Assemblymember Wicks (Oakland) AB 1657 and Senator Wahab (San Jose) SB 555, geographically these bills are cut off at the coastal region, and agricultural areas would be impacted; it would provide BAHFA $2 billion to spend as it sees fit. Mayor Meadows corrected him to state $2-$4 billion (20% of bond proceeds). He mentioned developers will get behind it because funding will be available.

Councilmember Shaw commented that the transcript he included is from the 2023 meeting and the bill is proposed for May 2024. She mentioned she would like time to research the 2022 meeting.

Dr. Fuller mentioned the legislature's recess begins July 14 and it reconvenes August 14 and the committees will begin considering bills; by September 8, bills must come out of committee for floor vote which occurs 3-4 days afterward, so they have until about September 14. If they are going to write a letter to oppose it, it should be done now, by July 25, and sent before the legislative recess to CalCities, Assemblymember Wilson, Senator Glazer, and the Contra Costa Mayors Conference.

Councilmember Henderson expressed concern that it may be premature to submit a letter without the final bill language to know what they are opposing.

Dr. Fuller mentioned his hope is that the letter is there before it is in the committee because if there is going to be a change to the language of the bill, it can occur on the floor, but seldom does, so it will likely occur in the committee. He mentioned he would like the letter to say not that they are opposed to $10 billion for affordable housing, but that they oppose loss of local control, oppose the opportunity for the Senate and Assembly to change RHNA numbers, and oppose state allocation of the $10 billion. He mentioned if they came out of session with that statement it would be much better. He mentioned in response to Councilmember Henderson, he hopes it will be amended in

the committee. He commented that the legislature starts August 14; although the legislature is on recess prior to then, there could be some talk during the recess.

Councilmember Henderson requested clarification if they are opposing the $10-$20 billion bond or where and how they allocate it. He suggested they be clear on what they are opposing.

Mayor Meadows commented that he believes Dr. Fuller is suggesting they oppose state legislation, but not the bond measures at this time because they don't know with certainty if there will be bond measures.

Dr. Fuller commented he is opposed to the way the bill is written now and asked Mr. McMurray for his input on how they might best word it to express their opposition.

City Manager Joshua McMurray commented that he is hearing that the Council is not opposing housing or affordable housing, but it is opposing the loss of local control; however, he is not sure he has heard full consensus on direction. He mentioned staff is happy to write a letter; staff just needs to know what the content will be.

Dr. Fuller expressed concern regarding Section 54054(a)(b)(c), which allows the legislature to change the requirements that go into RHNA allocations. He proposed they include the City of Oakley is opposed to any loss of local control or the RHNA numbers with the passage of AB 1657 or any other legislation, and if bond money is passed, its allocation should be through municipal government rather than a state-wide housing authority.

Mayor Meadows also expressed concern with a state-wide housing authority.

Vice Mayor Williams commented that they should have pulled up the letter regarding SB 5 and SB 10 because she feels like the issue here is the affordable matter and those bills took a direct hit on local control with no affordable component; it was for developers to put stuff where they want to put stuff. She added here, at least there is an affordable component and that is why she is struggling a bit with it. She mentioned local control is important and she doesn't see in the bill or transcript where it says they won't have local control and as Councilmember Henderson indicated, they have not provided clear direction on what they are opposing. She mentioned if they want to send a letter to oppose giving up local control, it may go unheard, but it's always good to reiterate it, but she gets nervous if it is opposing affordable housing when there is so much to be done with it. She mentioned 91% of Oakley's products being single-family homes is not affordable to our kids; varied products are needed, including apartments and condos. She mentioned the bill is so tied to affordable housing and they are talking about opposing it which gives her pause. She mentioned she is in favor of providing a letter stating they want to maintain local control, but she doesn't see it in the context of this legislation, and they need more time to research.

Mayor Meadows commented that SB 9 was a showcase by Senator Atkins to show she was doing something for housing, but it is not for developers because it is not feasible for developers and in his opinion, very few units will be built in California under SB 9.

Councilmember Shaw commented that federal and state funding is very important for low-income housing. She expressed support for a letter that states they are not opposed to a bond or low-income housing, but they want the control to be local even without having to go back and look at the 2022 ABAG General Assembly transcript. She

mentioned she does not want to send a letter to oppose it completely without having time to research it. She added that she understands the timing and appreciates it. She mentioned she is fine with a letter now stating they support funding for affordable housing if they have local control of it and when it comes out of committee, they can send a stronger letter if needed.

Dr. Fuller commented that two of them have listened to what is being said, he has gone to ABAG and Mayor Meadows has listened to BAHFA, and after hearing the rhetoric and discourse, they have concluded that this bill will injure Oakley with its RHNA numbers, allocation of resources, and affordable housing. He mentioned the ABAG recording is not on MP4 so he doesn't have the resources to cut it neatly, and he doesn't know if the City does, but would encourage the Council to listen to the section and the same with BAHFA's presentation given at the Mayors Conference. He mentioned Mayor Arreguin is saying to send letters to ABAG, and a couple of small cities are already standing up to say they cannot have an increase in RHNA numbers because they will not have room for commercial development which provides sales tax/revenue for the City, but he sees urgency with the letter because the legislative is coming to a close and this bill is likely to get signed by the Governor if passed. He asked staff to get the videos he mentioned, and Mr. McMurray responded that he is not sure if staff has the capability to get the videos, but staff will look into it.

Anthony Meadows commented that it appears there is consensus that no one is opposed to low-income housing, but the problem lies that Oakley hasn't met all its RHNA numbers but no one else has either. He mentioned instead of Berkeley doing something about it like Oakley, they are just trying to push it all on us. He mentioned there is a loss of local control but there is also a loss of local accountability and that is what needs to be addressed, not low-income housing.

Direction was provided to staff to prepare a letter for Mayor Meadows to sign strongly in favor of maintaining local control in relation to AB 1657 to send to the agencies that Dr. Fuller mentioned--also including ABAG, monitor the bill over the next couple of months, and provide an update to the Council on August 8.

Dr. Fuller shared that the ABAG housing committee meets tomorrow and BAHFA meets in the next couple of days; he will watch those meetings and report back. He mentioned the committees carry a tremendous amount of weight in ABAG.

8) CLOSED SESSION

Mayor Meadows announced the closed session item and after closed session, the meeting would be adjourned, and the next regular meeting will be held August 8, 2023, at 6:30pm in the Oakley City Council Chambers.

8.1 CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Pursuant to Government Code Section 54956.8
Property: 3080 Main Street, Oakley, CA, APN 037-200-011
Agency Negotiator: Joshua McMurray, City Manager
Negotiating Party: Kent Ipsen
Under Negotiation: Price and term of payment

9) ADJOURN

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

Respectively Submitted,

Libby Vreonis
City Clerk

Minutes of the Special Meeting of the Oakley City Council held July 19, 2023

1) Call to Order and Roll Call

Mayor Aaron Meadows called the special meeting to order at 7:00 p.m. in the Oakley City Council Chambers located at 3231 Main Street, Oakley, California. Vice Mayor Anissa Williams and Councilmembers Dr. George Fuller, Hugh Henderson and Shannon Shaw were also present.

Mayor Meadows led the Pledge of Allegiance to the Flag.

2) Introductions

Director of Public Works/City Engineer Kevin Rohani introduced Brian Fletcher, President, Zachary Katz, Project Manager, and Dania Castro, Project Designer, with Callander and Associates.

3) Formal Presentation of the Park Master Plan

Brian Fletcher, President of Callander and Associates, provided a PowerPoint presentation. Two options were proposed, a traditional park theme and an outdoor recreation theme.

4) Community Input Session

Brian Fletcher mentioned community input would be taken at tables until 8:00 pm.

Mayor Meadows invited everyone to provide input at the tables.

Mr. Fletcher welcomed everyone to take stickers on one of the concepts they would like to see.

Ms. Castro and Mr. Fletcher discussed community feedback.

Public Comments

An online public comment was submitted by Meghan Bourgeois and made part of the meeting record.

John Cain, Senior Conservation Director with River Partners shared that they have done the planting on the Dutch Slough project. He mentioned he has been involved with the project since

1998 and he is very happy the City is planning and he and his organization are interested in helping the City find funding. He suggested the City think about regional amenities to get state and federal funding for a local park. He also suggested the City integrate the project into the Dutch Slough restoration site to show it is integrated. He mentioned UC Davis has determined the site has more plant and animal wildlife than any other site on the Delta so it is a unique resource and the more the City can show the site is compatible to the Dutch Slough restoration project, it may have more opportunity for funding. He asked the Council to consider how to phase it as it is hard to get $15 million at once; he would like to work with everyone to get the trail open around the Dutch Slough project.

Katie Bandy, Dutch Slough Project Manager with the Department of Water Resources (DWR) echoed comments made by Mr. Cain. She extended support to work with the City. She mentioned when the site was acquired by DWR from coastal conservancy funding, it included the 55-acre park and highlighted shoreline access and while the park has been through many reiterations, the Dutch Slough project is complete, and they should do their best with the investment the state has already made. She suggested with grant funding a good way to start is with the trails and then a phased approach.

Jimmy Ramirez, Planning Commissioner, mentioned he learned about pollution in 3rd grade at Oakley Elementary and had the most incredible environmental education here in Oakley. He shared that native peoples were always spoken of as people of the past, not the present, and coming home from class and knowing his family was indigenous was jolting. He expressed that he sees this park as an opportunity to honor the original indigenous people, as well as indigenous people today or in the future in Oakley.

Nick Cloutier commented he is a professional fisherman and is drawn to the outdoor recreation option. He shared that fishing tournaments bring 200-300 boats for 2 days that generate a lot of revenue for Oakley. He also shared that there are many private fishing opportunities in the area, but not public; this would be a place where kids could fish, and it would bring revenue. He shared that there are ball fields elsewhere in the City and this site provides a unique destination.

5) Adjourn

There being no further business, the meeting was adjourned at 8:19 p.m.

Respectively Submitted,

Libby Vreonis
City Clerk

MEMORANDUM

OAKLEY
CALIFORNIA

Date: July 12, 2023
To: Mayor and City Councilmembers
From: Derek P. Cole, City Attorney
CC: Joshua McMurray, City Manager
Subject: Closed Session Report-Out Memo

For Consideration at the City Council Meeting of August 8, 2023

Background and Analysis

The City Council considered the following closed session item during its regular meeting held July 11, 2023:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8
Property: 3080 Main Street, Oakley, CA, APN 037-200-011
Agency Negotiator: Joshua McMurray, City Manager
Negotiating Party: Kent Ipsen
Under Negotiation: Price and term of payment

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

Fiscal Impact

None.

Recommendation

Receive and file this report.

Attachments

None.

ORDINANCE NO. 7-23

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING A REZONE TO AMEND AN EXISTING P-1 (PLANNED UNIT DEVELOPMENT) DISTRICT FOR THE PROJECT KNOWN AS SELLERS AVENUE SUBDIVISION 9614 (RZ 01-22) APN 033-150-013

FINDINGS

WHEREAS, on January 20, 2022, Paul Manyisha of MLC Holdings ("Applicant") filed an application, which has since been amended, requesting approval of the following four entitlements ("Project"):

- Rezone (RZ 01-22) to amend an existing P-1 District;
- Vesting Tentative Map (TM 01-22) subdividing approximately 20.42 acres into 77 single residential lots, stormwater detention treatment area, and neighborhood park;
- Final Development Plan (FDP 01-22) in conjunction with the project's P-1 District; and
- Design Review (DR 01-22) for floor plans and architecture, and conceptual landscape plans; and

WHEREAS, the proposed homes consist of two single-story and two two-story house plans each with three elevations. Floor plans range from 2,054 to 2,833 square feet of livable area; and

WHEREAS, the project site is located at 5911 Sellers Avenue and is zoned P-1 (Planned Unit Development) District. (APN: 033-150-013); and

WHEREAS, the proposal complies with the requirements of the rezoning application requirements of Section 2.4.012 (a) of the Oakley Municipal Code; and

WHEREAS, the Applicant has initiated a project to amend an existing P-1 (Planned Unit Development) District that was originally approved in conjunction with Tentative Map 9016, which expired on May 10, 2016; and

WHEREAS, pursuant to the requirements of the California Environmental Quality Act ("CEQA"), the City prepared a Draft Initial Study/Mitigated Negative Declaration ("IS/MND"). The Notice of Intent ("NOI") to Adopt an MND and IS was circulated for public review and comment from November 3, 2022 to December 5, 2022. It was filed with the County Clerk and Governor's Office of Planning and Research ("OPR"), emailed or mailed out to over 60 public agencies and parties requesting such notice, and posted in the same

manner as a Notice of Public hearing, which is at locations throughout the City and at the project site; and

WHEREAS, on or before June 30, 2023, the Notice of Public Hearing for the Project was duly noticed in the Contra Costa Times, a newspaper of general distribution, was posted at the Project site, at Oakley City Hall located at 3231 Main Street, outside the gym at Delta Vista Middle School located at 4901 Frank Hengel Way, and outside the library at Freedom High School located at 1050 Neroly Road, and was mailed out to all owners of property within a 500-foot radius of the project's boundaries, to parties requesting such notice, and to outside agencies; and

WHEREAS, on July 11, 2023, the City Council adopted the Project's CEQA IS/MND in conjunction with approval of the proposed Tentative Map (TM 01-22, Final Development Plan (FDP 01-22), and Design Review (DR 01-22).

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

SECTION 1. Findings

A. Pursuant to Section 2.4.012 of the Oakley Municipal Code, the City Council of the City of Oakley hereby finds and determines as follows:

1. The change proposed will comply with the General Plan in that the proposed rezone to amend the existing P-1 District will not result in a use or density that is not in line with the underlying General Plan Land Use Designation of Residential Low (RL); and

2. The uses authorized or proposed in the land use district are compatible within the district and to uses authorized in adjacent districts in that the proposed Rezone does not necessarily change the existing zoning, only amends it due to the nature of the P-1 District being tied to a specific project, in this case an expire Tentative Map and Final Development Plan; and

3. Community need, but not necessarily future financial success, has been demonstrated for the use proposed in that the Project will result in the construction of additional housing units, which is necessary to meet demand in the community since the City of Oakley falls under the jurisdiction of the Association of Bay Area Governments (ABAG), and ABAG uses a predominately demographic formula to allocate the regional housing needs among the incorporated cities and unincorporated county. This process results in a Regional Housing Needs Assessment (RHNA) and the number reflected in that assessment becomes part the City of Oakley's estimated housing needs. The development of this project will help the City meet its regional fair share housing goal.

B. Pursuant to Section 9.1.1002 Planned Unit Development (P-1) of the Oakley Municipal Code, the City Council of the City of Oakley hereby finds and determines as follows:

1. The Applicant has stated they plan to pursue development of the site within wo years of the rezone becoming effective if market conditions support it; and

2. The density and type of development is consistent with the General Plan, and the project integrates connectivity to the properties to the south; and

3. The type of development is expected to be desirable in that it includes a variety of home sizes and development includes an open space and pocket park. It falls somewhere in the middle of the density ranges of nearby residential neighborhoods; and

4. The development of a harmonious, integrated plan justifies exceptions from the normal application of the OMC due to the significant requirement for dedication of approximately 2.35 acres along Sellers Avenue and the future Laurel Road extension right of way, and use of approximately 2.76 acres for the stormwater detention/bioretention and pocket park. The P-1 District is justified to allow for project-specific development regulations in order to design a feasible project within the allowable range of the General Plan land use designation of RL.

SECTION 2. Property Defined and Rezoned

A. 20.42 acres of real property located at 5911 Sellers Avenue, Oakley, CA 94561 (APN 033-150-013).

SECTION 3. California Environmental Quality Act (CEQA) Finding

Pursuant to California State Law, an Initial Study was conducted by the Planning Division to evaluate the potential effects of this project upon the environment. The Initial Study analysis found there were no potentially significant impacts, and therefore a Mitigated Negative Declaration was prepared. Based upon the findings contained in the Initial Study it has been determined that this project will not have a significant impact upon the environment.

SECTION 4. Severability

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of

the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases may be held unconstitutional, invalid or unenforceable.

SECTION 5. Effective Date and Posting

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

PASSED AND ADOPTED by the City Council of the City of Oakley this 8th day of August 2023 by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

APPROVED:

_____
Aaron Meadows, Mayor

ATTEST:

_____ _____
Libby Vreonis, City Clerk Date

OAKLEY
CALIFORNIA

DATE: August 08, 2023
TO: Joshua McMurray, City Manager
FROM: Jeri Tejeda, Human Resources Director
SUBJECT: City of Oakley Quarterly Investment Report (4th Quarter FY 2022/23)

Approved and Forwarded to the City Council

Background and Analysis

California law and the City's Investment Policy require the City's fiscal officer to submit a quarterly investment report to the City Council at the end of each quarter. The report should contain information on all securities held and include a statement denoting the ability of the local agency to meet its expenditure requirements for the next six months.

Consistency with the Oakley Strategic Plan 27+

This agenda item is consistent with the Strategic Plan 27+ goal for the City of Oakley to leverage its financial resources for the long-term benefit of our residents and businesses while maintaining sufficient reserves to provide stability and ensure a successful future.

Economy Update

The Inflation numbers in the last quarter are trending lower, however, it is expected to have two more rate hikes by the end of the year 2023. Which continues to be the focus of the markets, impacting personal consumption by deteriorating savings and balance sheets and increasing credit card balances. At this point, no one knows whether the US will lead to a recession or, if so, how significant the recession could be. However, the City of Oakley continues monitoring these changes closely to prepare for a downturn in the near future.

Fiscal Impact

City resources are organized and accounted for on a fund basis with some of those funds being restricted for specified uses and others that are unrestricted. For investment purposes, however, the funds are invested as a pool. The Investment Report for the Period Ending June 30, 2023, attached shows a combined pool balance of $99,198,106.80 In addition, the pool had combined 4th Quarter accrued interest earnings of $ compared 194,944.31 to $217,328.96 at the end of the 3rd Quarter. Interest for the period reflects the rising rates currently being offered on safe investments, including LAIF's short-term investments and the various types of investments that are being made through PFM, with terms of up to five years.

Currently, with interest rates rising and the volatility of the markets, our investments will continue to show unrealized market losses. However, it is important to realize that those losses are on paper, and no losses will be "realized" if the investments are held to maturity. We will continue to earn the stated rate of interest at cost on the investments that we have purchased, which can be seen in the PFM investment report and averaged 1.48% for the quarter ended June 30, 2023.

The City is in compliance with the adopted investment policy and able to meet its expenditure requirements for the next six months.

Staff Recommendation

Staff recommends the City Council accept the investment report for the 4th Quarter of Fiscal Year 2022/23.

Attachments

1. City of Oakley Investment Report for the quarter ended June 30, 2023.
2. Quarterly Investment Performance Report

OAKLEY
CALIFORNIA

Quarterly Investment Report

For the Quarter Ended June 30, 2023

Type*	Name of Institution	Rate	Maturity****	Cost Amount	Market Value**
Investments in Wells Fargo Bank Account					
-	Commercial Checking Acct Public Funds	0.000%	6/30/2023	$ 1,641,073.77	$ 1,641,073.77
Investments with Wells Fargo Investment Advisors:					
9	Institutional Money Market	0.222%	N/A	1,846,120.25	1,846,120.25
Investments with State of California:					
3	Local Agency Investment Fund (LAIF)-City	3.150%	N/A	12,077,540.38	11,894,305.96
Investments with CalTRUST					
11	Short-Term Investment Account-City	0.367%	N/A	281,104.82	281,104.82
Investments with CAMP					
13	Short-Term Investment Account-City	5.24%	N/A	54,096,181.43	54,096,181.43
Total Investments Other than Bond Proceeds				**69,942,020.65**	**69,758,786.23**
Investments with Wells Fargo Trust (bond proceeds): * **					
	2021 Refunding Revenue Bonds				
9	***Government Money Market***				
	Wells Fargo Advantage Gov MM Svc	1.556%	N/A	143,788.43	143,788.43
4	***Certificates of Deposit (3)***				
	2014 Refunding Revenue Bonds				
9	***Government Money Market***				
	Wells Fargo Advantage Gov MM Svc	1.556%	N/A	361,469.25	361,469.25
Investments with USBank Trust (bond proceeds): * **					
	2016 Lease Revenue Bonds				
9	***Government Money Market***				
	USBank - First American Government Obligation	0.000%	N/A	330.54	330.54
Total Investments of Bond Proceeds				**505,588.22**	**505,588.22**
Managed Investments with PFM (Detail Attached)					
	CAMP POOL		See Detail	1,863,274.29	1,863,274.29
	Managed Investments		See Detail	28,443,632.51	27,070,458.06
Total Managed Investments				**30,306,906.80**	**28,933,732.35**
	Total All City Investments			**$ 100,754,515.67**	**$ 99,198,106.80**

Accrued Interest of Investments other than Bond Proceeds:

Wells Fargo Investment Advisors	4,096.87
Local Agency Investment Fund	123,052.24
PFM Asset Management	67,795.20
Accrued Interest as of 06/30/23	$ 194,944.31

* **Type of investment** as described in Authorized Investments section of the City's adopted Investment Policy

1. U.S Government Securities
2. U.S. Government Agency Securities
3. Local Agency Investment Fund
4. Certificates of Deposit
5. Bankers Acceptance
6. Commercial Paper
7. Medium term notes
8. Mutual funds
9. Money market funds
10. Repurchase agreements
11. CalTRUST Short Term Account
12. Overnight Sweep
13. CAMP Joint Powers Authority

** **Market Valuation** for LAIF was obtained at https://www.treasurer.ca.gov/pmia-laif/mktvalue/2022/202209.pdf
Market value for all other investments was obtained from FT Interactive Data. As the City holds its investments to maturity, market value fluctuations are not significant.

*** **Investment of bond proceeds** is governed by each bond's Trust Agreement. All of the amounts with Wells Fargo Trust are debt service reserve funds. Investment income remains with the individual bond accounts.

**** With the exception of CDs and managed investments, except for the CAMP POOL, all accounts have same day or next-day liquidity

The City of Oakley is in compliance with the City's annually adopted investment policy and is able to meet its operating expenditure requirements for the next six months.

Approved by Carolina Camacho
Accounting Manager

7/31/23
Date

pfm asset management

City of Oakley

Investment Performance Review
For the Quarter Ended June 30, 2023

Client Management Team

Wale Kajopaiye, Senior Managing Consultant
Allison Kaune, Senior Analyst
Rachael Miller, Client Consultant

PFM Asset Management LLC

1 California Street Ste. 1000
San Francisco, CA 94111-5411
415-393-7270

213 Market Street
Harrisburg, PA 17101-2141
717-232-2723

NOT FDIC INSURED : NO BANK GUARANTEE : MAY LOSE VALUE

For Institutional Investor or Investment Professional Use Only - This material is not for inspection by, distribution to, or quotation to the general public

Agenda

- Market Update
- Account Summary
- Portfolio Review

Market Update

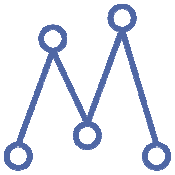
Current Market Themes



- The U.S. economy is characterized by:
  - Headline inflation numbers trending lower, but the Fed's current focus, "supercore inflation," is showing little sign of slowing
  - A labor market that has proven to be exceptionally strong
  - A more optimistic sentiment around economic growth due to resilient consumer spending



- Fed temporarily pauses rate hikes
  - The most aggressive series of interest rate hikes in recent history has come to a temporary pause in June
  - The Fed's most recent dot plot shows the potential for two additional rate hikes by the end of the year
  - Rates have moved up due to the Fed's rate trajectory shifting higher, the economy remaining stronger than expected, persistent inflation, and the market's "higher-for-longer" mindset

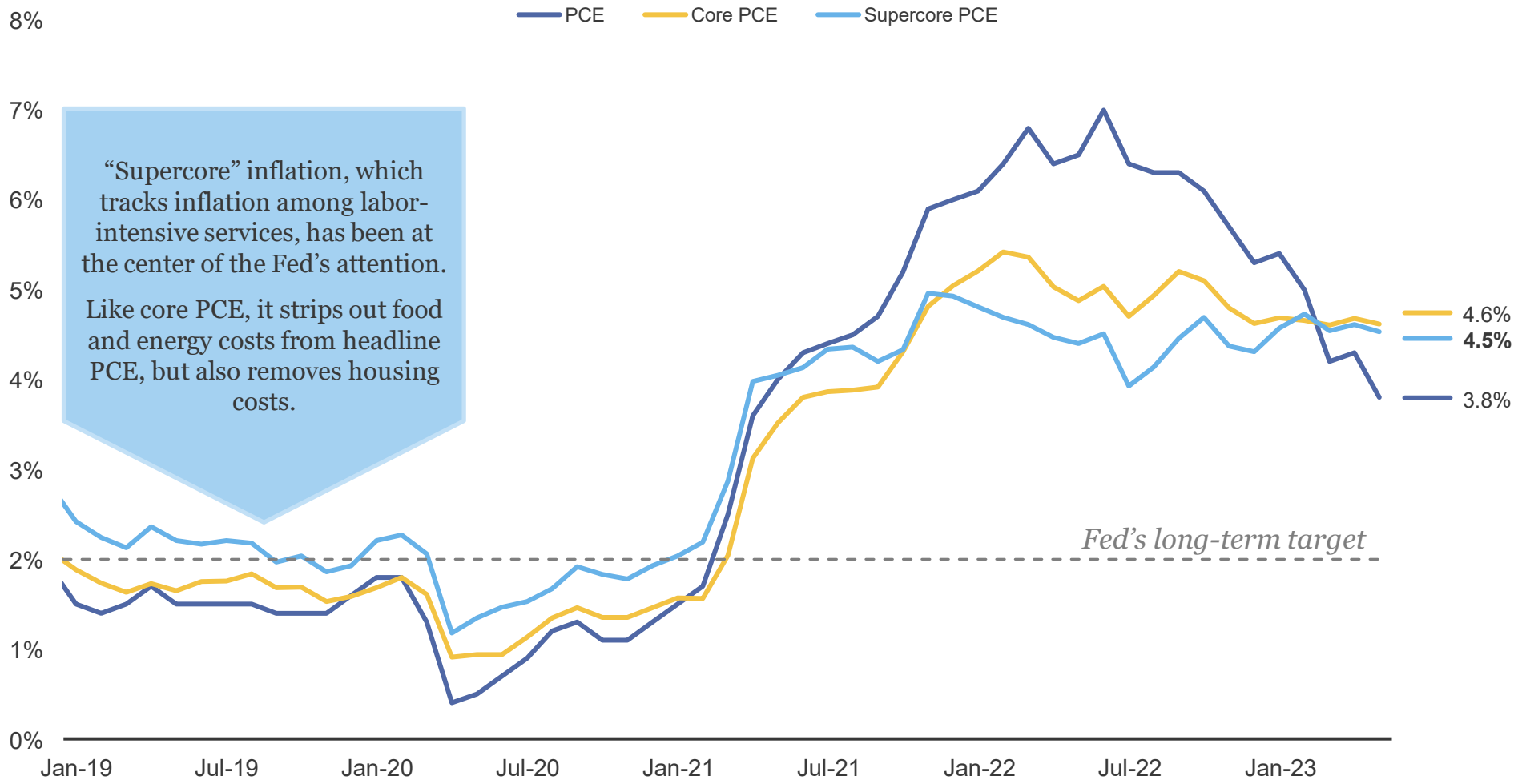


- Bond markets see continued volatility
  - The debt ceiling saga incited a separate spate of market volatility due to concern about a potential U.S. default
  - After plummeting at the end of Q1 due to volatility in the banking sector, short and medium-term yields steadily climbed throughout the quarter, with the 2-year rising over 100 basis points
  - The curve inversion fell dramatically at the start of Q2, but moved toward historic levels in June

Inflation Measures Remain Above Fed's Target

The Fed's Key Inflation Rate

Personal Consumption Expenditure Price Index, Year-over-year

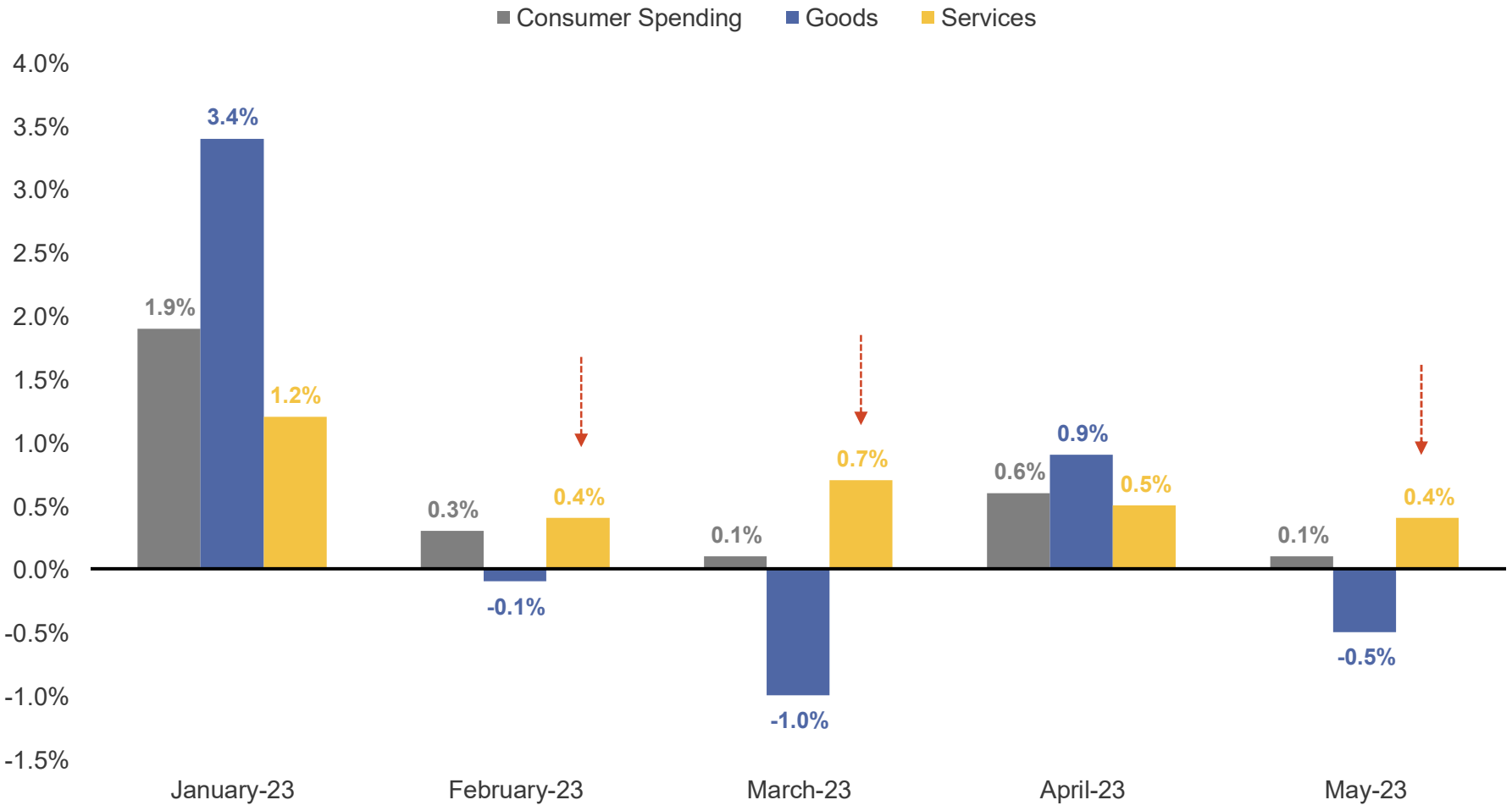


Source: Federal Reserve, Bloomberg, Bureau of Economic Analysis as of May 2023.

Consumers Have Been Spending More on Services

Change in Consumer Spending

Month-over-month



Source: Bloomberg, Bureau of Economic Analysis as of May 2023.

Treasury Issuance Expected to Surge Following Debt Ceiling Deal

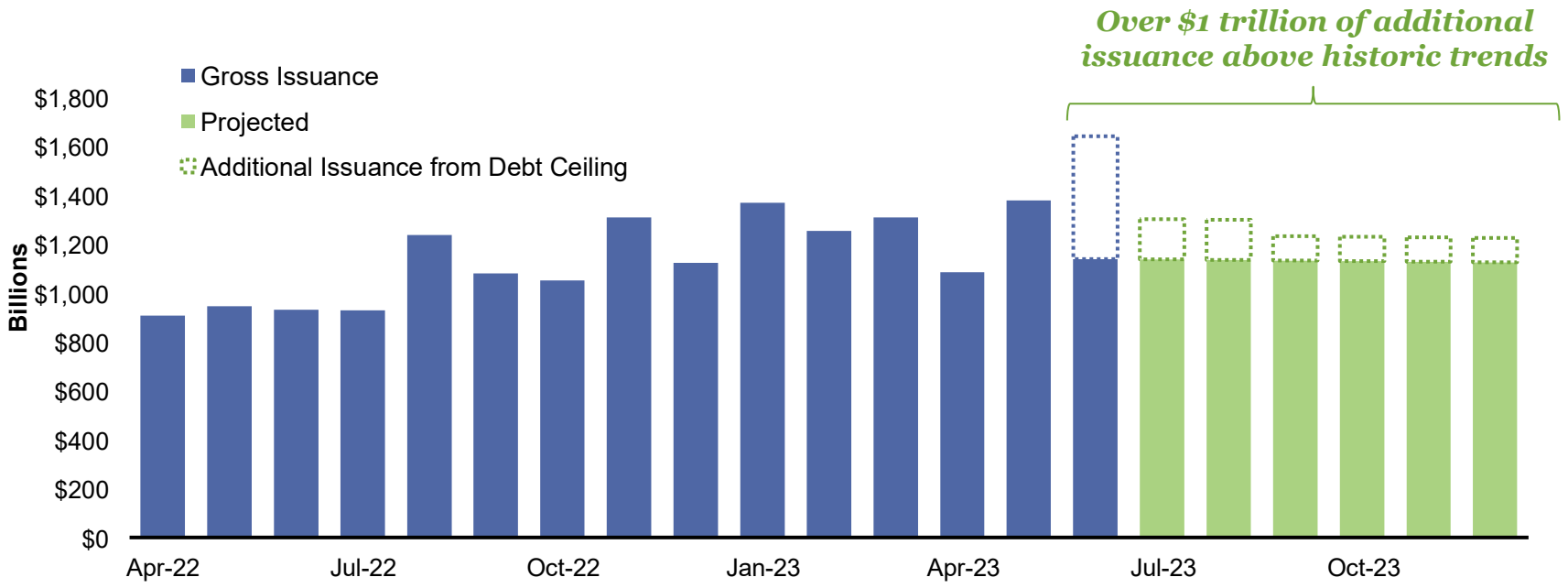
The Reason

The U.S. Treasury needs to refill its depleted general fund while also covering higher outflows and lower tax receipts

The Impact

The net new issuance is expected to pull liquidity out of other markets and place upward pressure on short-term Treasury yields and on other sectors

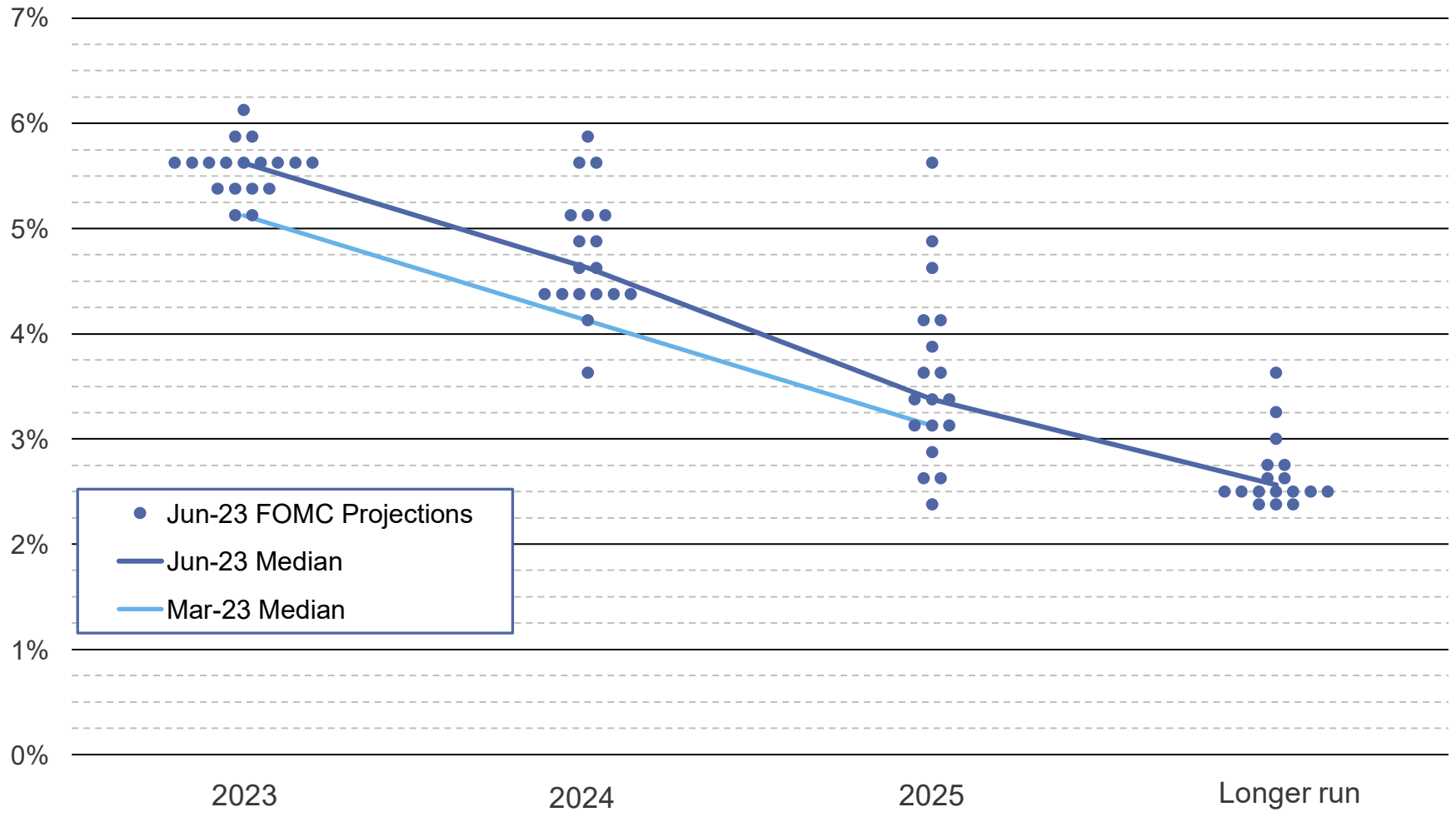
U.S. Treasury Bills Issuance



Source: Bloomberg, SIFMA, U.S. Treasury, Bank of America Global Strategy for U.S. Treasury issuance projections as of June 2023.

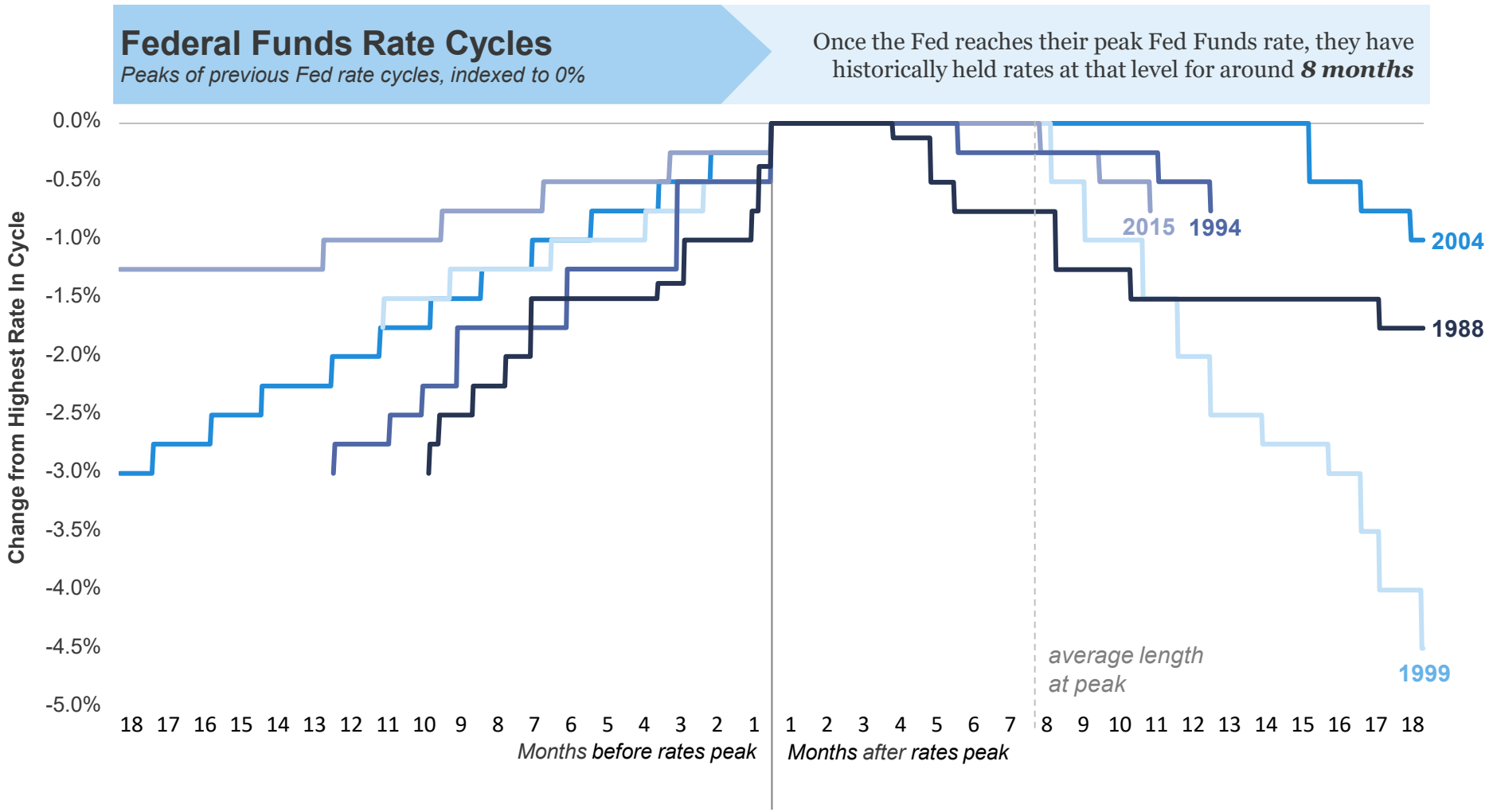
Fed's "Dot Plot" Shows We Are Nearing Sufficiently Restrictive Territory

Fed Participants' Assessments of 'Appropriate' Monetary Policy



Source: Federal Reserve and Bloomberg. Individual dots represent each Fed members' judgement of the midpoint of the appropriate target range for the federal funds rate at each year-end.

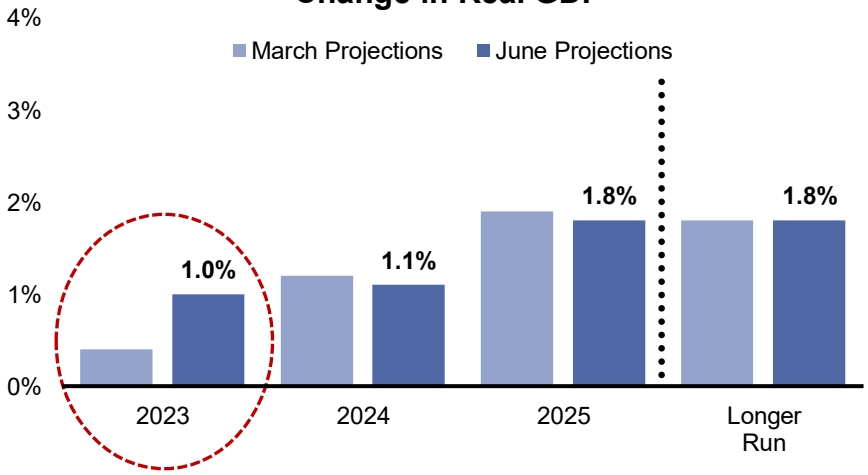
How Long Have Rates Stayed at the Peak?



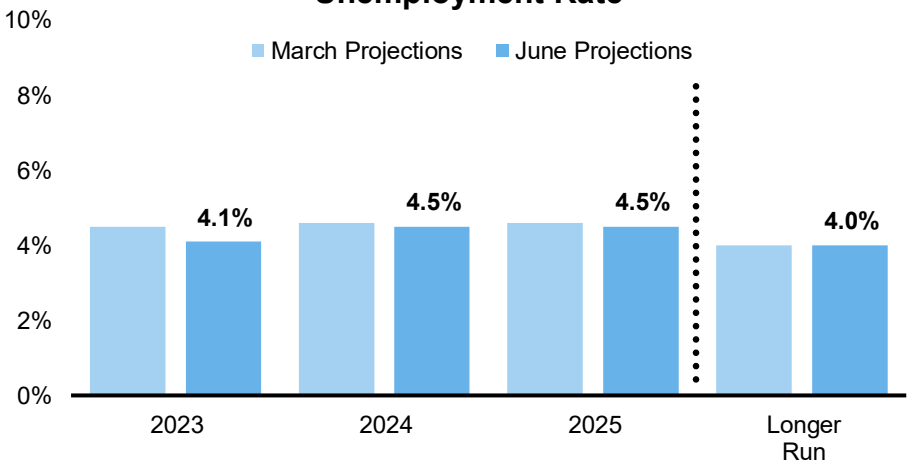
Source: Federal Reserve, Bloomberg.

Fed's Updated June Projections Reflect Stronger Economic Expectations for 2023

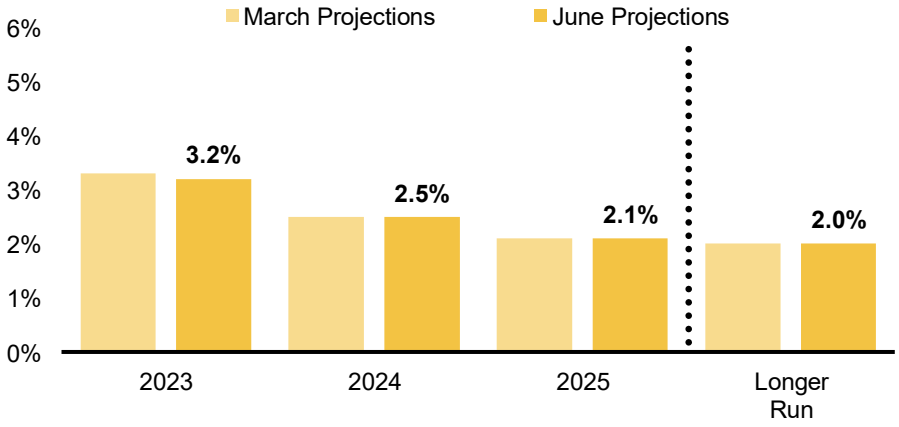
Change in Real GDP



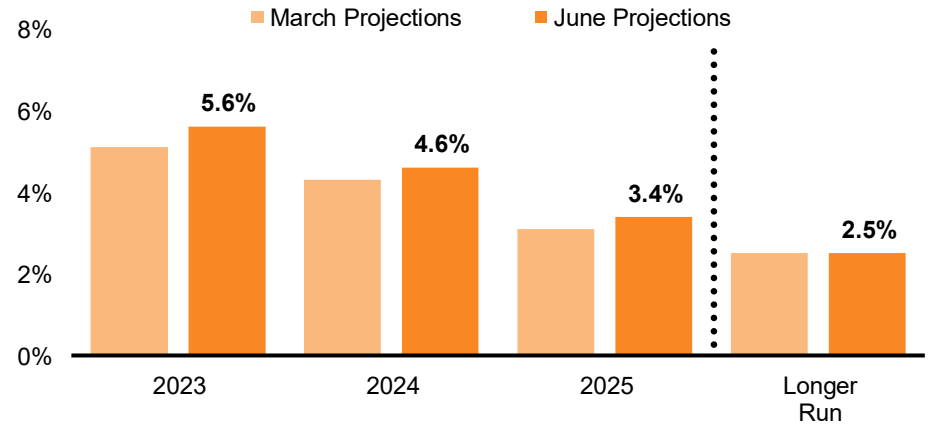
Unemployment Rate



PCE Inflation



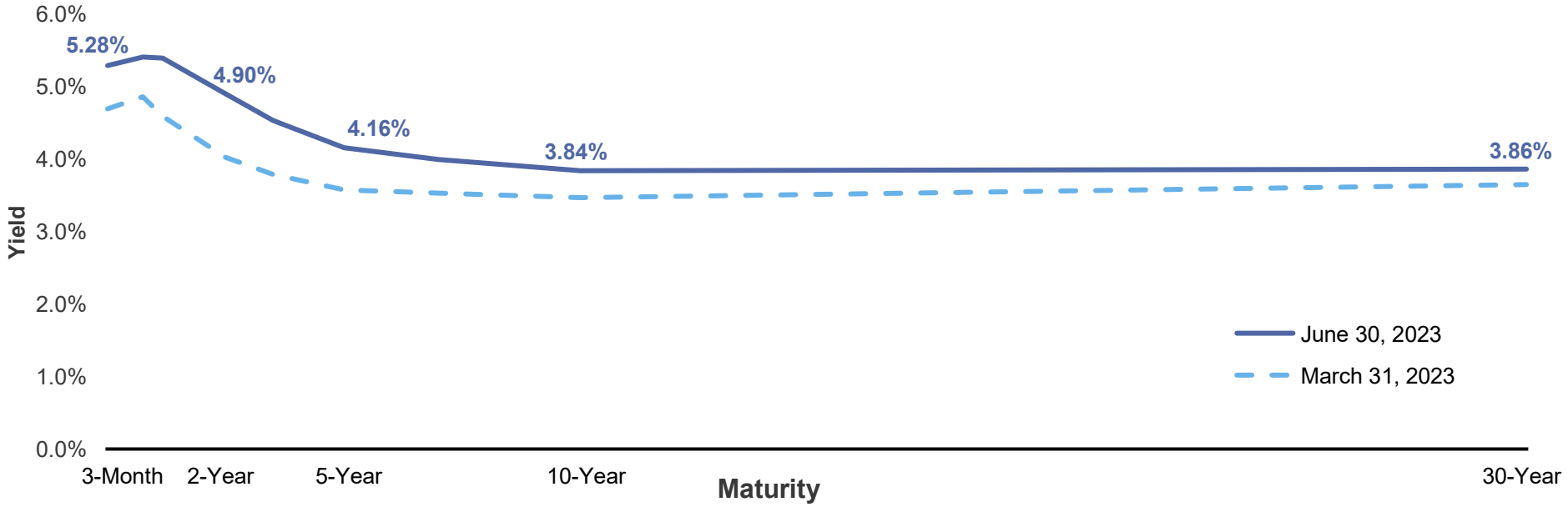
Federal Funds Rate



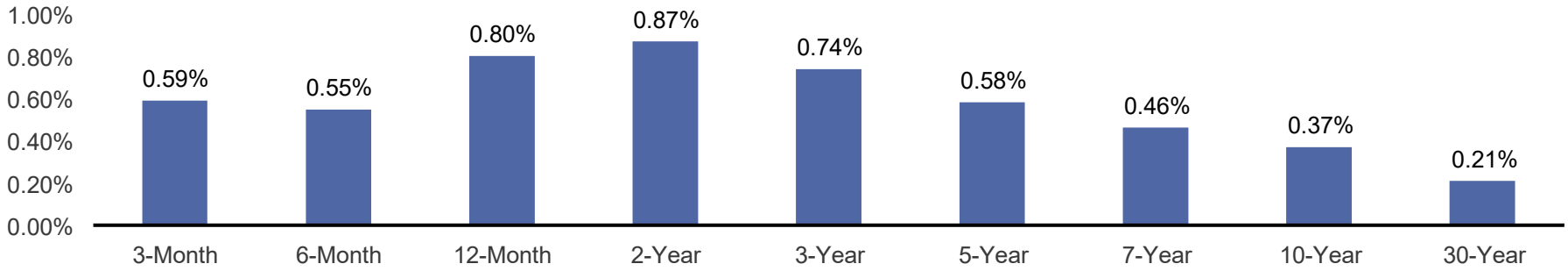
Source: Federal Reserve, latest economic projections as of June 2023.

Interest Rates Rise as "Higher-for-Longer" Mantra Sets In

U.S. Treasury Yield Curve



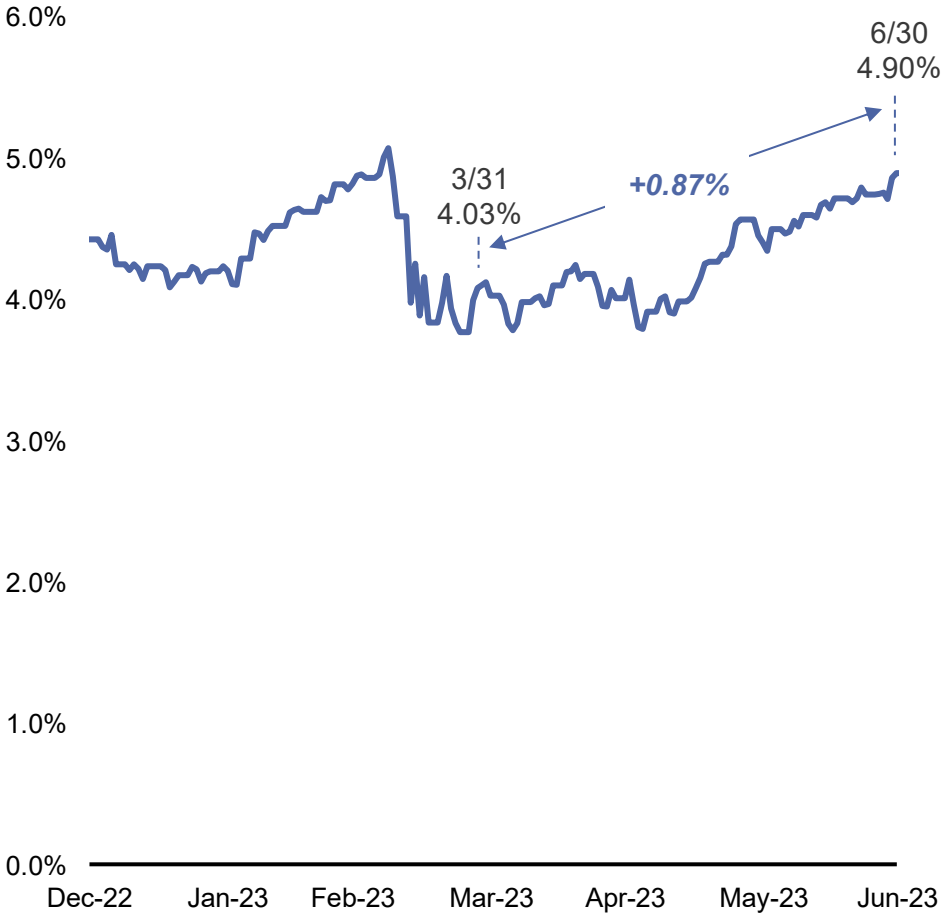
Yield Changes by Maturity
from March 31 – June 30, 2023



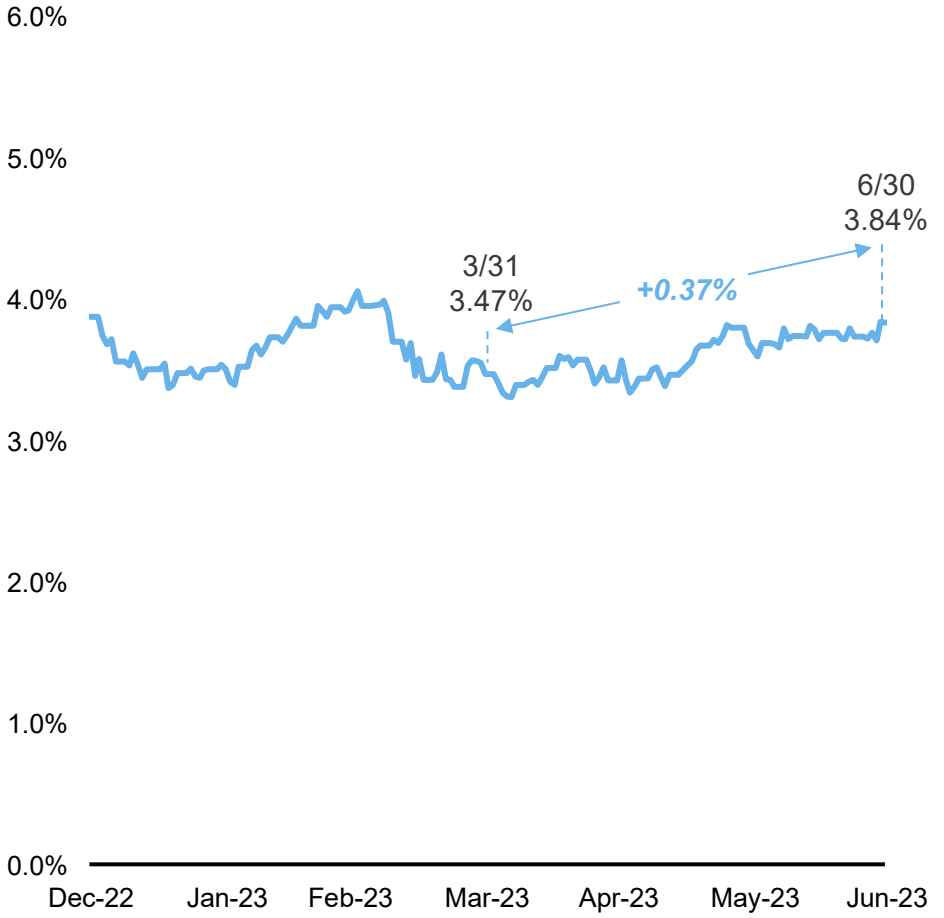
Source: Bloomberg, as of 06/30/2023.

Treasury **Yields** Move Upward on Expectation for Future Rate Increases

2-Year Treasury Yield



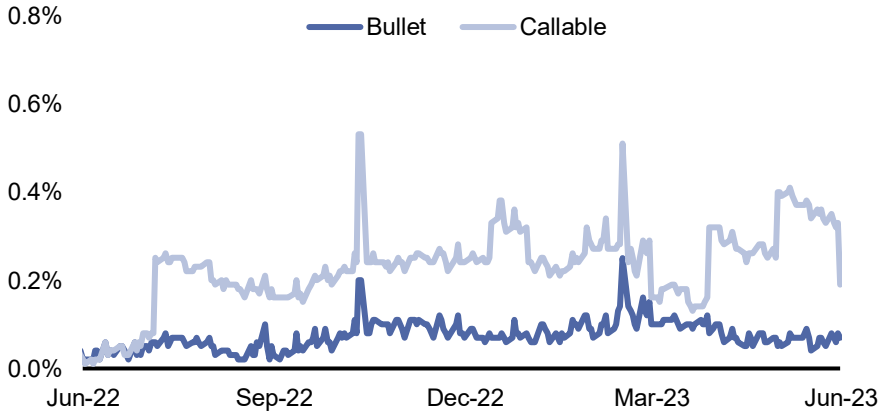
10-Year Treasury Yield



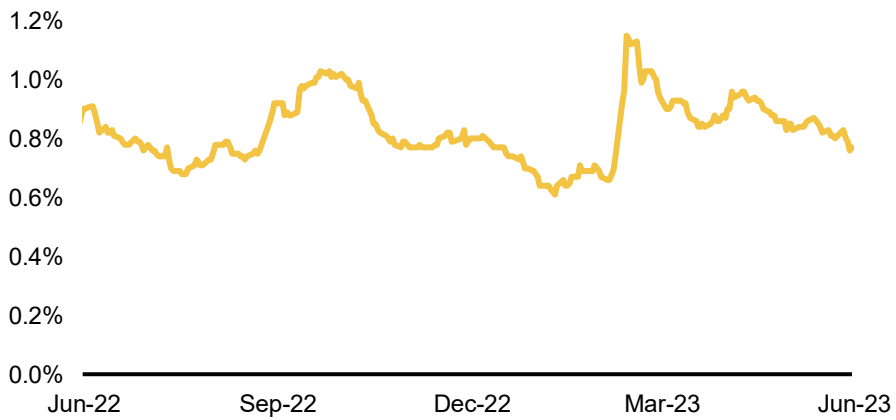
Source: Bloomberg, as of 06/30/2023.

Sector Yield Spreads

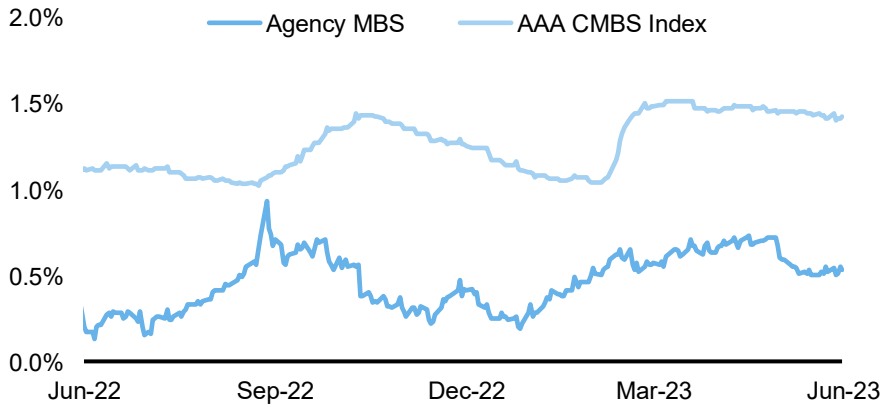
Federal Agency Yield Spreads



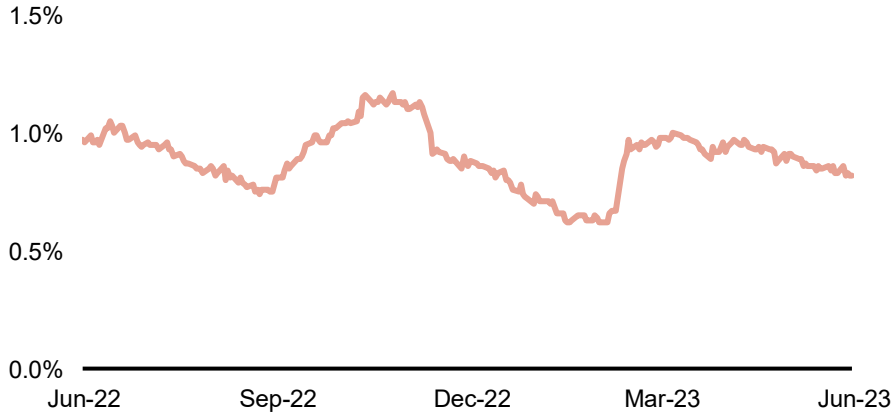
Corporate Notes A-AAA Yield Spreads



Mortgage-Backed Securities Yield Spreads



Asset-Backed Securities AAA Yield Spreads

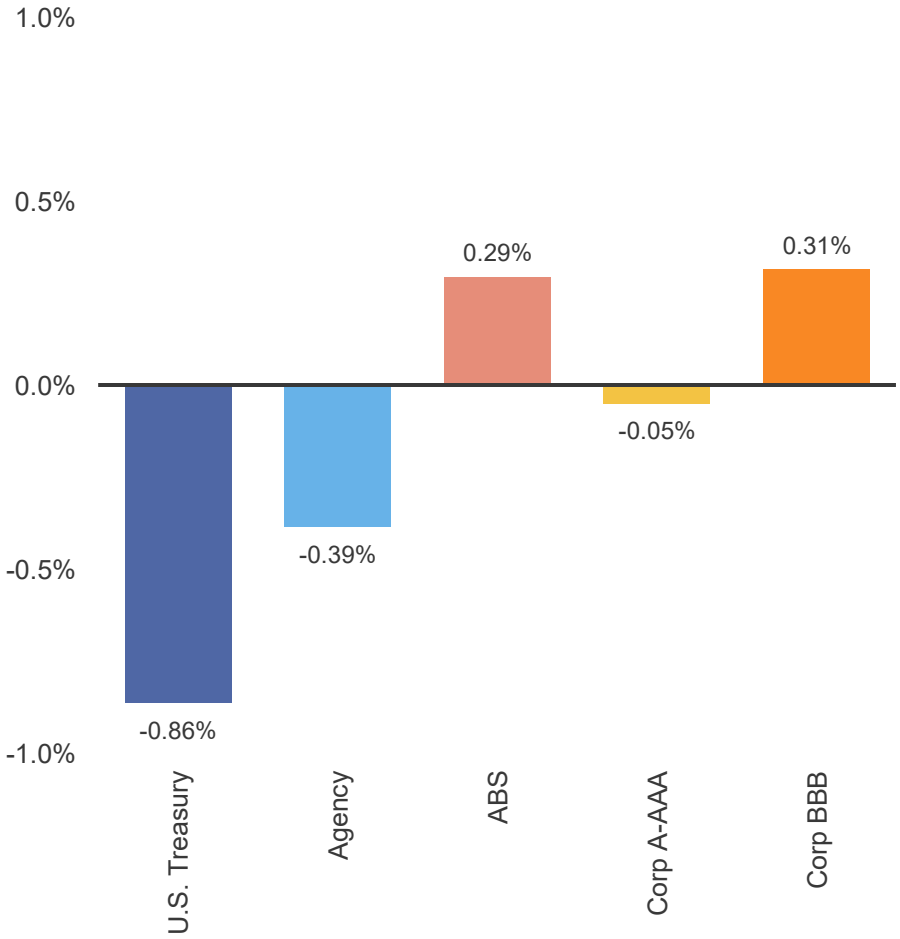


Source: ICE BofAML 1-5 year Indices via Bloomberg, MarketAxess and PFMAM as of 06/30/2023. Spreads on ABS and MBS are option-adjusted spreads of 0-5 year indices based on weighted average life; spreads on agencies are relative to comparable maturity Treasuries.
CMBS is Commercial Mortgage-Backed Securities.

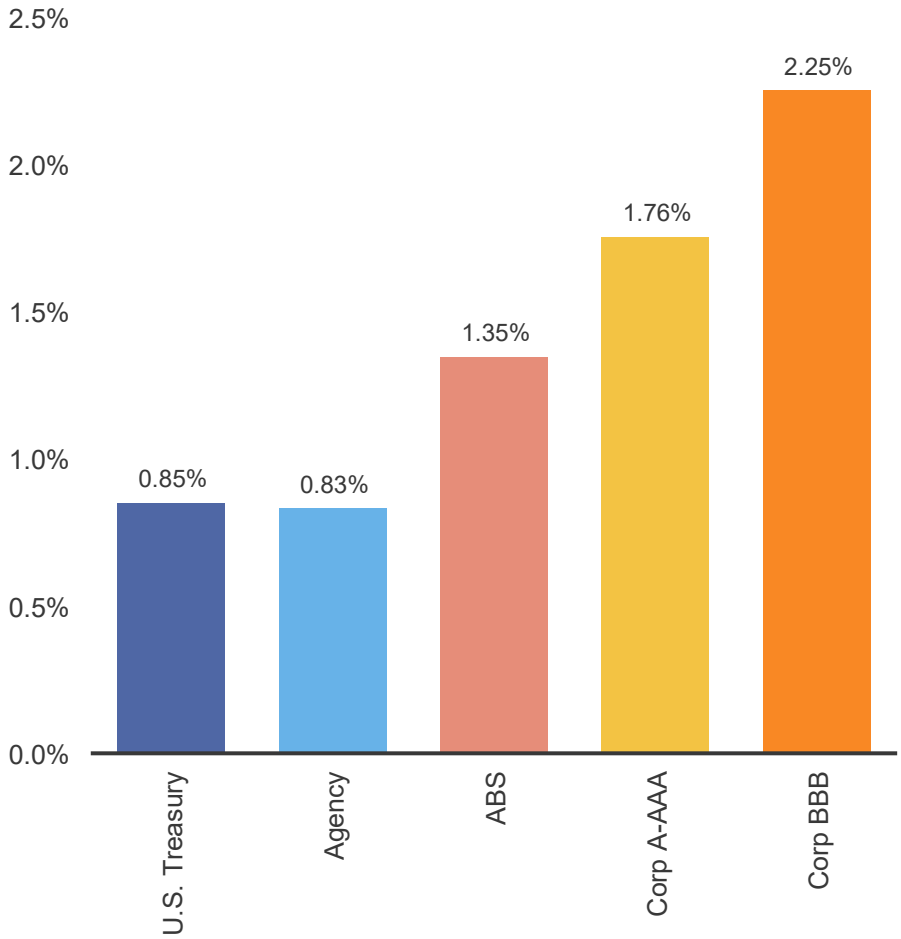
Fixed-Income Markets in Q2 2023

1-5 Year Indices

1-5 Year Indices Quarterly Returns



10-Year Average



Source: ICE BofAML Indices. ABS indices are 0-5 year, based on weighted average life. As of 6/30/2023.

Fixed-Income Sector Commentary – 2Q 2023

- **U.S. Treasuries:** After plummeting at the end of Q1 due to volatility in the banking sector, short and medium-term yields steadily climbed throughout the quarter, with the 2-year rising over 100 basis points.
- **Federal agency** yield spreads tightened during the quarter. Agency discount notes were favored over U.S. Treasury bills during the debt ceiling impasse; however, during Q1 value waned and callable spreads moved to the tighter end of their historical range.
- **Supranational** issuance was heavier than usual in the first couple months of the year which allowed spreads to widen and sporadic buying opportunities to arise. As supply dried up, spreads narrowed and traded in a tight range for the balance of the quarter.
- **Investment-Grade Corporate** spreads continued to retrace from their Q1 wides but remained above longer-term averages. Following the "risk-on" theme in the latter part of Q2, the IG curve flattened, resulting in longer durations and lower quality (BBB) performing best. Although the spread between financials and industrials remained well above typical levels, financials outperformed in Q2 as retracement from the exceptionally wide spreads in Q1 was significant.
- **Asset-Backed Security** spreads also retraced from mid-March wides, but not nearly to the extent as in corporates. Auto ABS issuance increased during Q2, which was a function of pent-up consumer demand.
- **Mortgage-Backed Securities** whipsawed in Q2 as a steep tightening of spreads through the second half of the quarter more than offset the steady and consistent widening through April. As a result, the sector generated attractive excess returns for the quarter. Strong returns were driven largely by the risk-on sentiment through much of the quarter and a modest decline in supply due to a drop in existing home sales and refinancings.
- **Taxable Municipals** issuance remained heavily oversubscribed due to a lack of new issuance. The secondary market had sporadic but limited opportunities that offered an attractive pickup versus industrial corporates.
- **Short-term credit** (commercial paper and CDs) yields increased during Q2 as the market repriced to actual Fed rate increases and reduced expectations for Fed rate cuts in late 2023. Spreads in short credit remained elevated and attractive for most of Q2 and added notable incremental income to shorter-term portfolios and liability-matching strategies inside of 12-month maturities.

Fixed-Income Sector Outlook – 3Q 2023

Sector	Our Investment Preferences
COMMERCIAL PAPER / CD	
TREASURIES	
T-Bill	
T-Note	
FEDERAL AGENCIES	
Bullets	
Callables	
SUPRANATIONALS	
CORPORATES	
Financials	
Industrials	
SECURITIZED	
Asset-Backed	
Agency Mortgage-Backed	
Agency CMBS	
MUNICIPALS	

● *Current outlook* ○ *Outlook one quarter ago*

Negative | Slightly Negative | Neutral | Slightly Positive | Positive

Account Summary

Account Summary

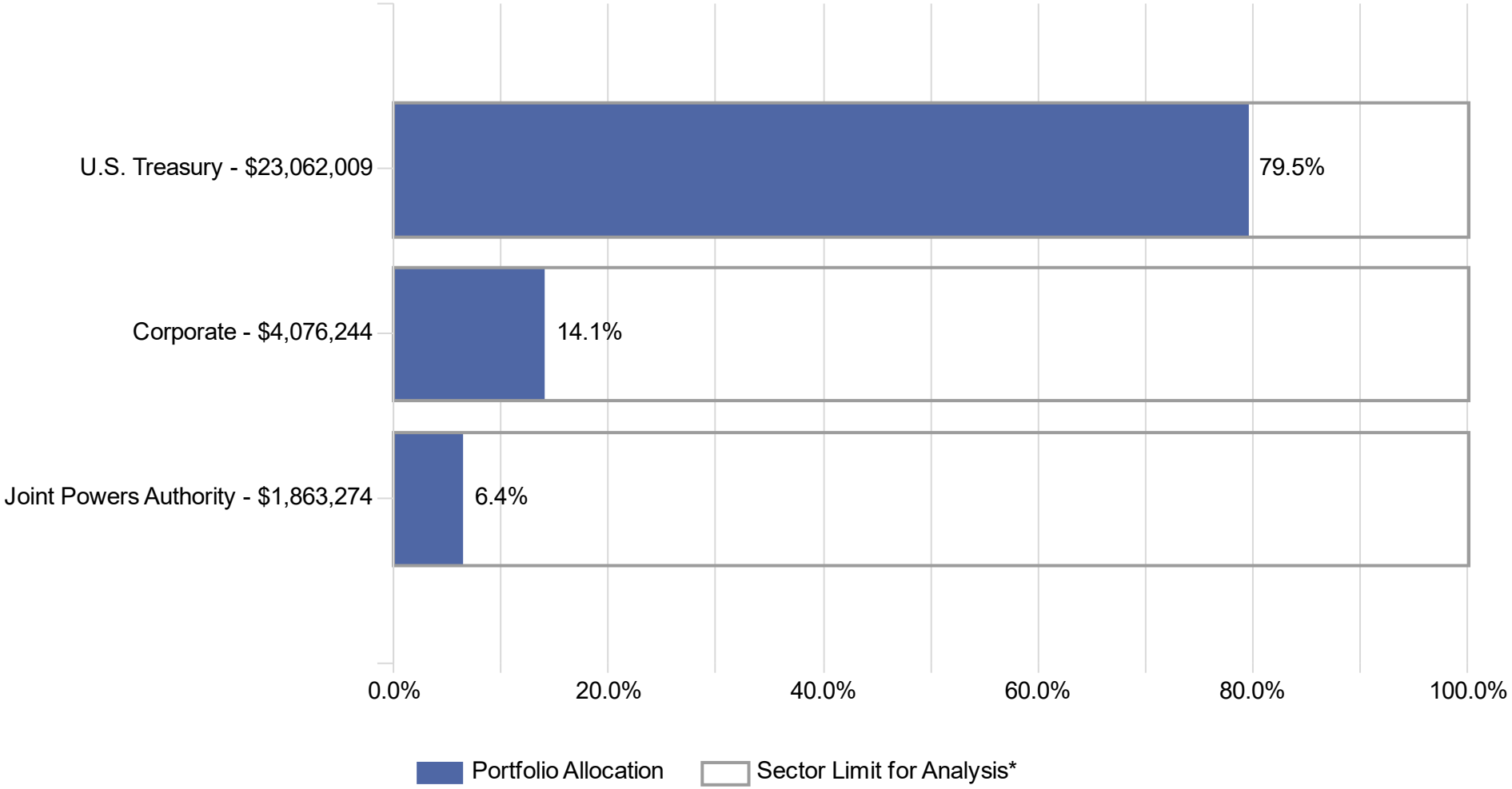
City of Oakley - City of Oakley - 6111-01

Portfolio Values	June 30, 2023
CAMP Managed Account	$27,070,458
CAMP Pool	$1,863,274
Amortized Cost	$28,591,312
Market Value	$27,070,458
Accrued Interest	$67,795
Cash	$0

Analytics[1]	June 30, 2023
Yield at Market	4.94%
Yield on Cost	1.48%
Portfolio Duration	1.82
CAMP Pool 7-Day Yield[2]	5.27%

1. *Yield at market, yield on cost, and portfolio duration only include investments held within the separately managed account(s), excludes balances invested in overnight funds.*
2. *The current 7-day yield is the net change, exclusive of capital changes and income other than investment income, in the value of a hypothetical fund account with a balance of one share over the seven-day base period including the statement date, expressed as a percentage of the value of one share (normally $1.00 per share) at the beginning of the seven-day period. This resulting net change in account value is then annualized by multiplying it by 365 and dividing the result by 7. The yields quoted should not be considered a representation of the yield of the fund in the future, since the yield is not fixed.*

Sector Allocation Analytics



For informational/analytical purposes only and is not provided for compliance assurance. Includes accrued interest.
**Sector Limit for Analysis is as derived from our interpretation of your most recent Investment Policy as provided.*

Certificate of Compliance

During the reporting period for the quarter ended June 30, 2023, the account(s) managed by PFM Asset Management ("PFMAM") were in compliance with the applicable investment policy and guidelines as furnished to PFMAM.

Acknowledged : *PFM Asset Management LLC*

Note: Pre- and post-trade compliance for the account(s) managed by PFM Asset Management is provided via Bloomberg Asset and Investment Management ("AIM").

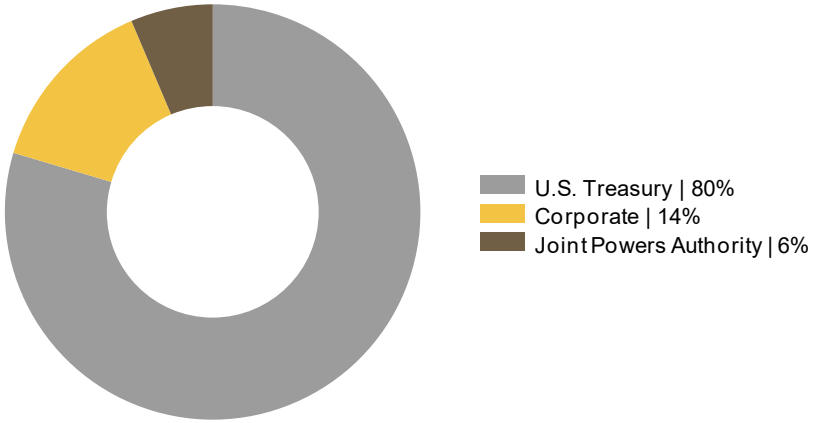
Portfolio Review:
CAMP-CITY OF OAKLEY

Portfolio Snapshot - CAMP-CITY OF OAKLEY[1]

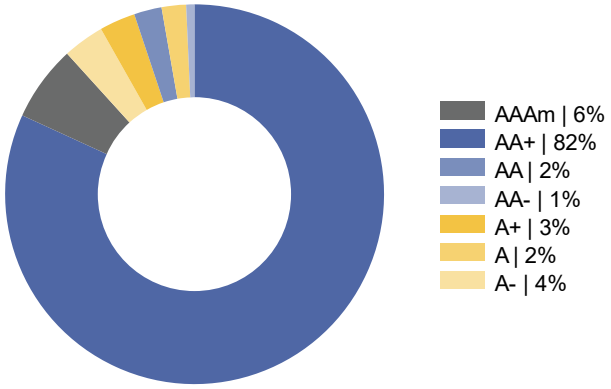
Portfolio Statistics

Total Market Value	$29,001,527.55
Managed Account Sub-Total	*$27,070,458.06*
Accrued Interest	*$67,795.20*
Pool	*$1,863,274.29*
Portfolio Effective Duration	1.82 years
Benchmark Effective Duration	2.50 years
Yield At Cost	1.48%
Yield At Market	4.94%
Portfolio Credit Quality	AA

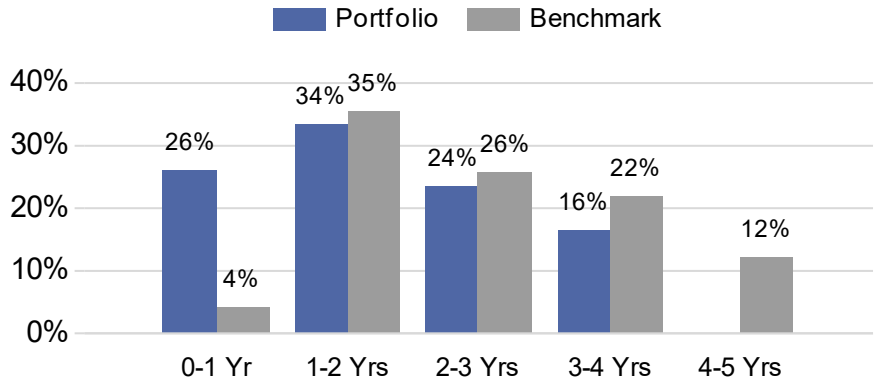
Sector Allocation



Credit Quality - S&P



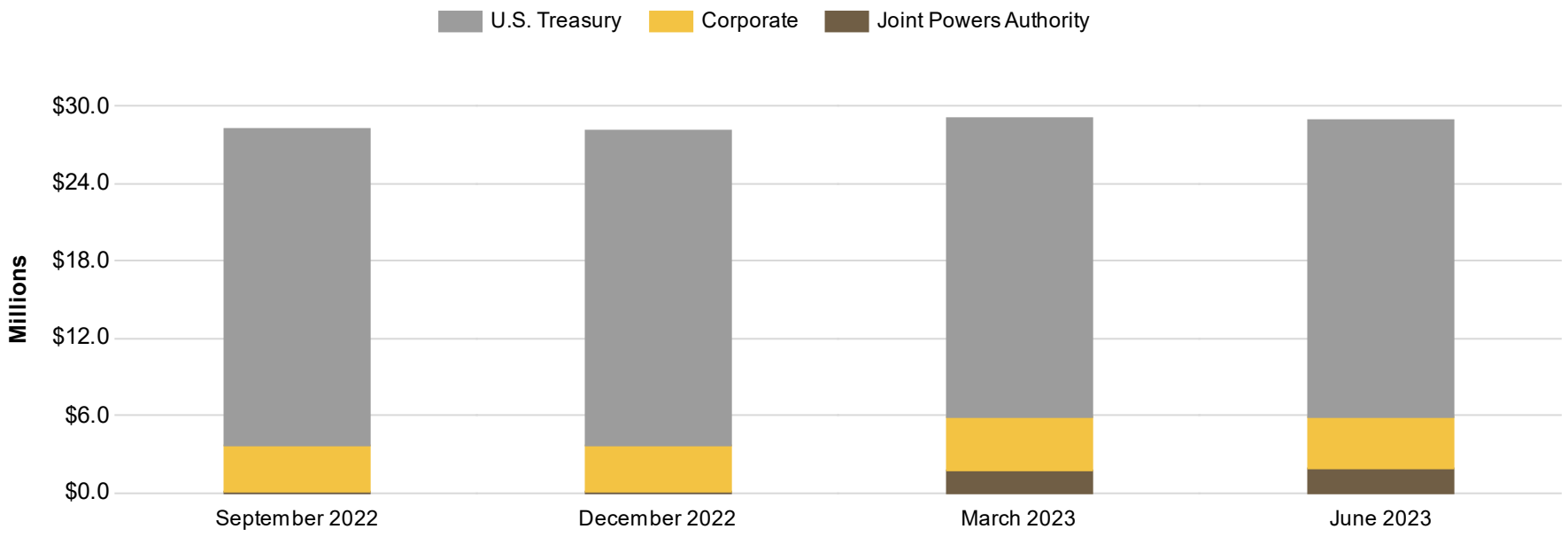
Duration Distribution



1. *Total market value includes accrued interest and balances invested in CAMP, as of June 30, 2023.*
Yield and duration calculations exclude balances invested in CAMP.
The portfolio's benchmark is the ICE BofA 1-5 Year U.S. Treasury Index. Source: Bloomberg.
An average of each security's credit rating was assigned a numeric value and adjusted for its relative weighting in the portfolio.

Sector Allocation Review - CAMP-CITY OF OAKLEY

Security Type	Sep-22	% of Total	Dec-22	% of Total	Mar-23	% of Total	Jun-23	% of Total
U.S. Treasury	$24.7	87.2%	$24.5	87.0%	$23.1	79.7%	$23.0	79.6%
Corporate	$3.5	12.5%	$3.6	12.6%	$4.1	14.1%	$4.1	14.0%
Joint Powers Authority	$0.1	0.3%	$0.1	0.4%	$1.8	6.2%	$1.9	6.4%
Total	**$28.3**	**100.0%**	**$28.1**	**100.0%**	**$29.0**	**100.0%**	**$28.9**	**100.0%**

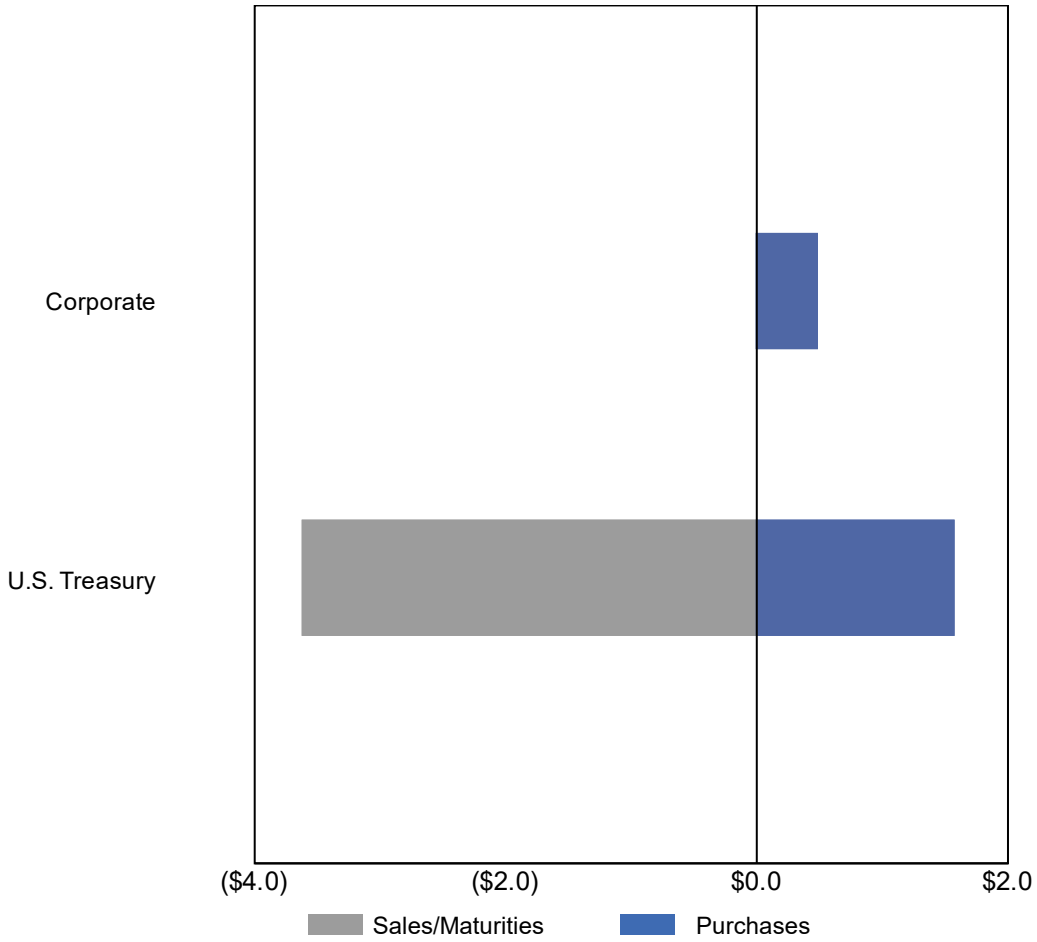


Market values, excluding accrued interest. Only includes fixed-income securities held within the separately managed account(s) and LGIPs managed by PFMAM. Detail may not add to total due to rounding.

Portfolio Activity (12 Months) - CAMP-CITY OF OAKLEY

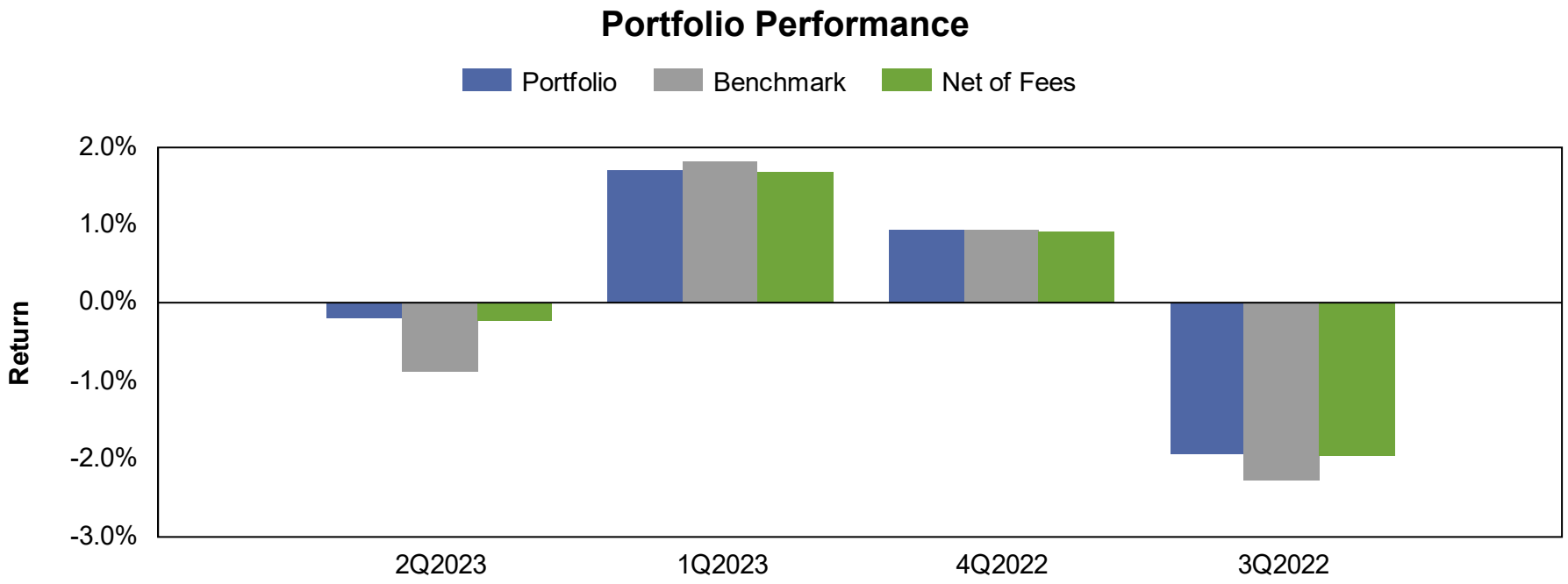
Net Activity by Sector

($ millions)



Sector	Net Activity
Corporate	$481,217
U.S. Treasury	($2,042,098)
Total Net Activity	**($1,560,882)**

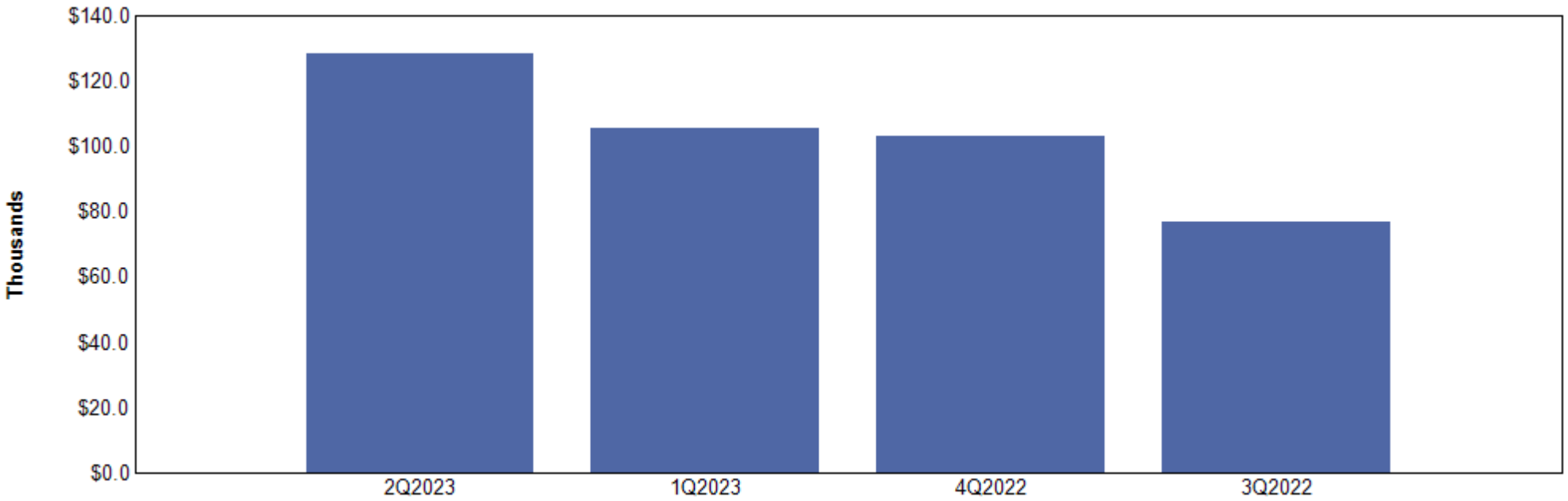
Based on total proceeds (principal and accrued interest) of buys, sells, maturities, and principal paydowns. Detail may not add to total due to rounding.



Market Value Basis Earnings	2Q2023	1Q2023	4Q2022	3Q2022
Interest Earned[1]	$92,673	$69,981	$69,382	$66,091
Change in Market Value	($147,308)	$417,203	$195,492	($626,447)
Total Dollar Return	**($54,635)**	**$487,184**	**$264,874**	**($560,356)**
Total Return[2]				
Portfolio	-0.19%	1.71%	0.94%	-1.94%
Benchmark[3]	-0.86%	1.82%	0.95%	-2.28%
Basis Point Fee	0.02%	0.02%	0.02%	0.02%
Net of Fee Return	-0.21%	1.68%	0.91%	-1.96%

1. Interest earned calculated as the ending accrued interest less beginning accrued interest, plus net interest activity.
2. Returns are presented on a periodic basis.
3. The portfolio's benchmark is the ICE BofA 1-5 Year U.S. Treasury Index. Source: Bloomberg.

Accrual Basis Earnings - CAMP-CITY OF OAKLEY



Accrual Basis Earnings	2Q2023	1Q2023	4Q2022	3Q2022
Interest Earned[1]	$92,673	$69,981	$69,382	$66,091
Realized Gains / (Losses)[2]	-	-	-	($18,656)
Change in Amortized Cost	$35,543	$35,579	$33,874	$29,519
Total Earnings	**$128,216**	**$105,560**	**$103,256**	**$76,954**

1. Interest earned calculated as the ending accrued interest less beginning accrued interest, plus net interest activity.
2. Realized gains / (losses) are shown on an amortized cost basis.

Portfolio Holdings and Transactions

Issuer Diversification

Security Type / Issuer	Market Value (%)	S&P / Moody's / Fitch
U.S. Treasury	**85.0%**	
UNITED STATES TREASURY	85.0%	AA / Aaa / AAA
Corporate	**15.0%**	
3M COMPANY	0.8%	A / A / NR
AMAZON.COM INC	2.5%	AA / A / AA
APPLE INC	1.4%	AA / Aaa / NR
BANK OF AMERICA CO	1.5%	A / A / AA
BRISTOL-MYERS SQUIBB CO	0.8%	A / A / NR
BURLINGTON NORTHERN SANTA FE	0.8%	AA / A / NR
COMCAST CORP	0.7%	A / A / A
GOOGLE INC	1.0%	AA / Aa / NR
JP MORGAN CHASE & CO	0.8%	A / A / AA
MASTERCARD INC	0.8%	A / Aa / NR
STATE STREET CORPORATION	1.5%	A / A / AA
TARGET CORP	0.8%	A / A / A
TEXAS INSTRUMENTS INC	1.0%	A / Aa / NR
TOYOTA MOTOR CORP	0.8%	A / A / A
Total	**100.0%**	

Ratings shown are calculated by assigning a numeral value to each security rating, then calculating a weighted average rating for each security type / issuer category using all available security ratings, excluding Not-Rated (NR) ratings. For security type / issuer categories where a rating from the applicable NRSRO is not available, a rating of NR is assigned. Includes accrued interest and excludes balances invested in overnight funds.

Issuer Distribution
As of June 30, 2023

Issuer	Market Value ($)	% of Portfolio
UNITED STATES TREASURY	23,019,400	79.55%
CAMP POOL	1,863,274	6.44%
AMAZON.COM INC	672,809	2.33%
BANK OF AMERICA CO	415,666	1.44%
STATE STREET CORPORATION	405,800	1.40%
APPLE INC	372,191	1.29%
GOOGLE INC	277,693	0.96%
TEXAS INSTRUMENTS INC	266,142	0.92%
MASTERCARD INC	213,746	0.74%
TOYOTA MOTOR CORP	208,334	0.72%
TARGET CORP	205,881	0.71%
JP MORGAN CHASE & CO	205,852	0.71%
BRISTOL-MYERS SQUIBB CO	204,080	0.71%
3M COMPANY	202,912	0.70%
BURLINGTON NORTHERN SANTA FE	202,164	0.70%
COMCAST CORP	197,788	0.68%
Grand Total	**28,933,732**	**100.00%**

Managed Account Detail of Securities Held

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
U.S. Treasury											
US TREASURY NOTES DTD 09/30/2021 0.250% 09/30/2023	91282CDA6	2,500,000.00	AA+	Aaa	10/13/2021	10/14/2021	2,494,726.56	0.36	1,571.04	2,499,329.77	2,469,922.00
US TREASURY N/B NOTES DTD 12/31/2021 0.750% 12/31/2023	91282CDR9	2,025,000.00	AA+	Aaa	3/14/2022	3/16/2022	1,987,822.27	1.80	41.27	2,014,612.94	1,979,753.81
US TREASURY NOTES DTD 03/31/2017 2.125% 03/31/2024	912828W71	2,400,000.00	AA+	Aaa	10/13/2021	10/14/2021	2,495,156.25	0.50	12,819.67	2,429,002.02	2,342,250.00
US TREASURY N/B NOTES DTD 09/15/2021 0.375% 09/15/2024	91282CCX7	2,500,000.00	AA+	Aaa	10/13/2021	10/14/2021	2,482,617.19	0.62	2,751.36	2,492,799.25	2,356,250.00
US TREASURY N/B NOTES DTD 11/15/2021 0.750% 11/15/2024	91282CDH1	2,050,000.00	AA+	Aaa	3/14/2022	3/16/2022	1,984,496.09	1.99	1,963.65	2,016,206.70	1,927,961.04
US TREASURY NOTES DTD 03/31/2020 0.500% 03/31/2025	912828ZF0	1,425,000.00	AA+	Aaa	10/13/2021	10/14/2021	1,413,087.89	0.75	1,790.98	1,418,977.98	1,318,125.00
US TREASURY NOTES DTD 05/31/2020 0.250% 05/31/2025	912828ZT0	1,000,000.00	AA+	Aaa	3/14/2022	3/16/2022	944,687.50	2.04	211.75	966,963.52	915,000.00
US TREASURY NOTES DTD 09/30/2020 0.250% 09/30/2025	91282CAM3	2,320,000.00	AA+	Aaa	10/13/2021	10/14/2021	2,264,265.63	0.87	1,457.92	2,288,338.87	2,101,050.00
US TREASURY NOTES DTD 01/31/2021 0.375% 01/31/2026	91282CBH3	1,490,000.00	AA+	Aaa	5/2/2022	5/3/2022	1,352,349.61	3.00	2,330.70	1,394,982.02	1,337,507.74
US TREASURY N/B NOTES DTD 03/31/2021 0.750% 03/31/2026	91282CBT7	1,835,000.00	AA+	Aaa	10/13/2021	10/14/2021	1,816,721.68	0.98	3,459.43	1,823,734.54	1,658,381.25
US TREASURY N/B NOTES DTD 05/31/2021 0.750% 05/31/2026	91282CCF6	930,000.00	AA+	Aaa	6/6/2022	6/7/2022	850,732.03	3.04	590.78	871,939.21	835,256.25
US TREASURY N/B NOTES DTD 09/30/2021 0.875% 09/30/2026	91282CCZ2	2,510,000.00	AA+	Aaa	10/13/2021	10/14/2021	2,487,939.45	1.06	5,520.63	2,495,548.64	2,245,665.63
US TREASURY N/B NOTES DTD 04/30/2020 0.500% 04/30/2027	912828ZN3	835,000.00	AA+	Aaa	8/3/2022	8/4/2022	744,813.48	2.96	703.40	762,068.82	723,449.18
US TREASURY NOTES DTD 08/15/2017 2.250% 08/15/2027	9128282R0	875,000.00	AA+	Aaa	9/6/2022	9/7/2022	826,567.38	3.48	7,396.41	834,545.47	808,828.13
Security Type Sub-Total		**24,695,000.00**					**24,145,983.01**	**1.35**	**42,608.99**	**24,309,049.75**	**23,019,400.03**

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
Joint Powers Authority											
CAMP Pool		1,863,274.29	AAAm	NR			1,863,274.29		0.00	1,863,274.29	1,863,274.29
Security Type Sub-Total		**1,863,274.29**					**1,863,274.29**		**0.00**	**1,863,274.29**	**1,863,274.29**
Corporate											
AMAZON.COM INC CORPORATE NOTES DTD 05/12/2021 0.450% 05/12/2024	023135BW5	300,000.00	AA	A1	3/14/2022	3/16/2022	290,007.00	2.04	183.75	295,992.65	287,229.00
TOYOTA MOTOR CREDIT CORP CORP NOTES DTD 02/13/2020 1.800% 02/13/2025	89236TGT6	220,000.00	A+	A1	10/13/2021	10/15/2021	225,425.20	1.04	1,518.00	222,643.50	208,334.06
3M COMPANY (CALLABLE) CORP NOTES DTD 08/26/2019 2.000% 02/14/2025	88579YBH3	215,000.00	A-	A2	10/13/2021	10/15/2021	222,221.85	0.97	1,636.39	218,425.36	202,912.27
MASTERCARD INC CORP NOTES (CALLABLE) DTD 12/03/2019 2.000% 03/03/2025	57636QAN4	225,000.00	A+	Aa3	3/14/2022	3/16/2022	222,387.75	2.41	1,475.00	223,526.24	213,746.40
BURLINGTN NORTH SANTA FE CORP NOTES (CAL DTD 03/09/2015 3.000% 04/01/2025	12189LAV3	210,000.00	AA-	A3	10/13/2021	10/15/2021	223,351.80	1.12	1,575.00	216,255.10	202,163.64
AMAZON.COM INC CORPORATE NOTES DTD 04/13/2022 3.000% 04/13/2025	023135CE4	400,000.00	AA	A1	4/11/2022	4/13/2022	399,364.00	3.06	2,600.00	399,621.65	385,579.60
APPLE INC (CALLABLE) CORP NOTES DTD 05/11/2020 1.125% 05/11/2025	037833DT4	400,000.00	AA+	Aaa	10/13/2021	10/15/2021	401,944.00	0.99	625.00	400,991.84	372,191.20
COMCAST CORP (CALLABLE) CORPORATE NOTES DTD 05/27/2015 3.375% 08/15/2025	20030NBN0	205,000.00	A-	A3	10/13/2021	10/15/2021	221,514.80	1.22	2,613.75	213,636.18	197,788.31
BRISTOL-MYERS SQUIBB CO CORPORATE NOTES DTD 11/13/2020 0.750% 11/13/2025	110122DN5	225,000.00	A+	A2	3/14/2022	3/16/2022	210,096.00	2.66	225.00	215,353.61	204,079.50
BANK OF AMERICA CORP (CALLABLE) CORPORAT DTD 02/13/2020 2.015% 02/13/2026	06051GHY8	220,000.00	A-	A1	10/13/2021	10/15/2021	225,106.20	1.46	1,699.32	222,488.07	206,064.10

Security Type/Description Dated Date/Coupon/Maturity	CUSIP	Par	S&P Rating	Moody's Rating	Trade Date	Settle Date	Original Cost	YTM at Cost	Accrued Interest	Amortized Cost	Market Value
Corporate											
STATE STREET CORP NOTES (CALLABLE) DTD 10/29/2020 2.901% 03/30/2026	857477BM4	215,000.00	A	A1	3/14/2022	3/16/2022	215,483.75	2.84	1,576.61	215,278.05	205,286.95
STATE STREET CORP NOTES (CALLABLE) DTD 10/29/2020 2.901% 03/30/2026	857477BM4	210,000.00	A	A1	10/13/2021	10/15/2021	222,541.20	1.51	1,539.95	216,340.16	200,512.83
JPMORGAN CHASE & CO (CALLABLE) DTD 04/15/2020 2.083% 04/22/2026	46647PBK1	220,000.00	A-	A1	10/13/2021	10/15/2021	225,416.40	1.52	878.33	222,786.18	205,851.58
ALPHABET INC CORP NOTES (CALLABLE) DTD 08/09/2016 1.998% 08/15/2026	02079KAC1	300,000.00	AA+	Aa2	3/14/2022	3/16/2022	294,777.00	2.42	2,264.40	296,305.37	277,693.20
TARGET CORP CORP NOTES (CALLABLE) DTD 01/24/2022 1.950% 01/15/2027	87612EBM7	200,000.00	A	A2	3/14/2022	3/16/2022	194,764.00	2.53	1,798.34	196,163.43	183,005.20
TARGET CORP CORP NOTES (CALLABLE) DTD 01/24/2022 1.950% 01/15/2027	87612EBM7	25,000.00	A	A2	1/19/2022	1/24/2022	24,957.50	1.99	224.79	24,969.73	22,875.65
BANK OF AMERICA CORP NOTES (CALLABLE) DTD 10/21/2016 3.248% 10/21/2027	06051GGA1	225,000.00	A-	A1	1/3/2023	1/5/2023	210,411.00	4.78	1,421.00	211,886.57	209,602.13
TEXAS INSTRUMENTS INC CORP NOTES (CALLAB DTD 11/03/2017 2.900% 11/03/2027	882508BC7	285,000.00	A+	Aa3	1/3/2023	1/5/2023	267,880.05	4.29	1,331.58	269,598.84	266,142.41
Security Type Sub-Total		**4,300,000.00**					**4,297,649.50**	**2.20**	**25,186.21**	**4,282,262.53**	**4,051,058.03**
Managed Account Sub Total		**28,995,000.00**					**28,443,632.51**	**1.48**	**67,795.20**	**28,591,312.28**	**27,070,458.06**
Securities Sub Total		**$30,858,274.29**					**$30,306,906.80**	**1.48%**	**$67,795.20**	**$30,454,586.57**	**$28,933,732.35**
Accrued Interest											**$67,795.20**
Total Investments											**$29,001,527.55**

Quarterly Portfolio Transactions

Trade Date	Settle Date	Par ($)	CUSIP	Security Description	Coupon	Maturity Date	Transact Amount ($)	Yield at Market	Realized G/L (BV)
INTEREST									
4/1/2023	4/1/2023	210,000.00	12189LAV3	BURLINGTN NORTH SANTA FE CORP NOTES (CAL	3.00%	4/1/2025	3,150.00		
4/13/2023	4/13/2023	400,000.00	023135CE4	AMAZON.COM INC CORPORATE NOTES	3.00%	4/13/2025	6,000.00		
4/21/2023	4/21/2023	225,000.00	06051GGA1	BANK OF AMERICA CORP NOTES (CALLABLE)	3.24%	10/21/2027	3,654.00		
4/22/2023	4/22/2023	220,000.00	46647PBK1	JPMORGAN CHASE & CO (CALLABLE)	2.08%	4/22/2026	2,291.30		
4/30/2023	4/30/2023	835,000.00	912828ZN3	US TREASURY N/B NOTES	0.50%	4/30/2027	2,087.50		
5/3/2023	5/3/2023	285,000.00	882508BC7	TEXAS INSTRUMENTS INC CORP NOTES (CALLAB	2.90%	11/3/2027	4,132.50		
5/11/2023	5/11/2023	400,000.00	037833DT4	APPLE INC (CALLABLE) CORP NOTES	1.12%	5/11/2025	2,250.00		
5/12/2023	5/12/2023	300,000.00	023135BW5	AMAZON.COM INC CORPORATE NOTES	0.45%	5/12/2024	675.00		
5/13/2023	5/13/2023	225,000.00	110122DN5	BRISTOL-MYERS SQUIBB CO CORPORATE NOTES	0.75%	11/13/2025	843.75		
5/15/2023	5/15/2023	2,050,000.00	91282CDH1	US TREASURY N/B NOTES	0.75%	11/15/2024	7,687.50		
5/31/2023	5/31/2023	1,000,000.00	912828ZT0	US TREASURY NOTES	0.25%	5/31/2025	1,250.00		
5/31/2023	5/31/2023	930,000.00	91282CCF6	US TREASURY N/B NOTES	0.75%	5/31/2026	3,487.50		
6/30/2023	6/30/2023	2,025,000.00	91282CDR9	US TREASURY N/B NOTES	0.75%	12/31/2023	7,593.75		
Total INTEREST		**9,105,000.00**					**45,102.80**		**0.00**

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It is not possible to invest directly in an index. The index returns shown throughout this material do not represent the results of actual trading of investor assets. Third-party providers maintain the indices shown and calculate the index levels and performance shown or discussed. Index returns do not reflect payment of any sales charges or fees an investor would pay to purchase the securities they represent. The imposition of these fees and charges would cause investment performance to be lower than the performance shown.

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- Market values that include accrued interest are derived from closing bid prices as of the last business day of the month as supplied by Refinitiv, Bloomberg, or Telerate. Where prices are not available from generally recognized sources, the securities are priced using a yield-based matrix system to arrive at an estimated market value.
- In accordance with generally accepted accounting principles, information is presented on a trade date basis; forward settling purchases are included in the monthly balances, and forward settling sales are excluded.
- Performance is presented in accordance with the CFA Institute's Global Investment Performance Standards (GIPS). Unless otherwise noted, performance is shown gross of fees. Quarterly returns are presented on an unannualized basis. Returns for periods greater than one year are presented on an annualized basis. Past performance is not indicative of future returns.
- Bank of America/Merrill Lynch Indices provided by Bloomberg Financial Markets.
- Money market fund/cash balances are included in performance and duration computations.
- Standard & Poor's is the source of the credit ratings. Distribution of credit rating is exclusive of money market fund/LGIP holdings.
- Callable securities in the portfolio are included in the maturity distribution analysis to their stated maturity date, although, they may be called prior to maturity.
- MBS maturities are represented by expected average life.

Glossary

- Accrued Interest: Interest that is due on a bond or other fixed income security since the last interest payment was made.
- Agencies: Federal agency securities and/or Government-sponsored enterprises.
- Amortized Cost: The original cost of the principal of the security is adjusted for the amount of the periodic reduction of any discount or premium from the purchase date until the date of the report. Discount or premium with respect to short-term securities (those with less than one year to maturity at time of issuance) is amortized on a straight line basis. Such discount or premium with respect to longer-term securities is amortized using the constant yield basis.
- Asset-Backed Security: A financial instrument collateralized by an underlying pool of assets – usually ones that generate a cash flow from debt, such as loans, leases, credit card balances, and receivables.
- Bankers' Acceptance: A draft or bill or exchange accepted by a bank or trust company. The accepting institution guarantees payment of the bill as well as the insurer.
- Commercial Paper: An unsecured obligation issued by a corporation or bank to finance its short-term credit needs, such as accounts receivable and inventory.
- Contribution to Total Return: The weight of each individual security multiplied by its return, then summed for each sector to determine how much each sector added or subtracted from the overall portfolio performance.
- Effective Duration: A measure of the sensitivity of a security's price to a change in interest rates, stated in years.
- Effective Yield: The total yield an investor receives in relation to the nominal yield or coupon of a bond. Effective yield takes into account the power of compounding on investment returns, while nominal yield does not.
- FDIC: Federal Deposit Insurance Corporation. A federal agency that insures bank deposits to a specified amount.
- Interest Rate: Interest per year divided by principal amount and expressed as a percentage.
- Market Value: The value that would be received or paid for an investment in an orderly transaction between market participants at the measurement date.
- Maturity: The date upon which the principal or stated value of an investment becomes due and payable.
- Negotiable Certificates of Deposit: A CD with a very large denomination, usually $1 million or more, that can be traded in secondary markets.
- Par Value: The nominal dollar face amount of a security.
- Pass-through Security: A security representing pooled debt obligations that passes income from debtors to its shareholders. The most common type is the mortgage-backed security.

Glossary

- Repurchase Agreements: A holder of securities sells these securities to an investor with an agreement to repurchase them at a fixed price on a fixed date.
- Settle Date: The date on which the transaction is settled and monies/securities are exchanged. If the settle date of the transaction (i.e., coupon payments and maturity proceeds) occurs on a non-business day, the funds are exchanged on the next business day.
- Supranational: A multinational union or association in which member countries cede authority and sovereignty on at least some internal matters to the group, whose decisions are binding on its members.
- Trade Date: The date on which the transaction occurred; however, the final consummation of the security transaction and payment has not yet taken place.
- Unsettled Trade: A trade which has been executed; however, the final consummation of the security transaction and payment has not yet taken place.
- U.S. Treasury: The department of the U.S. government that issues Treasury securities.
- Yield: The rate of return based on the current market value, the annual interest receipts, maturity value, and the time period remaining until maturity, stated as a percentage on an annualized basis.
- YTM at Cost: The yield to maturity at cost is the expected rate of return based on the original cost, the annual interest receipts, maturity value, and the time period from purchase date to maturity, stated as a percentage on an annualized basis.
- YTM at Market: The yield to maturity at market is the rate of return based on the current market value, the annual interest receipts, maturity value, and the time period remaining until maturity, stated as a percentage on an annualized basis.

STAFF REPORT

OAKLEY
CALIFORNIA

Approved and Forwarded to the City Council

DATE: August 08,2023
TO: Joshua McMurray, City Manager
FROM: Jeri Tejeda, Human Resources Director
SUBJECT: City of Oakley as Successor Agency to the Oakley Redevelopment Agency – Quarterly Investment Report (4th Quarter FY 2022/23)

Background and Analysis

California law and the City's Investment Policy require the Agency's fiscal officer to submit a quarterly investment report to the Agency's governing board. The report should contain information on all securities held and include a statement denoting the ability of the local agency to meet its expenditure requirements for the next six months.

Fiscal Impact

The Investment Report for the Period Ending June 30, 2023, attached shows a balance of $1,513,982.79 in cash for operations before the City receives the next distribution from the Department of Finance requested with the ROPS. To increase annual cash flow savings of refunding bonds, cash reserves were applied to bond insurance with Build America Mutual (BAM). The Reserve Requirements are satisfied in face amounts of $571,000.00 for 2015 Bonds and $1,827,318.76 for 2018 Bonds.

The Agency is in compliance with the City's annually adopted investment policy. The tax revenues distributed to the Agency is sufficient to make the Agency's enforceable obligation payments as approved by the Department of Finance.

Staff Recommendation

Staff recommends the City Council, as the Board of the Successor Agency, accept the investment report for the 4th Quarter of Fiscal Year 2022/23.

Attachments

1. City of Oakley as Successor Agency to the Redevelopment Agency Investment Report for the quarter ended June 30, 2023.

City of Oakley as Successor Agency to the Oakley Redevelopment Agency

Quarterly Investment Report

For the Quarter Ended June 30, 2023

Type*	Name of Institution	Rate	Maturity***	Cost Amount	Market Value
Investments in Wells Fargo Bank Account					
	Successor Agency Checking	1.000%	N/A	$ 1,513,982.79	$ 1,513,982.79
Total Investments Other than Bond Proceeds				**1,513,982.79**	**1,513,982.79**
Investments with US Bank Trust (bond proceeds): **					
	20015 A&B Tax Allocation Refunding Bonds			-	-
	2018 Tax Allocation Refunding Bonds			-	-
Total Investments of Bond Proceeds				-	-
	Total Agency Investments			**$ 1,513,982.79**	**$ 1,513,982.79**

* **Type of investment** as described in Authorized Investments section of the City's adopted Investment Policy

1. U.S Government Securities	5. Bankers Acceptance	9. Money market funds
2. U.S. Government Agency Securities	6. Commercial Paper	10. Repurchase agreements
3. Local Agency Investment Fund	7. Medium term notes	11. CalTRUST Short Term Account
4. Certificates of Deposit	8. Mutual funds	12. Overnight Sweep

** **Investment of bond proceeds** is governed by each bond's Trust Agreement. Reserve Requirements are satisfied by BAM surety policy in face amounts equal to $571,000 for 2015 Bonds and $1,827,318.76 for 2018 Bonds.

*** All Successor Agency accounts have same day or next day liquidity

The City of Oakley, as Successor Agency to the Oakley Redevelopment Agency, is in compliance with the City's annually adopted investment policy.

Approved by Carolina Camacho
Accounting Manager

7/31/23
Date

DATE: August 8, 2023

TO: Joshua McMurray, City Manager

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

Approved and Forwarded to the City Council

SUBJECT: Consideration of a Resolution Authorizing the Purchase of a 2023 Ford F550 4WD Diesel Super Duty for $107,957.64 from Big Valley Ford Lincoln of Stockton

Background and Analysis

The Maintenance Division of the Public Works Department is responsible for maintaining the City of Oakley owned infrastructure that includes streets, trails, sidewalks, curb and gutter, parks, playgrounds, facilities, traffic signals, streetlights, storm drain systems and detention basins.

The Public Works maintenance staff utilizes a wide range of equipment and vehicles to perform these maintenance services. As the Public Works Department continues to grow and keep up with the increasing public infrastructure that is added to its maintenance inventory; this new vehicle, (shown below), will better allow space for organizing tools, equipment, and the delivery of materials to job sites, and to have a more efficient operation.



As part of the FY 2023/24 budget process, funds were allocated for the purchase of a Ford F550 Diesel Super Duty truck for the Public Works Department.

Staff solicited quotes from truck dealers for the purchase of this vehicle and received only (2) two quotes as follows: Big Valley Ford Lincoln of Stockton at $107,957.64 and Bill Brandt Ford of Brentwood at $113,396.89. The other dealerships that were contacted did not have a vehicle similar to this one available for sale. The shortage of cars and trucks continues to impact all parts of society as shown in the availability of vehicles for sale. Staff investigated the option of ordering this a truck as a 2024 model, and its price would be higher, and the delivery date would pushed out to the fall of 2024. The lowest quote is from Big Valley Ford Lincoln of Stockton and this truck is available at the dealer's lot and ready for purchase.

Consistency with the Oakley Strategic Plan 27+

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

Fiscal Impact

The purchase of this truck is funded from the General Fund's Parks Department which has $105,000 budgeted for this truck. The other roughly $3,000 that will be needed for the purchase will be transferred from within the General Fund's Parks Department vehicle maintenance budget. This new truck will be used in daily street and park maintenance services.

Staff Recommendation

Staff recommends that the City Council Adopt the Resolution approving the purchase of the 2023 Ford F550 4WD Diesel Super Duty truck with a dump bed from Big Valley Ford Lincoln of Stockton and authorize the City's Purchasing Agent to complete the purchase process.

Attachments

1. Resolution
2. Big Valley Ford Quote

RESOLUTION NO. XX-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY APPROVING THE PURCHASE OF A 2023 F-550 4WD DIESEL SUPER DUTY TRUCK FROM BIG VALLEY FORD LINCOLN OF STOCKTON

WHEREAS, the Maintenance Division of the Public Works Department is responsible for maintaining the City of Oakley owned infrastructure; and

WHEREAS, it is critical to have proper vehicles and equipment to perform the wide range of maintenance services; and

WHEREAS, staff has solicited bids from truck dealers for a F-550 4WD Diesel Super Duty truck with a dump bed for the use in the Public Works Department, and received the lowest cost of $107,957.64 from Big Valley Ford Lincoln of Stockton; and

WHEREAS, the City's Purchasing Policy requires City Council approval for vehicles costing $50,000 or more; and

WHEREAS, funds are available from the FY 2023/24 budget to cover the cost of this purchase in the Parks Department General Fund.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that the City Council of the City of Oakley does hereby approve the purchase of a F-550 Diesel Super Duty truck with a dump bed from Big Valley Ford Lincoln of Stockton and authorizes the City's Purchasing Agent to complete the purchase process.

PASSED AND ADOPTED by the City Council of the City of Oakley this 8th day of August 2023 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

_____
Aaron Meadows, Mayor

ATTEST:

_____ _____
Libby Vreonis, City Clerk Date

BIGVALLEY Ford | LINCOLN

YOUR REGIONAL HEADQUARTERS

Big Valley Ford Commercial Vehicle Center

QUOTE

#230707-3

DATE: July 7, 2023

To: CITY of OAKLEY
3231 MAIN ST
OAKLEY, CA 94561

Re: 2023 Ford Truck Super-Duty F550
VIN 1FDUF5HT6PEC07724 Stock # W1553

Sale Price	$99,148.00
DMV Doc Fee	85.00
Sales Tax	8,682.89
Electronic Filing	33.00
Tire Fee	8.75
TOTAL	**$107,957.64**

Daniel Bennett
Commercial Fleet Sales Manager
209-870-4386

Thank You for Your Business

DATE: August 8, 2023

Approved and Forwarded to the City Council

TO: Joshua McMurray, City Manager

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

SUBJECT: Agreement with Mark Thomas & Co. Inc. for Engineering Design Services associated with Bridgehead Road Widening (Railroad Tracks to Main Street) Capital Improvement Project Number 300

Background and Analysis

Bridgehead Road is the major roadway corridor for access to the Oakley Logistics Center that not only serves the Oakley residents but also regional customers that use this roadway to access the Oakley Logistics Center from Highway 160. This roadway carries all the delivery trucks and customer vehicles that go to the Oakley Logistics Center.

Bridgehead Road was constructed by Contra Costa County decades ago as a two-lane roadway serving the marina at the end of this road and has stayed the same for many years. The development of the Oakley Logistics Center has brought much needed vitality and improvements to Bridgehead Road. These improvements include the widening of the roadway to new City standards along the frontage of the Oakley Logistic Center, construction of new curb, gutter, sidewalks, streetlights, traffic signal and landscaping.

The section of Bridgehead Road that still needs much improvement is from the entrance to the Oakley Logistics Center just north of the Burlington Northern Santa Fe (BNSF) railroad bridge to Main Street. This section of the roadway is narrow without any formal improvements. One of the major deficiencies of this roadway is the narrow railroad bridge and its storm drain pump station that need to be fully reconstructed to modern standards.

The success of the Oakley Logistics Center project has brought attention of other commercial developers to the western region of Oakley with the goal of constructing other modern light industrial buildings to accommodate the growing business in the E-Commerce industry. There are several large parcels of land north of Main Street that are currently farmed for vineyards and the property owner is entertaining proposals from developers to sell the land and construct light industrial facilities similar to the Oakley Logistics Center.

Capital Improvement Project (CIP) No. 300 will perform a detailed analysis of the alignment of Bridgehead Road in the section from the BNSF railroad bridge to the intersection with Main Street. The purpose of this analysis is to come up with the most optimized lane alignment and roadway configuration to enhance traffic flows and enhance access to the new facilities. There are physical constraints on this roadway, such as utilities and the bridge that would have to be evaluated as part of this project, to create the most functional Bridgehead Road.

It is important for the City to proactively prepare the outline of the infrastructure improvements that will be needed on Bridgehead Road so that the developers know what is expected from them in order to build any new development projects along Bridgehead Road.

Staff have worked with the consulting firm, Mark Thomas & Co. Inc. on the preparation of a proposal for this project. This firm is best suited to undertake this project with their expertise in both civil and structural engineering, as this project will include not only new widening and improvements on Bridgehead Road but also the constructing of a new railroad bridge for BNSF and Amtrak that use these tracks.

The final design and construction improvements on Bridgehead Road will be performed by the new developers as part of their off-site improvements they build along with their development projects.

Consistency with the Oakley Strategic Plan 27+

This item is consistent with the Strategic Plan 27+ Community Health and Safety goals.

Fiscal Impact

The FY 2023/24 CIP budget has allocated funding from the Measure J fund for this project.

Staff Recommendation

Staff recommends that the City Council adopt the resolution approving the proposal from Mark Thomas & Co. Inc. for design services associated with CIP No. 300 – Bridgehead Road Widening (Railroad Tracks to Main Street) and authorize the City Manager to enter into an agreement not to exceed an amount of $77,114.52.

Attachments

1. Resolution
2. Proposal from Mark Thomas & Co. Inc.

RESOLUTION NO.___-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY AUTHORIZING THE CITY MANAGER TO SIGN A CONSULTING SERVICES AGREEMENT WITH MARK THOMAS & CO. INC. FOR DESIGN SERVICES FOR THE BRIDGEHEAD ROAD WIDENING PROJECT CAPITAL IMPROVEMENT PROJECT NUMBER 300

WHEREAS, as part of the Fiscal Year 2023/24 Budget the City of Oakley approved a 5-Year Capital improvement Program (CIP); and

WHEREAS, Project Number 300 is to perform analysis for lane alignment and the widening of Bridgehead Road (Railroad Tracks to Main Street); and

WHEREAS, staff solicited a proposal from Mark Thomas & Co. Inc. for the design of this project; and

WHEREAS, Mark Thomas & Co. Inc. has submitted a proposal for engineering design services for CIP Project Number 300 for an amount not to exceed $77,114.52; and

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that the City Council of the City of Oakley hereby approves the proposal from Mark Thomas & Co. Inc. for engineering design services for CIP Project Number 300 for an amount not to exceed $77,114.52, in the form attached hereto as Exhibit A, and authorizes the City Manager to execute the Agreement.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 8th of August 2023 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

_____
Aaron Meadows, Mayor

ATTEST:

_____ _____
Libby Vreonis, City Clerk Date

MARK THOMAS

July 17, 2023

Kevin Rohani
3231 Main Street
Oakley, CA 94561

RE: CIP 300 - Bridgehead Road Widening Project

Dear Mr. Rohani:

We are pleased to submit the attached scope and fee for the above-referenced project. We appreciate the opportunity to work with the city of Oakley on this important and interesting project.

Sincerely,
MARK THOMAS & COMPANY, INC.

Sasha Dansky
Principal + Vice President

BRIDGEHEAD ROAD WIDENING AND GRADE SEPARATION REPLACEMENT FEASIBILITY STUDY SCOPE OF WORK

Mark Thomas will prepare a preliminary feasibility study for Bridgehead Road Widening and Grade Separation Replacement. The purpose of the feasibility study is to determine the feasibility, cost, and design options of widening Bridgehead Road from two lanes to four lanes between:

- Wilber Avenue approximately 1,000 feet to the north of the existing BNSF grade separation
- Sandy Point Mobile Home Park approximately 1,000 feet to the south of the existing BNSF grade separation

As part of the feasibility study Mark Thomas will consider the implications of replacing the existing grade separation structures and lowering the roadway to meet current BNSF vertical clearance requirements. The feasibility study will identify potential geotechnical issues, environmental constrains, retaining wall limits and layout, drainage and storm water facilities, and utility relocations. Conceptual cost estimates will be prepared for the preferred option and this will be documented in the feasibility study. The feasibility study will use City-provided aerial mapping, publicly available aerial imagery, City GIS-based assessor parcel data, and data collected by Mark Thomas. The specifics of the study scope tasks are described below.

Applicable Standards

The preliminary plans and preliminary estimates will be based on Caltrans' manuals and standards.

A. Roadway design will be in accordance with the 7th edition of the Caltrans Highway Design Manual (with updates through May 20, 2022), the 2022 Caltrans Standard Plans, the 2022 Caltrans Standard Specifications and updates, the Manual on Uniform Traffic Control Devises (MUTCD) and its California Supplement.

B. City of Oakley Standard Plans dated June 2016

TASK 1. PROJECT MANAGEMENT AND COORDINATION

Task 1.1. Project Management & Coordination

This task will include ongoing general project management activities, including managing task activities and preparing progress reports. Mark Thomas will organize and maintain project files and records to track correspondence, contractual matters, data requests, transmittals and other project data. Mark Thomas will also coordinate study activities with its internal team, and City Staff through regular communication via telephone calls, emails and other correspondence.

On a monthly basis, Mark Thomas will prepare a progress report that shows activities completed during the month and projected activities for the following month. The progress report will be included with the monthly invoice that is submitted to the City.

Task 1.2. Meetings

Mark Thomas will attend a project kick off meeting and four (4) bi-weekly video calls (assumed 50 min calls) via MS Teams and one project presentation meeting (in person) of findings to City Staff. This task includes preparation of agendas, meeting minutes, log of action items, and data request log.

TASK 1 DELIVERABLES

- Monthly Progress Reports to be included with monthly invoices
- Meeting Agendas and Minutes (2 Meetings)
  - One (1) Kick-off Meeting, One (1) Project Presentation Meeting
- Bi-weekly Meeting Attendance (up to 4 meetings)

TASK 2. DATA COLLECTION

Task 2.1. Data Gathering

Mark Thomas will compile existing background data provided by the City for the project area. This is anticipated to include aerial topographic mapping, assessor's parcel data right of way mapping, utility mapping, and other relevant information. The base map will use City provided aerial mapping, publicly available aerial imagery, City GIS-based assessor parcel data, and data collected by Mark Thomas.

Mark Thomas will supplement City supplied mapping and data with publicly available aerial imagery.

TASK 2 DELIVERABLES

- Base Map – not a separate deliverable but used as background for the exhibits prepared under Task 3

TASK 3. PRELIMINARY ENGINEERING

Task 3.1. Preliminary Geometrics

Mark Thomas will develop conceptual geometrics for widening the Bridgehead Road from 2 lanes to 4 lanes. Mark Thomas will coordinate with the City for the preferred 4-lane cross-section to be used for the feasibility study. It is anticipated a standard typical section would be used based on City's Standard Plans dated June 2016.

Prior to beginning layout of the facility, Mark Thomas will prepare a preliminary cross sections for City consideration and review. The widening geometrics will include:

- Typical cross sections for the widening
- Preliminary wall layouts with a high level evaluation of potential wall type and right of way requirements
  - A brief memorandum will be prepared to document the basis of design which will become an exhibit in the feasibility report
- Conceptual drainage design and stormwater treatment locations
- Potential right of way impacts and requirements
- Map existing utility and identify utility conflicts and propose conceptual utility relocations
- Conceptual bridge replacement with high level evaluation of bridge type and right of way requirements

Task 3.2. Preliminary Project Cost Estimate

Mark Thomas will prepare rough order of magnitude (ROM), construction cost estimates. Cost estimates will include allowances and contingencies appropriate for high level budgeting purposes. Cost estimates will be for current year construction cost and escalation can be added depending on anticipated project construction year schedule. Estimates will not include full project development costs; however, depending on project delivery approach, support costs could be added as a percentage of overall cost.

TASK 3 DELIVERABLES

- Conceptual Design Exhibits
- Preliminary Cost Estimate

TASK 4. FEASIBILITY REPORT

Task 4.1. Feasibility Report

Mark Thomas will document the findings of the feasibility study in a Feasibility Report. The Feasibility Report will describe the findings of the study, including design factors, design challenges, project risks, construction costs, and high-level project process schedule.

The Feasibility Report will also include analysis of the potential project funding opportunities and eligibility for various local, regional, state, and federal funding programs. Mark Thomas will consult with City staff to identify the likely environmental considerations and level of CEQA and NEPA environmental documentation the project may require. The Feasibility Report will be prepared and submitted to the City initially in draft form for the City to provide comments. Upon receipt of comments, the Feasibility Report will be updated to address comment and resubmitted in final form.

TASK 4 DELIVERABLES

- Draft Feasibility Report
- Final Feasibility Report

SCHEDULE

The assumed duration is approximately 21 weeks after Notice-to-Proceed (NTP) is given is estimated as follows:

- Typical roadway cross-section exhibit within 2 weeks of NTP
  - Assume 1 week for City review
- Conceptual roadway geometrics within 4 weeks of City's approval of typical cross-section
  - Assume 2 weeks for City review
- Preliminary cost estimates within 2 weeks of City's approval of conceptual roadway geometrics
  - Assume 2 weeks for City review
- Draft feasibility report within 6 weeks of City's approval of conceptual roadway geometrics
  - Assume 2 weeks for City review
- Final feasibility report within 4 weeks after receipt of City's comment on draft feasibility report

ASSUMPTIONS

1. No surveys will be conducted. Exhibits will use existing GIS mapping as background.
2. No traffic counts or analysis will be conducted for this study.
3. No geotechnical investigation will be conducted. For the purposes of this study, it is assumed that deep foundations will be required and this will be verified in subsequent phases of the project.
4. City to provide GIS-based assessor parcel data
5. City to provide as-builts for existing grade separation bridge. City to make request to BNSF for the bridge as-builts if not within City archives.
6. City to provide as-built utility data for Bridgehead Road.
7. No utility field investigation or potholing will be conducted for this study.
8. No railroad coordination is anticipated at this level of the feasibility study.

COST PROPOSAL FOR PROJECT SCOPE - City of Oakley: Bridgehead Road Widening and Grade Separation Replacement Project

		Mark Thomas								
		Principal Sasha Dansky $405	Sr. Engineering Manager Etty Mercurio $375	Sr. Project Manager $291	Design Engineer II $160	Sr. Project Coordinator $157	Project Accountant $144	Total Hours	Total MT Cost	TOTAL COST
1.0	**TASK 1. PROJECT MANAGEMENT**									
1.1	Project Controls and Management	2	16			10	6	34	$9,245	$9,245
1.2	Meetings	2	8	8				18	$6,143	$6,143
	Subtotal Phase 1	**4**	**24**	**8**	**0**	**10**	**6**	**52**	**$15,388**	**$15,388**
2.0	**TASK 2. DATA COLLECTION**									
2.1	Data Gathering			4	8			12	$2,448	$2,448
	Subtotal Phase 2	**0**	**0**	**4**	**8**	**0**	**0**	**12**	**$2,448**	**$2,448**
3.0	**TASK 3. PRELIMINARY ENGINEERING**									
3.1	Preliminary Geometrics	2	16	16	100			134	$27,502	$27,502
3.2	Preliminary Project Cost Estimate	2	10	10	20			42	$10,681	$10,681
	Subtotal Phase 3	**4**	**26**	**26**	**120**	**0**	**0**	**176**	**$38,183**	**$38,183**
4.0	**TASK 4. FEASIBILITY REPORT**									
4.1	Feasibility Report	2	10	20	20			52	$13,596	$13,596
	Subtotal Phase 4	**2**	**10**	**20**	**20**	**0**	**0**	**52**	**$13,596**	**$13,596**
TOTAL HOURS		**10**	**60**	**58**	**148**	**10**	**6**	**292**		
OTHER DIRECT COSTS									$500	**$500**
TOTAL COST		**$4,048.61**	**$22,510.27**	**$16,905.29**	**$23,718.10**	**$1,566.64**	**$865.61**		**$70,114.52**	**$70,114.52**
Suggested Contingency (10% of labor)										**$7,000.00**
TOTAL WITH CONTINGENCY										**$77,114.52**

MT Fee (FAR (X) Rates)

Please note that the rates shown are for estimating purposes only. See rate schedule for actual rates/ranges.

MARK THOMAS & COMPANY, INC. RATE SCHEDULE

EXPIRES JUNE 30, 2023

Engineering	
Design Engineer I	$88 - $145
Design Engineer II	$109 - $177
Project Engineer	$147 - $184
Sr. Project Engineer	$158 - $216
Sr. Technical Engineer	$158 - $216
Technical Lead	$182 - $248
Sr. Technical Lead	$217 - $316
Engineering/Design Manager	$282 - $361
Sr. Engineering Manager	$311 - $452
Construction Management	
Office Engineer	$109 - $207
* Asst. Resident Engineer	$155 - $284
* Inspector - CM	$150 - $284
RE/Structural Representative	$205 - $345
Area Manager - CM	$308 - $452
Planning	
Planner I	$82 - $106
Planner II	$106 - $132
Sr. Planner	$120 - $165
Landscape Architecture/Urban Design	
Landscape Designer I	$76 - $113
Landscape Designer II	$94 - $142
Landscape Architect	$109 - $190
Sr. Landscape Architect	$117 - $213
Grant Writing	
Funding Specialist	$109 - $210
Sr. Funding Specialist	$147 - $226
Funding Manager	$249 - $326
District Management	
* Inspector - Apprentice	$59 - $106
* Inspector/Sr. Inspector	$97 - $158
Assistant/Associate Sanitary Engineer	$138 - $207
Sanitary/Sr. Sanitary Project Engineer	$161 - $281
Operations/Deputy District Manager	$223 - $339
District Manager-Engineer	$305 - $368

Surveying	
Surveyor	$109 - $155
Sr. Surveyor	$123 - $187
Project Surveyor	$144 - $219
Sr. Project Surveyor	$167 - $226
* Single Chief	$153 - $203
* Single Instrumentman	$144 - $181
* Single Chainman	$135 - $177
* Apprentice	$81 - $139
* 1 Person Field Crew	$153 - $203
* 2 Person Field Crew	$288 - $407
* 3 Person Field Crew	$369 - $584
Technicians	
Intern	$47 - $103
Technician/Office/Survey Technician	$62 - $129
Sr. Technician/Survey Technician	$91 - $177
Lead Technician/Survey Technician	$123 - $200
Project Management & Oversight	
Project/Survey Manager	$182 - $258
Sr. Project/Survey Manager	$217 - $345
Division Manager	$244 - $381
Principal	$390 - $461
Project Support	
Technical/Sr. Technical Writer	$59 - $171
Project/Sr. Project Assistant	$70 - $132
Project/Sr. Project Coordinator	$94 - $168
Graphic/Sr. Graphic Designer	$100-$187
Project/Sr. Project Accountant	$103 - $177
Sr. Graphic Manager	$141 - $207
Project Accountant Manager	$155 - $216
Special Services	
Expert Witness	$470
Strategic Consulting	$470

Reimbursables including, but not limited to; reproductions, delivery and filing fees; outside consultant fees; and survey field expenses will be billed at *Cost Plus 5%* . **Mileage** will be billed per *current IRS Rate*.

Additional promotional steps exist within various rate categories.
This rate schedule expires June 30, 2023; rates are subject to escalation with new hourly rate schedule as of July 1, 2023.
** These charge rates are subject to Prevailing Wage laws and Union contract.*

DATE: August 8, 2023

Approved and Forwarded to the City Council

TO: Honorable Mayor and Members of the City Council

FROM: Derek P. Cole, City Attorney

SUBJECT: Resolution of the City Council of the City of Oakley Renewing the City of Oakley Military Equipment Policy as Enacted in Chapter 39 of Title 4 of the Oakley Municipal Code

Background and Analysis

In August 2022, the City enacted Chapter 4.39 of the Oakley Municipal Code, which codifies the City's military equipment policy. The City enacted this ordinance in accordance with AB 481, a 2021 statute that required law enforcement agencies to develop written policies governing their use of military equipment and to obtain approval of these approvals from their governing bodies (city councils) in public meetings.

AB 481 imposes annual obligations on law enforcement agencies that have adopted military equipment policies. These agencies must annually prepare reports concerning their use of military equipment during the previous year and their compliance with policy standards. Governing bodies must receive and approve these reports. Law enforcement agencies also must hold a community meeting to discuss and receive public input concerning the policies.

Following the public and community meetings concerning military equipment policies, governing bodies may choose to continue the military equipment policy for the forthcoming year. Technically, they do this by "renewing" the ordinances.

Because the City Council has received the Police Department's military equipment policy and the Department has held the community meeting, the remaining step for the Council to take is to renew the City's Military Equipment Ordinance. The proposed resolution is offered for that purpose.

Staff Recommendation

The City Council is requested to adopt the Resolution of the City Council of the City of Oakley Renewing the City of Oakley Military Equipment Policy as Enacted in Chapter 39 of Title 4 of the Oakley Municipal Code

Attachments

1. Resolution

RESOLUTION NO. XX-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY RENEWING THE CITY OF OAKLEY MILITARY EQUIPMENT POLICY AS ENACTED IN CHAPTER 39 OF TITLE 4 OF THE OAKLEY MUNICIPAL CODE

WHEREAS, on August 9, 2022, the City Council of the City of Oakley approved an ordinance enacting Chapter 39 of Title 4 of the Oakley Municipal Code concerning the Oakley Police Department's use of military equipment ("Military Equipment Policy Ordinance"); and

WHEREAS, the Oakley Military Equipment Policy Ordinance was enacted in accordance with 2021 Assembly Bill 481 ("AB 481"), which required local agencies using military equipment to adopt a policy governing the use of such equipment; and

WHEREAS, AB 481 requires that local law enforcement agencies that have adopted military equipment policies submit an annual report regarding their policies to their governing agencies; and

WHEREAS, the Oakley Police Department submitted, and the City Council received, a report concerning the City's military equipment policy at the regular City Council meeting on July 11, 2023; and

WHEREAS, in accordance with AB 481, the Oakley Police Department held a community meeting on July 26, 2023 to receive public and community input regarding the City's military equipment policy; and

WHEREAS, AB 481 requires that following its receipt of the annual report concerning the military equipment policy, the City Council must annually vote to renew the Military Equipment Policy Ordinance; and

WHEREAS, in considering whether to renew the Military Equipment Policy Ordinance, the City Council must determine that each type of equipment identified in the Oakley Police Department's military equipment report continues to meet the following standards:

(1) The policy is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety; and

(2) The policy will safeguard the public's welfare, safety, civil rights, and civil liberties; and

(3) The military equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety; and

(4) Prior military equipment use complied with the military equipment use policy that was in effect at the time; and

WHEREAS, based on the annual military equipment report the Oakley Police Department has prepared, along with the evidence received before and during the meeting in which the City Council considered that report, the City Council finds that the Oakley Police Department's use of military equipment during the preceding 12 months complied with the referenced standards and the Department's continued use of military equipment is necessary to ensure the standards continue to be met.

NOW, THEREFORE, BE IT RESOLVED that in light of the foregoing findings, the City Council of the City of Oakley hereby directs that the Military Equipment Policy Ordinance is annually renewed in accordance with AB 481.

PASSED AND ADOPTED by the City Council of the City of Oakley this 8th day of August 2023 by the following vote:

AYES:
NOES:
ABSTENTION:
ABSENT:

APPROVED:

_____
Aaron Meadows, Mayor

ATTEST:

_____ _____
Libby Vreonis, City Clerk Date

STAFF REPORT

OAKLEY
CALIFORNIA

DATE: August 8, 2023

TO: Joshua McMurray, City Manager

FROM: Libby Vreonis, City Clerk

Approved and Forwarded to the City Council

SUBJECT: Designating Vice Mayor Anissa Williams as Voting Delegate and Councilmember Shannon Shaw as an Alternate Voting Delegate for League of California Cities Annual Conference September 20-22, 2023 and Directing the City Clerk to complete and forward the voting delegate form to the League of California Cities

Background and Analysis

The Cal Cities 2023 Annual Conference & Expo will be held in Sacramento September 20-22. The General Assembly is an important opportunity where city officials can directly participate in the development of Cal Cities Policy.

To cast a vote during the General Assembly, the Oakley City Council must 1) designate a voting delegate and up to two alternate voting delegates, one of whom may vote if the designated voting delegate is unable to serve in that capacity. 2) direct the City Clerk to complete and forward the voting delegate form to the league of California Cities.

The designated voting delegate and alternate voting delegate(s) must be registered to attend the conference on Friday, September 22, the date voting will occur. Cal Cities voting procedures are included in the attached Voting Delegate Packet.

Consistency with the Oakley Strategic Plan 27+

This item is aligned with the goals of Sustainable organization and Community and Collaborative Partnerships.

Fiscal Impact

There is no direct fiscal impact. The cost of the conference, travel and lodging are part of existing budget appropriations.

Staff Recommendation

Adopt a resolution designating Vice Mayor Anissa Williams as voting delegate and Councilmember Shannon Shaw as an alternate voting delegate for the Cal Cities General Assembly to be held September 22, 2023 and direct the City Clerk to complete and forward the voting delegate form to the League of California Cities.

Attachments

1. Resolution
2. Voting Delegate Packet

RESOLUTION NO. XX-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY TO DESIGNATE VICE MAYOR ANISSA WILLIAMS AS VOTING DELEGATE AND COUNCILMEMBER SHANNON SHAW AS AN ALTERNATE VOTING DELEGATE FOR THE CAL CITIES GENERAL ASSEMBLY TO BE HELD SEPTEMBER 22, 2023

BE IT RESOLVED by the City Council of the City of Oakley that Vice Mayor Anissa Williams is hereby designated as the voting delegate and Councilmember Shannon Shaw is designated as an Alternate Voting Delegate for the Cal Cities General Assembly to be held September 22, 2023.

PASSED AND ADOPTED by the City Council of the City of Oakley this 8th day of August, 2023 by the following vote:

AYES:
NOES:
ABSTENTION:
ABSENT:

APPROVED:

_____
Aaron Meadows, Mayor

ATTEST:

_____ _____
Libby Vreonis, City Clerk Date

LEAGUE OF CALIFORNIA CITIES

Council Action Advised by August 28, 2023

DATE: Wednesday, June 21, 2023

TO: Mayors, Council Members, City Clerks, and City Managers

RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES
League of California Cities Annual Conference and Expo, Sept. 20-22, 2023, Sacramento SAFE Credit Union Convention Center

Every year, the League of California Cities convenes a member-driven General Assembly at the Cal Cities Annual Conference and Expo. The General Assembly is an important opportunity where city officials can directly participate in the development of Cal Cities policy.

Taking place on Sept. 22, the General Assembly is comprised of voting delegates appointed by each member city; every city has one voting delegate. Your appointed voting delegate plays an important role during the General Assembly by representing your city and voting on resolutions.

To cast a vote during the General Assembly, your city must designate a voting delegate and up to two alternate voting delegates, one of whom may vote if the designated voting delegate is unable to serve in that capacity. Voting delegates may either be an elected or appointed official.

Please complete the attached voting delegate form and email it to Cal Cities office no later than Monday, August 28.

New this year, we will host a pre-conference information session for voting delegates to explain their role. Submitting your voting delegate form by the deadline will allow us time to establish voting delegate/alternate records prior to the conference and provide pre-conference communications with voting delegates.

Please view Cal Cities' event and meeting policy in advance of the conference.

Action by Council Required. Consistent with Cal Cities bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council.

Please note that designating the voting delegate and alternates **must** be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.

Conference Registration Required. The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. Conference registration is open on the Cal Cities website.

For a city to cast a vote, one voter must be present at the General Assembly and in possession of the voting delegate card and voting tool. Voting delegates and alternates need to pick up their conference badges before signing in and picking up the voting delegate card at the voting delegate desk. This will enable them to receive the special sticker on their name badges that will admit the voting delegate into the voting area during the General Assembly.

Transferring Voting Card to Non-Designated Individuals Not Allowed. The voting delegate card may be transferred freely between the voting delegate and alternates, but *only* between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the General Assembly, they may *not* transfer the voting card to another city official.

Seating Protocol during General Assembly. At the General Assembly, individuals with a voting card will sit in a designated area. Admission to the voting area will be limited to the individual in possession of the voting card and with a special sticker on their name badge identifying them as a voting delegate.

The voting delegate desk, located in the conference registration area of the SAFE Credit Union Convention Center in Sacramento, will be open at the following times: Wednesday, Sept. 20, 8:00 a.m.- 6:00 p.m. and Thursday, Sept. 21, 7:30 a.m.- 4:00 p.m. On Friday, Sept. 22, the voting delegate desk will be open at the General Assembly, starting at 7:30 a.m., but will be closed during roll calls and voting.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city's voting delegate and alternates.

Once again, thank you for completing the voting delegate and alternate form and returning it to Cal Cities office by Monday, Aug. 28. If you have questions, please contact Zach Seals at zseals@calcities.org.

Attachments:

- General Assembly Voting Guidelines
- Voting Delegate/Alternate Form
- Information Sheet: Cal Cities Resolutions and the General Assembly

LEAGUE OF CALIFORNIA CITIES

General Assembly Voting Guidelines

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to Cal Cities policy.

2. **Designating a City Voting Representative.** Prior to the Cal Cities Annual Conference and Expo, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the voting delegate form provided to the Cal Cities Credentials Committee.

3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the voting delegate desk in the conference registration area. Voting delegates and alternates must sign in at the voting delegate desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the General Assembly.

4. **Signing Initiated Resolution Petitions**. Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the credentials committee at the voting delegate desk, may sign petitions to initiate a resolution.

5. **Voting.** To cast the city's vote, a city official must have in their possession the city's voting card and voting tool; and be registered with the credentials committee. The voting card may be transferred freely between the voting delegate and alternates but may not be transferred to another city official who is neither a voting delegate nor alternate.

6. **Voting Area at General Assembly.** At the General Assembly, individuals with a voting card will sit in a designated area. Admission to the voting area will be limited to the individual in possession of the voting card and with a special sticker on their name badge identifying them as a voting delegate.

7. **Resolving Disputes**. In case of dispute, the credentials committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the General Assembly.

LEAGUE OF CALIFORNIA CITIES

CITY: _____

2023 ANNUAL CONFERENCE
VOTING DELEGATE/ALTERNATE FORM

Please complete this form and return it to Cal Cities office by Monday, August 28, 2023. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

To vote at the General Assembly, voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the General Assembly. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the voting delegate desk.

1. VOTING DELEGATE

Name: _____ Email: _____

Title: _____

2. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

Email: _____

3. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

Email: _____

ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES OR

ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).

Name: _____ Email: _____

Mayor or City Clerk: _____ Date: _____ Phone: _____
(circle one) (signature)

Please complete and email this form to votingdelegates@calcities.org by Monday, August 28, 2023.

How it works: Cal Cities Resolutions and the General Assembly

Developing League of California Cities policy is a dynamic process that engages a wide range of members to ensure that we are representing California cities with one voice. These policies directly guide Cal Cities advocacy to promote local decision-making, and lobby against statewide policy that erodes local control.

The resolutions process and General Assembly is one way that city officials can directly participate in the development of Cal Cities policy. If a resolution is approved at the General Assembly, it becomes official Cal Cities policy. Here's how Resolutions and the General Assembly works.

Prior to the Annual Conference and Expo

General Resolutions

Sixty days before the Annual Conference and Expo, Cal Cities members may submit policy proposals on issues of importance to cities. The resolution must have the concurrence of at least five additional member cities or individual members.

Policy Committees

The Cal Cities President assigns general resolutions to policy committees where members review, debate, and recommend positions for each policy proposal. Recommendations are forwarded to the Resolutions Committee.

During the Annual Conference and Expo

Petitioned Resolutions

The petitioned resolution is an alternate method to introduce policy proposals during the annual conference. The petition must be signed by voting delegates from 10% of member cities, and submitted to the Cal Cities President at least 24 hours before the beginning of the General Assembly.

Resolutions Committee

The Resolutions Committee considers all resolutions. General Resolutions approved[1] by either a policy committee or the Resolutions Committee are next considered by the General Assembly. General resolutions not approved, or referred for further study by both a policy committee and the Resolutions Committee do not go the General Assembly. All Petitioned Resolutions are considered by the General Assembly, unless disqualified.[2]

General Assembly

During the General Assembly, voting delegates debate and consider general and petitioned resolutions forwarded by the Resolutions Committee. Potential Cal Cities bylaws amendments are also considered at this meeting.

What's new in 2023?

- Voting delegates will receive increased communications to prepare them for their role during the General Assembly.
- The General Assembly will take place earlier to allow more time for debate and discussion.
- Improvements to the General Assembly process will make it easier for voting delegates to discuss and debate resolutions.

Who's who

Cal Cities policy development is a member-informed process, grounded in the voices and experiences of city officials throughout the state.

The **Resolutions Committee** includes representatives from each Cal Cities diversity caucus, regional division, municipal department, policy committee, as well as individuals appointed by the Cal Cities president.

Voting delegates are appointed by each member city; every city has one voting delegate.

The **General Assembly** is a meeting of the collective body of all voting delegates — one from every member city.

Seven **Policy Committees** meet throughout the year to review and recommend positions to take on bills and regulatory proposals. Policy committees include members from each Cal Cities diversity caucus, regional division, municipal department, as well as individuals appointed by the Cal Cities president.

[1] The Resolution Committee can amend a general resolution prior to sending it to the General Assembly.
[2] Petitioned Resolutions may be disqualified by the Resolutions Committee according to Cal Cities Bylaws Article VI. Sec. 5(f).

For more information visit www.calcities.org/general-assembly

DATE: August 8, 2023
TO: Joshua McMurray, City Manager
FROM: Ken Strelo, Planning Manager
SUBJECT: Grand Cypress Preserve Development Agreements Master Amendment (DA 01-23)

Approved and Forwarded to the City Council

Summary

This is an application by ACD-TI Oakley, LLC ("Applicant") requesting approval of a Development Agreements Master Amendment (DA 01-23) that would apply to five separate Development Agreements to extend their terms from December 13, 2025 to December 13, 2035 ("Project"). The five existing Development Agreements apply to previously approved development projects made up of Planning Areas 1, 3, 4, and 6-H of the East Cypress Corridor Specific Plan. The development projects, commonly known as KT-KB Oakley LLC (Planning Area 1), Lesher Trust (Planning Area 1), Dal Porto South (Planning Area 3), Bethel Island LLC (Planning Area 4), and Pacific West Communities (Planning Area 6-H), are all part of a larger project known as "Grand Cypress Preserve". All sites covered under the existing Development Agreements and applicable to the proposed Master Amendment are zoned SP-1 (East Cypress Corridor Specific Plan) District. The applicable sites are located in Planning Areas 1, 3, 4, and 6-H of the East Cypress Corridor Specific Plan generally located at the eastern end of Oakley north and south of East Cypress Road, Oakley, CA 94561. APNs: 020-140-048; 020-150-003; 032-050-003; 032-082-001; 032-082-005; 032-082-010; 032-082-011; and 032-082-013.

Background

GENERAL PLAN

Specific Plan (SP) – The project sites are designated Specific Plan (SP) in the Oakley General Plan (Figure 2-2: Land Use Diagram). The General Plan was amended to add the SP land use designation and apply it to the East Cypress Corridor Specific Plan ("ECCSP") through adoption of City Council Resolution 47-09 adopted on March 10, 2009.

ZONING

SP-1 (East Cypress Corridor Specific Plan) District – The ECCSP was adopted by Ordinance 10-09, resulting in the SP-1 District zoning classification for the entire Specific Plan area, on March 24, 2009.

Project Description

ENTITLEMENT AND DEVELOPMENT AGREEMENT HISTORY

The Applicant has ownership of five separately entitled developments within the ECCSP that are all under their own respective development agreements with terms set to expire on December 13, 2025. These projects are identified by the owner as the "Grand Cypress Preserve" project, sometimes also referred to as the "Cypress Preserve" project. A summary of the projects with their tentative map entitlements and development agreements is listed below:

- KT KB Oakley LLC Subdivision 9311 (Planning Area 1)
  - 5/8/2012: Vesting Tentative Map approved (City Council Resolution 45-12)
  - 9/12/2005: Development Agreement approved (Ordinance 25-05)
  - 5/22//2012: Development Agreement Amendment (Ordinance 03-12)

- Lesher Trust Subdivision 9404 (Planning Area 1)
  - 7/14/2015: Vesting Tentative Map approved (City Council Resolution 98-15)
  - 11/10/2020: Amendment to Vesting Tentative Map approved (City Council Resolution 150-20)
  - 9/26/2005: Development Agreement approved (Ordinance 25-05)
  - 1/10/2012: Development Agreement Amendment (Ordinance 25-11)

- Dal Porto South Subdivision 9401 (Planning Area 3)
  - 7/14/2015: Vesting Tentative Map approved (City Council Resolution 96-15)
  - 8/11/2015: Development Agreement approved (Ordinance 10-15)

- Bethel Island LLC Subdivision 9156 (Planning Area 4)
  - 11/8/2011: Vesting Tentative Map approved (City Council Resolution 122-11)
  - 11/10/2020: Amendment to Vesting Tentative Map approved (City Council Resolution 149-20)
  - 1/10/2012: Development Agreement approved (Ordinance 26-11)

- Pacific West Communities Minor Subdivision 11-976 (Planning Area 6-H)
  - 1/24/2012: Tentative Parcel Map approved (City Council Resolution 11-12)
  - 1/10/2012: Development Agreement approved (Ordinance 27-11)

MASTER AMENDMENT TO DEVELOPMENT AGREEMENTS

The proposed amendment document is officially titled, "Amendment to Certain Development Agreements By and Between City of Oakley and ACD-TI Oakley, LLC Relating to the Projects Comprising the 'Cypress Preserve Project' and Located in the East Cypress Corridor Specific Plan Area." For the purposes of this request and simplifying its name, that document is referred to as the "Grand Cypress Preserve Development Agreements Master Amendment" or "Master Amendment."

The Master Amendment includes recitals that provide background and references to the original Development Agreements for all of the projects and two Development Agreement Amendments for KT KB Oakley LLC and Lesher Trust which received term extensions to match the December 12, 2025 expiration date created for the other three projects. The applicant is requesting an extension of the term to December 13, 2035 (10-year extension) for all of the Development Agreements. As described in Part C of the Recitals, the request is due to the "…current state of the economy and its negative effect on market orientation, interest rates, and housing demand, and in order to reduce the risk of development in light of such adverse economic conditions…". The language providing the extension is found under Part 2.1 "Amendments to Term" of the Agreement section of the proposed Development Agreement. The specific language is proposed as follows:

> The date "December 13, 2025," as set forth in Section 1.4 of each of the Lesher Agreement, the KT-KB Agreement, the PacWest Agreement, the Dal Porto Agreement, and the Bethel Agreement, is hereby deleted in its entirety and replaced with the date "December 13, 2035" and thereby extend the Term of each such agreement an additional ten (10) years beyond December 13, 2025.

This Development Agreement Master Amendment also proposes a Part 2.3 titled, "Additional Clarification of East Cypress Corridor Specific Plan Environmental Impact Report ("EIR") Mitigation Measures." This section calls attention to three Mitigation Measures ("MM") from the ECCSP EIR adopted on March 10, 2009 by City Council Resolution 46-09 (MMs 3.8-12, 3.13-4, and 3.13-16). These MMs all refer to the requirement for the Rock Slough Bridge to be constructed and installed before 20% (800 units) of the ECCSP is constructed. The proposed amendment language will serve to clarify to the developers of the Grand Cypress Preserve project that residential units in the existing Summer Lake South project and undeveloped Summer Lake North project are not counted toward the units that will prompt implementation of these MMs. This clarification has been determined by the City Attorney through analysis of the ECCSP EIR and the "Agreement Between Contra Costa County and City of Oakley Relating to Transition of Municipal Services, Collection of Fees and Maintenance of Infrastructure Upon Annexation of the East

Cypress Corridor Specific Plan Area" referred to as the City-County Transition Agreement. This clarification does not result in amending the referenced EIR MMs.

Planning Commission Public Hearing

On July 18, 2023, the City of Oakley Planning Commission held a public hearing on the proposed project in order to make a recommendation to the City Council. During the hearing, City Staff provided a presentation summarizing the request, analysis, and findings, and Staff recommendation to the Commission and public. The applicant spoke and reiterated their reasoning behind the request. No members of the public provided oral comments.

Prior to the meeting, Staff received one written comment from Contra Costa Water District ("CCWD"). That letter was also forwarded to the Planning Commission. In summary, the letter brought attention to agreements between CCWD and the applicant as well as the importance of the levee for the canal undergrounding project. Staff responded to CCWD that the term extension would not have any negative effect on their standing agreements, and it may increase the likelihood the project, including the levee, remains feasible and is eventually developed. Upon conclusion of the public hearing, the Planning Commission voted unanimously in favor of the proposed Development Agreements Master Amendment (4-0) with one absence and adopted Planning Commission Resolution No. 11-23.

Analysis

The Development Agreements Master Amendment is consistent with the objectives, policies, general land uses and programs in the ECCSP. It is also compatible with the uses authorized in, and the regulations prescribed for, the ECCSP, and is designed in compliance with the approved development plans in that it does not result in any physical changes to any of the approved entitlements for any of the applicable Tentative Maps.

The Master Amendment is in conformity with public convenience, general welfare and good land use practice and will not be detrimental to the health, safety and general welfare in that the development in the ECCSP is responsible for much of the infrastructure improvements or cost-sharing for those improvements in and around the area that will benefit future residents and existing residents of Summer Lake South and areas in unincorporated Contra Costa County, such as along Dutch Slough Road and Sandmound Boulevard and on Bethel Island, and the term extension will increase the likelihood these projects are developed, and as a result, that infrastructure completed. The Master Amendment will not adversely affect the development of the properties in that the term extension will increase the chances they are able to be developed in the future.

Findings

Draft findings can be found in the proposed resolution.

Consistency with the Oakley Strategic Plan 27+

Approval of this application would be consistent with the Oakley Strategic Plan 27+ Community and Economic Development Goal by serving to preserve existing entitlements of the ECCSP which will help to implement the objective to "Plan and develop Cypress Corridor holistically with improvements and commerce to service new development to ease downtown traffic." It will also serve to implement the Community Health and Safety Goal. Future development of these properties and the cooperation by the developer to be involved in project-related fair share agreements ensure crucial infrastructure such as improvements to East Cypress Road can be completed in a desirable timeframe. This type of improvement will result in a full right of way width with multi-modal travel design and enhanced pedestrian safety.

Fiscal Impact

The approval of these entitlements will not have an impact on the General Fund. This is a developer funded account. All Staff time and City of Oakley generated materials are charged to the developer account funded by the developer.

Staff Recommendation

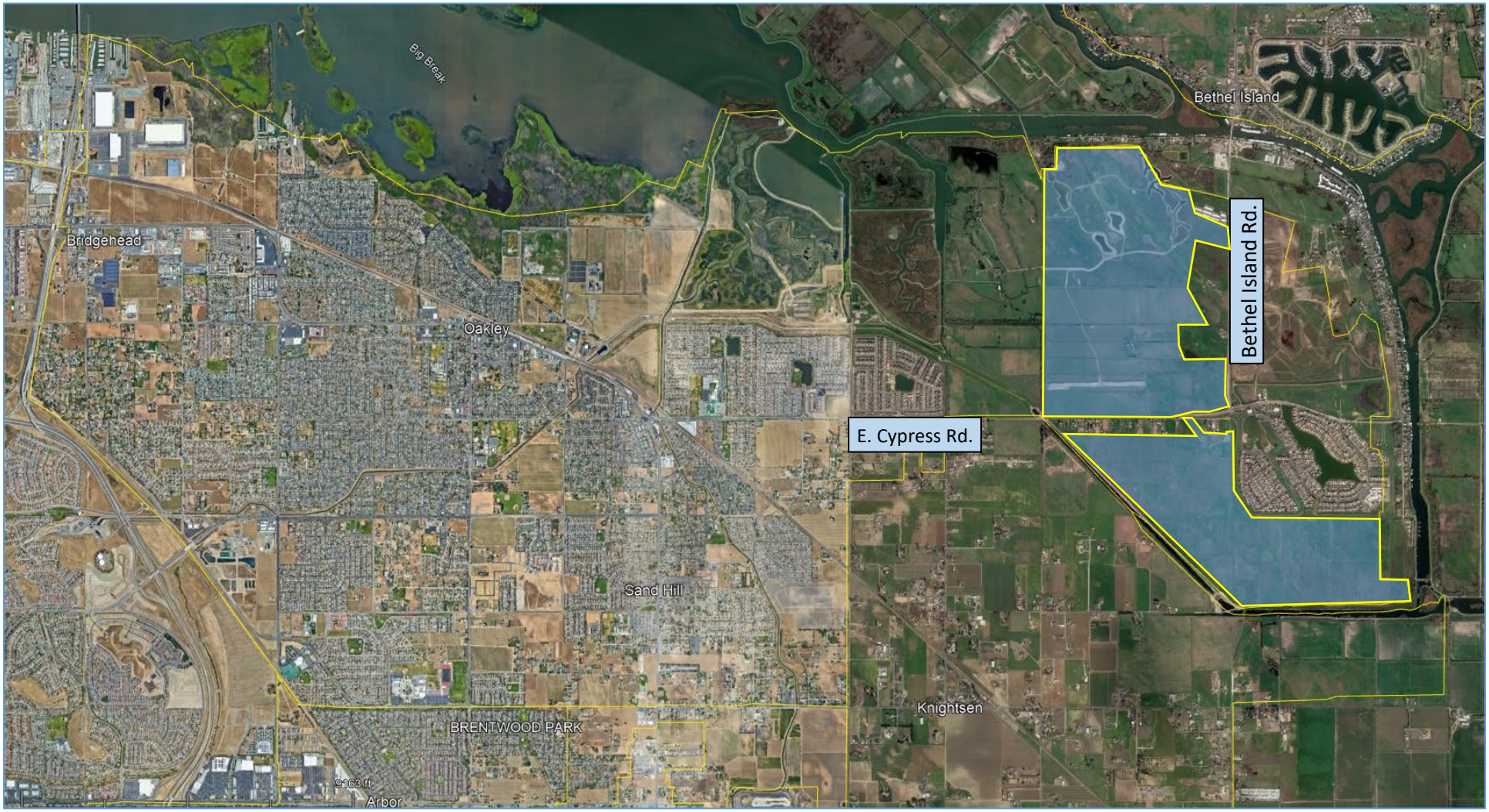
Staff recommends the City Council waive the first reading and introduce the proposed ordinance approving the project titled, Grand Cypress Preserve Development Agreements Master Amendment (DA 01-23).

Attachments

1. Vicinity Map
2. Notice of Public Hearing
3. Planning Commission Resolution 11-23
4. Grand Cypress Preserve Development Agreements Master Amendment
5. Proposed Ordinance

Vicinity Map

Grand Cypress Preserve Development Agreements Master Amendment (DA 01-23)
APNs: 020-140-048; 020-150-003; 032-050-003; 032-082-001; 032-082-005; 032-082-010; 032-082-011; and 032-082-013



OAKLEY
CALIFORNIA

NOTICE OF PUBLIC HEARING

Notice is hereby given that on **August 8, 2023** at 6:30 p.m., or as soon thereafter as the matter may be heard, the **City Council** of the City of Oakley will hold a Public Hearing at the Council Chambers located at 3231 Main Street, Oakley, CA 94561 for the purposes of considering an application as described below:

Project Name: Grand Cypress Preserve Development Agreements Master Amendment (DA 01-23).

Project Location: Planning Areas 1, 3, 4, and 6-H of the East Cypress Corridor Specific Plan generally located at the eastern end of Oakley north and south of East Cypress Road, Oakley, CA 94561. APNs: 020-140-048; 020-150-003; 032-050-003; 032-082-001; 032-082-005; 032-082-010; 032-082-011; and 032-082-013.

Applicant: ACD-TI Oakley, LLC, 11611 San Vicente Blvd. Ste. #610, Los Angeles, CA 90049. Attn: Andrew Han; andrew.han@greatlawnanalytics.com

Request: This is a request for approval of a Development Agreements Master Amendment (DA 01-23) that would apply to five separate Development Agreements to extend their terms from December 13, 2025 to December 13, 2035. The five existing Development Agreements apply to previously approved development projects made up of Planning Areas 1, 3, 4, and 6-H of the East Cypress Corridor Specific Plan. The development projects, commonly known as KT-KB Oakley LLC (Planning Area 1), Lesher Trust (Planning Area 1), Dal Porto South (Planning Area 3), Bethel Island LLC (Planning Area 4), and Pacific West Communities (Planning Area 6-H), are all part of a larger project known as "Grand Cypress Preserve". All sites covered under the existing Development Agreements and applicable to the proposed Master Amendment are zoned SP-1 (East Cypress Corridor Specific Plan) District.

How to Review: The Staff Report and its attachments will be available for public review, on or before **August 2, 2023** at City Hall, 3231 Main Street, Oakley, CA 94561 or online at www.ci.oakley.ca.us/agendas-minutes-videos-archive/ by navigating to the **August 8, 2023 City Council** agenda and clicking the project title link. (Note: City Hall is closed on the 1st and 3rd Fridays of each month). Interested persons are invited to submit written comments prior to and may testify at the public hearing. Written comments may be submitted to Ken Strelo, Planning Manager at the City of Oakley, 3231 Main Street, Oakley, CA 94561 or by email to strelo@ci.oakley.ca.us.

NOTICE IS ALSO GIVEN pursuant to Government Code Section 65009(b) that, if this matter is subsequently challenged in Court by you or others, you may be limited to raising only those issues you or someone else has raised at a Public Hearing described in this notice or in written correspondence delivered to the City of Oakley City Clerk at, or prior to, the Public Hearing.

PLANNING COMMISSION
RESOLUTION NO. 11-23

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OAKLEY MAKING FINDINGS AND RECOMMENDING THE CITY COUNCIL APPROVE THE GRAND CYPRESS PRESERVE DEVELOPMENT AGREEMENTS MASTER AMENDMENT (DA 01-23) (APNS: 020-140-048; 020-150-003; 032-050-003; 032-082-001; 032-082-005; 032-082-010; 032-082-011; AND 032-082-013)

WHEREAS, on June 29, 2023, Andrew Han of ACD-TI Oakley, LLC ("Applicant" filed an application requesting approval of a Development Agreements Master Amendment (DA 01-23) that would apply to five separate Development Agreements to extend their terms from December 13, 2025 to December 13, 2035 ("Project"). The five existing Development Agreements apply to previously approved development projects made up of Planning Areas 1, 3, 4, and 6-H of the East Cypress Corridor Specific Plan. The development projects, commonly known as KT-KB Oakley LLC and Lesher Trust (Planning Area 1) Dal Porto South (Planning Area 3), Bethel Island LLC (Planning Area 4), and Pacific West Communities (Planning Area 6-H), are all part of a larger project known as "Grand Cypress Preserve". All sites covered under the existing Development Agreements and applicable to the proposed Master Amendment are zoned SP-1 (East Cypress Corridor Specific Plan) District. The applicable sites are located in Planning Areas 1, 3, 4, and 6-H of the East Cypress Corridor Specific Plan generally located at the eastern end of Oakley north and south of East Cypress Road, Oakley, CA 94561. APNs: 020-140-048; 020-150-003; 032-050-003; 032-082-001; 032-082-005; 032-082-010; 032-082-011; and 032-082-013; and

WHEREAS, the project is designated as Specific Plan (SP) in the Oakley General Plan, and zoned SP-1 (East Cypress Corridor Specific Plan) District; and

WHEREAS, the project is within the scope of related entitlements approved under the analysis of the East Cypress Corridor Specific Plan Revised Final Environmental Impact Report (SCH No. 2004092011) certified by the City Council through adoption of Resolution No. 46-09 on March 10, 2009; and

WHEREAS, on or before July 7, 2023, the Notice of Public Hearing for the Project was duly noticed in the Contra Costa Times, a newspaper of general distribution, was posted at Oakley City Hall located at 3231 Main Street, outside the gym at Delta Vista Middle School located at 4901 Frank Hengel Way, outside the library at Freedom High School located at 1050 Neroly Road, and at the project site, and was mailed out to all owners of property within a 500-foot radius of the subject property's boundaries, to outside agencies, and to parties requesting such notice; and

WHEREAS, on July 18, 2023, the Planning Commission opened the public hearing at which it received a report from City Staff, oral and written testimony from the public and applicant, and deliberated on the project. At the conclusion of its deliberations, the Planning Commission took a vote and adopted this resolution to approve the project, as conditioned; and

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

WHEREAS, these Findings are based upon the City's General Plan, the City's Zoning Ordinance, the East Cypress Corridor Specific Plan and all related documents, and the information submitted to the Planning Commission at its July 18, 2023, meeting, both written and oral, including oral information provided by the applicant, as reflected in the minutes of such meetings, together with the documents contained in the file for the project (hereinafter the "Record").

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

A. The Development Agreements Master Amendment is consistent with the objectives, policies, general land uses and programs specific in the ECCSP. It is also compatible with the uses authorized in, and the regulations prescribed for, the ECCSP, and is designed in compliance with the approved development plans in that it does not result in any physical changes to any of the approved entitlements for any of the applicable Tentative Maps; and

B. The Master Amendment is in conformity with public convenience, general welfare and good land use practice and will not be detrimental to the health, safety and general welfare in that the development in the ECCSP is responsible for much of the infrastructure improvements or cost-sharing for those improvements in and around the area that will benefit future residents and existing residents of Summer Lake South and areas in unincorporated Contra Costa County, such as along Dutch Slough Road and Sandmound Boulevard and on Bethel Island, and the term extension will increase the likelihood these projects are developed, and as a result, that infrastructure completed; and

C. The Master Amendment will not adversely affect the development of the properties in that the term extension will increase the chances they are able to be developed in the future; and

D. The project complies with Measure J Growth Management requirements.

BE IT FURTHER RESOLVED THAT, on the basis of the above Findings and the Record, the Planning Commission hereby recommends that the City Council approve the "Grand Cypress Preserve Development Agreements Master Amendment (DA 01-23)" by and between ACD-TI Oakley, LLC and the City of Oakley, substantially in the form attached as Attachment 3 to the Planning Commission July 18, 2023 Staff Report.

PASSED AND ADOPTED by the Planning Commission of the City of Oakley this 18th day of July 2023 by the following vote:

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

APPROVED:

Diego Verduzco, Vice Chair

ATTEST:

Libby Vreonis, City Clerk

7/25/23
Date

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

City Clerk
City of Oakley
3231 Main Street
Oakley, CA 94561

(Space Above This Line Reserved For Recorder's Use)

This instrument is exempt from recording fees pursuant to Government Code section 27383.

Documentary Transfer Tax is $0.00 (exempt per Revenue & Taxation Code section 11922, Transfer to Municipality).

AMENDMENT TO CERTAIN
DEVELOPMENT AGREEMENTS BY AND BETWEEN
CITY OF OAKLEY AND ACD-TI OAKLEY, LLC
RELATING TO THE PROJECTS COMPRISING THE
"CYPRESS PRESERVE PROJECT" AND LOCATED IN THE
EAST CYPRESS CORRIDOR SPECIFIC PLAN AREA

FIRST AMENDMENT TO
DEVELOPMENT AGREEMENTS

This FIRST AMENDMENT TO DEVELOPMENT AGREEMENTS ("**First Amendment**") is entered into this ____ day of _____, 2023, by and between the City of Oakley, a California municipal corporation ("**City**"), and ACD-TI OAKLEY, LLC, a Delaware limited liability company ("**Developer**"), pursuant to California Government Code ("**Government Code**") sections 65864 et seq. Developer and City are each sometimes individually referred to herein as a "**Party**" and collectively referred to herein as "**Parties**."

RECITALS

This First Amendment is entered into upon the basis of the following facts, findings, understandings and intentions of the parties:

A. As of the Effective Date, Developer is the owner in fee of the following properties situated in the City of Oakley, California, as more particularly described as follows:

1. That approximately 357 acre real property legally described on Exhibit A-1 attached hereto, which real property is part of the area designated as "Planning Area 1" by the City's East Cypress Corridor Specific Plan ("**Specific Plan**") and is sometimes referred to herein as the "**Lesher Property**";

2. That approximately 334.11 acre real property legally described on Exhibit A-2 attached hereto, which real property is part of the area designated as "Planning Area 1" by the Specific Plan and is sometimes referred to herein as the "**KT-KB Property**";

3. That approximately 350.94 acre real property legally described on Exhibit A-3 attached hereto, which real property comprises the entirety of the area designated as "Planning Area 4" by the Specific Plan and is sometimes referred to herein as the "**PA4 Property**";

4. That approximately 16.4 acre real property legally described on Exhibit A-4 attached hereto, which real property comprises the entirety of the area designated as "Planning Area 6-H" by the Specific Plan and is sometimes referred to herein as the "**PA6-H Property**"; and

5. That approximately 182.5 acre real property legally described on Exhibit A-5 attached hereto, which real property comprises the entirety of the area designated as "Planning Area 3" of the Specific Plan and is sometimes referred to herein as the "**PA3 Property**". The Lesher Property, the KT-KB Property, the PA4 Property, the PA6-H Property and the PA3 Property are referred to herein collectively as the "**Cypress Preserve Properties**".

B As of the Effective Date, Developer, as successor in interest to the original developer party thereto, and the City are parties to the following development agreements with respect to the Cypress Preserve Properties:

1. With respect to the Lesher Property, that certain *Development Agreement By And Between The City of Oakley And The Lesher Trust Relating To The Project Known As "Lesher Trust Property"* with the City effective October 12, 2005 (Recorder's Document No. DOC-2005-0388735-00) (**"Original Lesher Agreement"**), which agreement was subsequently amended by that certain *First Amended Development Agreement By And Between The City of Oakley And The Lesher Trust Relating To The Project Known As "Lesher Trust Property"* dated January 10, 2012 (Recorder's Document No. DOC-2012-0102367-00) ("**Lesher Agreement**"). By its express terms, the Lesher Agreement superseded the Original Lesher Agreement in its entirety;

2. With respect to the KT-KB Property, that certain *Development Agreement By And Between The City of Oakley And KT-KB Oakley LLC Relating To The Project Known As "Lesher/Dal Porto North, Planning Area 1"* dated May 22, 2012 (Recorder's Document No. DOC-2012-0160207-00) ("**KT-KB Agreement**");

3. With respect to the PA4 Property, that certain *Development Agreement By And Between The City of Oakley And Bethel Island LLC Relating To The Project Known As "Bethel Island, LLC, Planning Area 4"* dated January 26, 2012 (Recorder's Document No. DOC-2012-0029930-00) ("**Bethel Agreement**");

4. With respect to the PA6-H Property, that certain *Development Agreement By And Between The City of Oakley And Pacific West Communities, Inc. Relating To The Project Known As "Planning Area 6-H"* dated January 24, 2012 (Recorder's Document No. DOC-2012-0029931-00) ("**PacWest Agreement**"); and

5. With respect to the PA3 Property, that certain *Development Agreement By And Between The City of Oakley And ACD-TI Oakley, LLC Relating To The Area Known As "Dal Porto South, Planning Area 3"* dated January 4, 2016 (Recorder's Document No. DOC-2016-0007999-00) ("**Dal Porto Agreement**"). The Lesher Agreement, the KT-KB Agreement, the Bethel Agreement, the PacWest Agreement and the Dal Porto Agreement are referred to herein collectively as the "**Development Agreements**".

C. Pursuant to Section 1.4 of each of the Development Agreements, the Term of each of the Development Agreements ("**Term**") is scheduled to expire on December 13, 2025. Given the current state of the economy and its negative effect on market orientation, interest rates, and housing demand, and in order to reduce the risk of development in light of such adverse economic conditions, the Parties now desire to extend the Term of each of the Development Agreements as provided herein.

D. The Planning Commission, after duly noticed public hearing, recommended approval of this First Amendment on _____, 2023 pursuant to Resolution No. _____. The City Council, after duly noticed public hearings, introduced Ordinance No._____ approving this First Amendment

and authorizing its execution on _____, 2023. Ordinance No. _____ became effective on _____, 2023 ("**Enacting Ordinance**").

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein and other valuable consideration and pursuant to Section 4.1 of the Development Agreement, the parties hereto agree to the following:

1. Defined Terms. All capitalized terms used herein shall have the meanings given in the Development Agreement, except as expressly otherwise defined in this First Amendment.

2. Enumeration of Specific Amendments. The Development Agreement is hereby revised to incorporate the following amendments.

2.1 Amendments to Term. The date "December 13, 2025," as set forth in Section 1.4 of each of the Lesher Agreement, the KT-KB Agreement, the PacWest Agreement, the Dal Porto Agreement, and the Bethel Agreement, is hereby deleted in its entirety and replaced with the date "December 13, 2035" and thereby extend the Term of each such agreement an additional ten (10) years beyond December 13, 2025.

2.2 Life of Subsequent Approvals. Section 2.1 of the Lesher Agreement is hereby amended to add new subsection (j) thereto, Section 2.1 of the Bethel Agreement is hereby amended to add new subsection (h) thereto, Section 3.1 of the KT-KB Agreement is hereby amended to add new subsection (h) thereto, and Section 3.1 of the PacWest Agreement is hereby amended to add new subsection (i) thereto, and subsection (h) of Section 3.1 of the Dal Porto Agreement is hereby deleted in its entirety and said Section 3.1 is hereby amended to add new subsection (h), all of which new subsections are as set forth below:

> Life of Subsequent Approvals. The term of any Subsequent Approval shall automatically be extended for the longer of the duration of the Term of this Agreement (including any extensions) or the term otherwise applicable to such Subsequent Approval. The Term of this Agreement and the term of any subdivision map or other Subsequent Approval shall be tolled and extended during the period of time during which (i) a development moratorium (including, but not limited to, a water or sewer moratorium or water and sewer moratorium), or (ii) the actions or inactions of other public agencies that regulate land use, development, or the provision of services to the land, prevents, prohibits, or delays development of the Property, or (iii) a lawsuit involving any such development approvals or permits is pending.

2.3 Additional Clarification of East Cypress Corridor Specific Plan Environmental Impact Report ("EIR") Mitigation Measures. The EIR adopted by the City Council (City Council Resolution 46-09) on March 10, 2009 for the East Cypress

Corridor Specific Plan includes Mitigation Measures that relate to the timing of construction of the Bethel Island Bridge that is planned to cross over Rock Slough and continue south to the intersection with Delta Road. Construction of the bridge is required by Mitigation Measures 3.8-12, 3.13-4, and 3.13-16. Details of those MMs require the first two lanes of the bridge be constructed before 20% of the project (800 units) is constructed. This section is to clarify that based on the language in the Agreement Between Contra Costa County and City of Oakley Relating to Transition of Municipal Services, Collection of Fees and Maintenance of Infrastructure Upon Annexation of the East Cypress Corridor Specific Plan Area (City-County Transition Agreement) and the ECCSP EIR, the Summer Lake South project (built out) and Summer Lake North project residential units are not counted toward the 800 units to prompt implementation of these mitigation measures.

3. Continued Effectiveness. Except as expressly modified by this First Amendment, all of the Development Agreements remain unmodified and in full force and effect in accordance with their terms, and the Parties mutually acknowledge and agree that the Parties are in full compliance with the provisions thereof.

4. Effective Date and Recordation. The "**Effective Date**" of this First Amendment shall be the effective date of the Enacting Ordinance. The Parties shall execute this Frist Amendment promptly following the Effective Date, whereupon the City shall record this First Amendment in accordance with Government Code section 65868.5. In the event City shall fail for any reason to timely record this First Amendment as set forth herein, Developer shall have the right to record this First Amendment in the official records of Contra Costa County.

5. Exhibits. The following exhibits are attached to this Third Amendment and are hereby incorporated herein by this reference for all purposes as if set forth herein in full:

Exhibit A-1 Legal Description of Lesher Property

Exhibit A-2 Legal Description of the KT-KB Property

Exhibit A-3 Legal Description of the PA4 Property

Exhibit A-4 Legal Description of the PA6-H Property

Exhibit A-5 Legal Description of the PA3 Property

6. Construction. This First Amendment has been reviewed and revised by legal counsel for both City and Developer, and no presumption or rule that ambiguities be construed against the drafting Party shall apply to the interpretation or enforcement of this First Amendment. The Recitals contained in this First Amendment, and the introductory paragraph preceding the Recitals, are hereby incorporated into this First Amendment as if fully set forth herein.

7. Severability. If any portion, part, article, section, subsection, subdivision, sentence, phrase, word, term, provision, covenant, or condition of this First Amendment

(each a "**Portion**") or the application of any Portion of this First Amendment to a particular situation is held by a court or other authority of competent jurisdiction to be invalid, void or unenforceable, such Portion shall be considered severed from this First Amendment and the remainder of this First Amendment, or the application of this First Amendment to other situations, shall continue in full force and effect unless amended or modified by the mutual consent of the Parties.

8. Cooperation in the Event of Challenge. In the event of any legal or equitable acts, action or other proceeding instituted by a third-party, other governmental entities or officials challenging the validity of this First Amendment or any Portion thereof, the Parties hereby agree to cooperate in defending said action or proceeding.

9. Counterparts. This First Amendment may be executed in two duplicate counterparts, each of which is deemed to be an original.

[*This space intentionally blank*]

IN WITNESS WHEREOF, City and Developer have executed this First Amendment as of the date first written above.

"CITY"

City of Oakley, a municipal corporation

By:_____
Joshua McMurray, City Manager

APPROVED AS TO FORM:

By:_____
Derek P. Cole, City Attorney

“DEVELOPER”

ACD-TI OAKLEY, LLC,

a Delaware limited liability company

By: TI Capital Management, LLC, a Delaware limited liability company, its Sole Member

By: _____

Name: Ziad Ghandour

Its: Sole Member

[*signature must be notarized*]

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

STATE OF CALIFORNIA)

COUNTY OF _____)

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

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

WITNESS my hand and official seal.

Signature _____ (Seal)

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

STATE OF CALIFORNIA)

COUNTY OF _____)

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

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

WITNESS my hand and official seal.

Signature _____ (Seal)

EXHIBIT A-1
LEGAL DESCRIPTION OF THE LESHER PROPERTY

The land referred to is situated in the County of Contra Costa, City of Oakley, State of California, and is described as follows:

PARCEL ONE:

A portion of the South 1/2 of Section 21, and a portion of the North 1/2 of Section 28, Township 2 North, Range 3 East, Mount Diablo Base and Meridian, as described in the Gift Deed from Laura Mae Dutra to her daughter, Hetty Louise Wilkie, filed August 27, 1976, in Book 7995 of Official Records, Page 158, Contra Costa County Records, being more particularly described as follows:

Commencing at the Southwest corner of Section 21; Township 2 North, Range 3 East, Mount Diablo Base and Meridian; thence leaving said point of commencement North 89° 54' 46" East 30.00 feet (North 89° 33' 30" East 30.00 feet) to the true point of beginning, said point of beginning being a point on the Eastern line of Jersey Island Road, a 60 foot wide county road; thence leaving said point of beginning Northerly along said Eastern line, said Eastern line being common with the Western line of that parcel of land described in the deed from Frank R. Shellenberger and Idalyne J. Shellenberger to Frank J. Dutra and Laura Mae Dutra, recorded September 24, 1958, in Book 3233 of Official Records, Page 587, Contra Costa County Records, North 0° 06' 24" East 980.10 feet (North 0° 32' West 982.77 feet) to the Southwestern corner of that parcel of land described in the deed from Frank R. Shellenberger and Idalyne J. Shellenberger to Anthony J. Dal Porto and Edith M. Dal Porto, recorded April 3, 1952, in Book 1914 of Official Records, Page 212, Contra Costa County Records; thence leaving said common corner, Easterly along the Southern line of said Dal Porto Parcel (1914 OR 212) North 89° 18' 47' East 3975.97 feet (North 89° 18' East 3975.97 feet) to the Southeastern corner of said Dal Porto Parcel (1914 OR 212); thence leaving said Southern line and said Southeastern corner Southerly along the Eastern line of the aforesaid Dutra parcel (3233 OR 587) the following courses and distances: South 5° 45' 47" West 1.97 feet (South 5° 40' West 1.97 feet); thence South 26° 09' 02" East 1181.27 feet (South 25° 58' 30" East 1182.4) to a point on the Northerly line of that parcel of land described in the deed from the Bank of America National Trust and Savings Association to Angelo Gill, et ux., recorded February 24, 1942, in Book 725 of Official Records, Page 82, Contra Costa County Records; thence leaving said Eastern line Westerly along the Northern lines of said Gill Parcel (725 OR 82) the following courses and distances: North 87° 19' 56" West 50.90 feet (North 87° 21' West 50.9 feet); thence North 89° 48' 56" West 775.27 feet (North 89° 50' West 775.27 feet) to the Northwestern corner of said Gill Parcel (725 OR 82), said Northwestern corner being common with the Northeastern corner of that parcel of land described in the Deed to Frank J. Dutra and Laura Mae Dutra, his wife, recorded in Book 3338 of Official Records, Page 62, Contra Costa County Records; thence leaving said common corner Westerly along the Northern line of said Dutra Parcel (3338 OR 62), said Northern line being common with the Southern line of said Dutra Parcel (3233 OR 587) South 89° 18'

47” West 3671.25 feet (South 89° 18’ West 3657.9 feet) to the Northwestern corner of the aforesaid Dutra Parcel (3338 OR 62), said Northwestern corner being common with the Southeastern corner of the aforesaid Dutra Parcel (3233 OR 587); thence leaving said common corner Northerly along the aforesaid Eastern line of Jersey Island Road, a 60 foot wide County Road, North 0° 38’ 45” West 73.70 feet (North 0° 21 West 73.7 feet) to the point of beginning.

EXCEPTING THEREFROM: The oil, gas, minerals and other hydrocarbons as reserved in the Deed from Bank of America National Trust and Savings Association to Frank R. Shellenberger, dated May 24, 1943, recorded June 18, 1943, in Book 734 of Official Records, Page 165, Contra Costa County Records.

Being APN 032-082-005

PARCEL TWO:

INTENTIONALLY DELETED

PARCEL THREE:

A portion of the North 1/2 of Section 28, Township 2 North, Range 3 East, Mount Diablo Base and Meridian, as described in the Gift Deed from Laura Mae Dutra to her daughter Hetty Louise Wilkie, filed August 27, 1976, in Book 7995 of Official Records, Page 158, Contra Costa County Records, being more particularly described as follows:

Commencing at the corner common to Sections 20, 21, 28 and 29, of Township 2 North, Range 3 East, Mount Diablo Base and Meridian; thence leaving said point of commencement North 89° 54’ 46” East, 30.00 feet (North 89° 33’ 30” East 30.00 feet) to a point on the Eastern line of Jersey Island Road, a 60 foot wide county road; thence Southerly along said Eastern line, said Eastern line being common with the Western line of that parcel of land described in the deed from Frank R. Shellenberger and Idalyne J. Shellenberger to Frank J. Dutra and Laura Mae Dutra, recorded September 24, 1958, in Book 3233 of Official Records, Page 587, Contra Costa County Records, South 0° 38’ 45” East 73.7 feet (South 0° 21’ East 73.7 feet) to the true point of beginning; said point of beginning being common with the Southwestern corner of said Dutra Parcel (3233 OR 587) and said Southwestern corner being common with the Northwestern corner of parcel of land described in the deed to Frank J. Dutra and Laura Mae Dutra, his wife, recorded in Book 3338 of Official Records, Page 62, Contra Costa County Records; thence leaving said point of beginning and said common corner Easterly along the Northern line of the said Dutra Parcel (3338 OR 62), said Northern line being common with the Southern line of said Dutra Parcel (3233 OR 587) North 89° 18’ 47” East 3671.25 feet (North 89° 19’ East 3657.9) to the Northeastern corner of the aforesaid Dutra Parcel (3338 OR 62), said Northeastern corner being common with the Northwestern corner of that parcel of land described in the deed from the Bank of America National Trust and Savings Association to Angelo Gill, et ux, recorded February 24, 1942, in Book 725 of Official Records, at Page 82, Contra Costa County Records; thence Southerly along the Western lines of said Gill Parcel (725 OR 82) the

following courses and distances: South 8° 33’ 56” East 540.86 feet (South 8° 35’ West 540.86 feet); thence South 26° 06’ 56” East 418.46 feet (South 26° 08’ East 418.46 feet) to the Southwestern corner of said Gill Parcel; thence leaving said Southwestern corner Easterly along the Southern line of said Gill Parcel (725 OR 82) North 89° 21’ 04” East 1157.89 feet (North 89° 20’ East 1157.89 feet) to the Southeastern corner of said Gill Parcel (725 OR 82), said Southeastern corner being a point on the Western line of Bethel Island Road a 60 foot wide county road; thence leaving said Southeastern corner Southerly along said Western line South 0° 30’ 56” East 1557.20 feet (South 0° 32’ East 1557.2 feet); thence along a tangent curve, concave to the Northwest and having a radius of 50.00 feet through a central angle of 89° 38’ 56” an arc distance of 78.23 feet (central angle of 89° 40’ an arc distance of 78.25 feet) to a point of the Northern line of Cypress Road, a 60 foot wide county road; thence Westerly along said Northern line South 89° 08’ 00” West 4892.11 feet (South 89° 08’ West 4892.5 feet) to a point on the Northeastern line of the ten foot wide strip of land described in the deed from the Bank of America National Trust and Savings Association, to Earl M. Harrington, et ux, dated March 21, 1940 and recorded April 27, 1940, in Book 534 of Official Records, Page 309, Contra Costa County Records; thence leaving said Northern line Northwesterly along said Northeastern line North 45° 25’ 00” West 196.23 feet (North 45° 25’ West 195.4 feet) a point on the aforesaid Eastern line of Jersey Island Road, a 60 foot wide county road; thence leaving said Northeastern line Northerly along said Eastern line North 0° 38’ 45” West 2397.42 (North 0° 21’ West 2396.9 feet) to the point of beginning.

EXCEPTING THEREFROM: The oil gas, minerals and other hydrocarbons as reserved in the deed from Bank of America National Trust and Savings Association, a National Banking Association, to Charles E. Peterson, et at., dated June 17, 1943, recorded February 21, 1944, in Book 773 of Official Records, Page 26, Contra Costa County Records. Said Reservation also provides for all easements and rights necessary or convenient for production, storage and transportation thereof and exploration and testing of said property.

FURTHER EXCEPTING THEREFROM, that portion described in that certain Offer of Dedication – Road Purposes (fee title) to Contra Costa County, a political subdivision of the State of California, and its successors or assigns, recorded December 30, 2005, as Instrument No. 2005- 0499229, Contra Costa County Records.

Being APN 032-082-013

EXHIBIT A-2
LEGAL DESCRIPTION OF THE KT-KB PROPERTY

The land referred to is situated in the County of Contra Costa, City of Oakley, State of California, and is described as follows:

PARCEL ONE:

Portion of the South 1/2 of Section 21, Township 2 North, Range 3 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the Southwest corner of said Section 21; thence from said point of commencement North 89° 33' 30" East, 30 feet to the East line of a County Road; thence North 0° 32' West along said East line, 982.77 feet to the actual point of beginning of the herein described parcel of land; thence from said point of beginning North 0° 32' West, continuing along said East line, 814.53 feet to the South line of the parcel of land described in the Deed to Anthony J. Dal Porto, et ux, recorded April 3, 1941, Book 576 Official Records, Page 350; thence along said South line South 89° 21' East, 519.6 feet and South 85° 30' East, 1616.9 feet; thence leaving said South line South 1° 33' East, 6 feet to the center of a drainage ditch; thence South 85° 41' 30" East, 1668.6 feet along said center line to a point on the Southwest line of said Dal Porto parcel; thence South 40° 34' East along said Southwest line, 277.8 feet to an iron pipe at the Southeast corner of said Dal Porto parcel; thence South 40° 34' East, 49.5 feet to the center line of a drainage canal; thence South 5° 40' West along said center line, 254.43 feet; thence South 89° 18' West, 3975.97 feet to the point of beginning.

EXCEPTING FROM PARCEL ONE: The oil, gas, minerals and other hydrocarbons as reserved in the Deed from Bank of America National Trust and Savings Association, recorded June 18, 1943, Book 734 Official Records, Page 165.

PARCEL TWO:

Portion of Section 21, Township 2 North, Range 3 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the Southerly bank of Dutch Slough which bears South 83° 26' West, 288.9 feet from the most westerly corner of the tract of land described in the Deed to Bolusiano Perez, et ux, recorded October 10, 1940, Book 559 Official Records, Page 259; thence from said point of beginning South 44° East, 436.5 feet to a point on the Westerly bank of a drainage canal; thence along said bank South 51° 43' East, 1547.2 feet; South 10° 3' East, 1340 feet and South 5° 48' West, 1197.8 feet to a black pipe; thence North 40° 34' West, 959 feet to a black pipe; thence North 85° 43' West, 1237.4 feet to a black pipe; thence South 1° 33' East, 478.7 feet to a black pipe; thence North 85° 30' West, 1616.9 feet to a black pipe; thence North 89° 21' West, 539.13 feet to a black pipe on the East line of the County Road; thence along the East line of the County Road North 0° 25' West, 1211.1 feet; North 0° 10' West, 622.6 feet and North 0° 15' East, 561.1 feet to the Southwest corner of the tract of land described in the Deed to

Herbert S. Miller, et al, recorded December 31, 1931, Book 295 Official Records, Page 101; thence along the South line of said tract South 89° 45' East, 569 feet to the Southeast corner thereof; thence North 0° 15' East along the East line of said tract and the extension Northerly thereof, 933.1 feet to the Southerly bank of Dutch Slough; thence along said Southerly bank South 88° 5' East, 356.7 feet; North 82° 26' East, 354.6 feet; South 89° 23' East, 497.2 feet and South 85° 32' East, 597.1 feet to the point of beginning.

EXCEPTING FROM PARCEL TWO:

1. Reservations for oil, gas and other hydrocarbons and minerals and certain appurtenant rights, as provided for in the Deed from Bank of America National Trust and Savings Association, recorded April 3, 1941, Book 576 Official Records, page 350.

2. The parcel of land described in the Deed to Claude L. Sump, recorded April 15, 1944, Book 773 Official Records, Page 285 (not excepting however, the right of way reserved in said Deed (773 OR 285).

3. The parcel of land described in the Deed to Hylas B. Baldwin, et ux, recorded April 26, 1944, Book 774 Official Records, Page 363, not excepting however, the right of way reserved in said Deed (774 OR 363).

4. The parcel of land described in the Deed to J. B. Baldwin, et ux, recorded May 8, 1944, Book 606 Official Records Page 211, not excepting however, the right of way reserved in said Deed (606 OR 211).

5. The tract of land designated on the Map of Dutch Slough Subdivision filed April 12, 1944, Map Book 27, Page 21, Contra Costa County Records.

PARCEL THREE:

A right of way (not to be exclusive) created in reference to the premises in the deed to Claude L. Sump, et ux, recorded April 15,1944, Book 773, Page 285 of Official Records; in the deed to Hylas B. Baldwin, et ux, recorded April 26,1944, Book 774, Page 363 of Official Records and in the deed to J.B. Baldwin, et ux, recorded May 8,1944, Book 606, Page 211 of Official Records, for use as a roadway for vehicles of all kinds, pedestrians and animals, for water, gas, oil and sewer pipe lines, and for telephone, electric light and power lines, together with the necessary poles or conduits to carry said lines over the following described strips of land:

1) A strip of land bounded as follows: On the north by the south bank of Dutch Slough; on the east by the west line of the tract of land designated on the map of Dutch Slough Subdivision, filed April 12,1944, Map Book 27, Page 21, Contra Costa County Records; on the south by the south line of the existing road along the top of the levee and on the west by the parcel of land described in the deed to Anthony Dal Porto, et ux, recorded April 3,1941, Book 576, Page 350 of Official Records.

2) The strip of land described as Parcel One in the deed to Anthony J. Dal Porto, et ux, recorded April 12, 1944, Book 606, Page 108 of Official Records.

PARCEL FOUR:

Portion of the Northeast 1/4 of the Southwest 1/4 and portion of the Northwest 1/4 of the Southeast 1/4 of Section 21, Township 2 North, Range 3 East, Mount Diablo Base and Meridian, described as follows: Commencing at the Southeast corner of the parcel of land described in the Deed to Anthony J. Dal Porto, et ux, recorded April 3, 1941, Book 576 Official Records, Page 350; thence from said point of commencement North 40° 34' West along the South line of said Dal Porto parcel, 576 Official Records, Page 350, 177.8 feet to the actual point of beginning of the herein described parcel of land; thence from said point of beginning and continuing along said South line North 40° 34' West, 581.2 feet; North 85° 43' West, 1237.4 feet and South 1° 33' East, 478.7 feet; thence leaving said South line and continuing South 1° 33' East, 6 feet to the center line of a drainage ditch; thence South 85° 41' 30" East, along said center line, 1668.6 feet to the point of beginning.

EXCEPTING FROM PARCEL FOUR: Rights saved, excepted and reserved in the Deed from Bank of America National Trust and Savings Association, recorded June 25, 1943, Book 735 Official Records, Page 282, as follows:

"All oil, gas and other hydrocarbons and minerals now or at any time hereafter situate therein and thereunder, together with all easement and rights necessary or convenient for the production, storage and transportation thereof and the exploration and testing of the said real property and also the right to drill for, produce and use water from the said real property in connection with its drilling or mining operations thereon."

EXCEPTING FROM PARCELS ONE, TWO AND FOUR ABOVE:

Rights granted in that certain Corrective Quitclaim Deed, from KT-KB Oakley LLC, a California limited liability company to Robert A. Dal Porto, Sr. and Donald J. Dal Porto dated July 18, 2005, Series No. 2005-0267032, Contra Costa County Records.

APN: 032-082-001

EXHIBIT A-3
LEGAL DESCRIPTION OF THE PA4 PROPERTY

The land referred to is situated in the County of Contra Costa, City of Oakley, State of California, and is described as follows:

PARCEL ONE

Portion of Section 33 and portion of Section 34, Township 2 North, Range 3 East, Mount Diablo Base and Meridian, described as follows:

Beginning at the corner common to Sections 27, 28, 33 and 34, and running thence along the line common to Sections 27 and 34, South 89° 43' East, 814.2 feet to an iron pipe; thence South 0° 23' 30" West, 2560.2 feet to an iron post; thence South 0° 23' 30" West, 75.6 feet to a point on the East and West midsection line of said Section 34; thence along said midsection line South 89° 54' 15" West, 640.4 feet to a point on the Northeasterly line of the right of way of the Contra Costa Canal; thence along said Northeasterly line North 44° 35' West, 3724.9 feet to a point on the line common to Sections 28 and 33; thence along said common line South 89° 43' East, 2458.9 feet to the point of beginning.

Excepting from Parcel One:

"Said Grantors present 2/7ths interest in and to their mineral rights in said real property", as reserved in the Deed from Mario A. Bertone and Mary M. Bertone, Trustees of the Mario and Mary Bertone Family Trust dated June 12, 1991, recorded October 10, 1997, Series No. 97- 193264, Contra Costa County Records.

1. That portion thereof described in the Deed to Contra Costa Water District, recorded March 26, 2010, Series No. 2010-59168, Official Records.

2. Any portion of said land which is or ever was tide or submerged lands.

APN: 020-140-048

PARCEL TWO

Portion of the North 1/2 of Section 34, Township 2 North, Range 3 East, Mount Diablo Base and Meridian, described as follows:

Beginning at an iron pipe on the line common to Sections 27 and 34, which pipe bears South 89° 43' East, 814.2 feet from the corner common to Sections 27, 28, 33 and 34, and running thence along said common line South 89° 43' East, 4184.1 feet to an iron pipe; thence continuing along said common line South 89° 43' East, 281.7 feet to the corner common to Sections 26, 27, 34 and 35; thence along the line common to Sections 34 and 35 South 1° 01' West, 2606.6 feet to the East quarter corner of said

Section 34; thence along the East and West midsection line of said Section 34 South 89° 54' 15" West, 4437.6 feet; thence North 0° 23' 30" East, 75.6 feet to an iron post; thence North 0° 23' 30" East, 2560.2 feet to the point of beginning.

Excepting from Parcel Two:

1. That portion of Parcel Two reserved in the Deed from Title Insurance and Trust Company (Trustee), recorded March 21, 1974, Book 7182, Page 27, Official Records, as follows:

"Beginning at the Northeasterly corner of Parcel Two above, running thence along the Easterly line thereof South 1° 01' West, 1717.51 feet; thence North 88° 59' West, 900 feet; thence North 01° 01' East, 1707.00 feet to the Northerly line of said Parcel Two; thence along said line 900.07 feet to the point of beginning."

2. "Said Grantors present 2/7ths interest in and to their mineral rights in said real property", as reserved in the Deed from Mario A. Bertone and Mary M. Bertone, Trustees of the Mario and Mary Bertone Family Trust dated June 12, 1991, recorded October 10, 1997, Series No. 97-193264, Contra Costa County Records.

3. Any portion of said land which is or ever was tide or submerged lands.

APN: 020-150-003

PARCEL THREE

The right of way described in the deed from West Coast Life Insurance Company to W. J. O'Hara, et ux, dated April 6, 1943 and recorded September 18, 1943, in Book 750, Page 29, Official Records, and in the deed from West Coast Life Insurance Company to Frank J. Dutra and Laura May Dutra, his wife, dated April 6, 1943 and recorded November 4, 1943, in Book 750, page 456, Official Records, and as reserved in the deed from Arthur E. Honegger, et ux, to Jerry E. Duarte, et ux, dated December 9, 1975 and recorded January 21, 1976, in Book 7743, page 240, Official Records, described as follows:

A non-exclusive right of way for use as a roadway for vehicles of all kinds, pedestrians and animals, and as a right of way for water, gas, oil and sewer pipe lines, and for telephone, electric light and power lines, together with the necessary poles or underground conduits to carry said lines over the following described parcel:

Beginning at the southeast corner of the Southwest quarter of the Northwest quarter of Section 33 in Township 2 North, Range 3 East, Mount Diablo Base and Meridian, and running thence along the east line of said Southwest quarter North 0° 19' East, 35.0 feet;, thence South 89° 51' East, 3738.8 feet to a point of the southwesterly line of the right of way of the Contra Costa Canal; thence along said southwesterly line South 44° 35' East, 49.3 feet to a point of the east and west midsection line of said Section 33;

thence along said midsection line North 89° 51' West, 3773.6 feet to the point of beginning.

PARCEL FOUR

A right of way [not to be exclusive] created in reference to the premises in the deed from Dante Massoni, et ux, recorded May 24, 1950, Book 1563, page 381, Official Records, for use as a roadway for vehicles of all kinds, pedestrians and animals, for water, gas, oil and sewer pipe lines, and for telephone, electric light and power lines, together with the necessary poles or conduits to carry said lines over a strip of land 50 feet in width the north line of which is parallel with and 50 feet northerly, measured at right angles, from the south line thereof and which south line is described as follows:

Beginning on the east-west midsection line of Section 33, Township 2 North, Range 3 East, Mount Diablo Base and Meridian, at the most easterly corner of Parcel One, described in the deed to Arthur H. Honegger, et ux, recorded May 24, 1950, Book 1563, page 381, Official Records, thence from said point of beginning North 83° 51' West, along said midsection line 1635.52 feet to a west line of Parcel One above.

PARCEL FIVE INTENTIONALLY DELETED

PARCEL SIX

A non-exclusive easement as an appurtenance to Parcels One and Two above, granted in the Deed to Arthur E. Honegger recorded August 27, 1976, Book 7994, Page 172, Official Records, "for use as a roadway for vehicles of all kinds, pedestrians and animals, for water, gas, oil and sewer pipe lines, and for telephone, electric light and power lines, together with the necessary poles or conduits. Said easement is a strip of land 20 feet wide, right angle measurement, in, under, over, along and across a corridor of land in the Easterly line of which is described as follows:

A portion of Section 28, Township 2 North, Range 3 East, Mount Diablo Base and Meridian, described as follows:

"Beginning at the Southeast corner of said Section 28, being also the common corner of Sections 27, 28, 33 and 34; running thence along the Eastern boundary line of Section 28, North 00° 18' West, 2645.2 feet to the East center line extension of Cypress Road, being also the North line, of the South one half of said Section 28, being also the West one quarter corner of said Section 27.

The West line shall be lengthened or shortened so as to create a strip of land of the uniform width of 20 feet."

PARCEL SEVEN

A non-exclusive easement as an appurtenance to Parcels One and Two above, granted

in the Deed to Arthur E. Honegger, recorded August 27, 1976, Book 7994, Page 175, Official Records, "for use as a roadway for vehicles of all kinds, pedestrians and animals, for water, gas, oil and sewer pipe lines, and for telephone, electric light and power lines, together with necessary poles or conduits. Said easement is a strip of land 20 feet wide, right angle measurement, in, under, over, along and across a corridor of land the Western boundary of which is described as follows:

A portion of Section 27, Township 2 North, Range 3 East, Mount Diablo Base and Meridian, described as follows:

"Beginning at the Southwest corner of said Section 27, being also the common corner of Sections 27, 28, 33 and 34; running thence along the Western boundary line of Section 27, North 00° 18' West, 2645.2 feet to the East center line extension of Cypress Road, being also the North line, of the South one half, of said Section 27, being also the West one quarter corner of said Section 27. The East line shall be lengthened or shortened so as to create a strip of land of the uniform width of 20 feet."

EXHIBIT A-4

LEGAL DESCRIPTION OF THE PA6-H PROPERTY

The land referred to is situated in the County of Contra Costa, City of Oakley, State of California, and is described as follows:

Parcel One:

Parcel “C”, as shown on the Parcel Map, filed August 12, 1968, in Book 4 of Parcel Maps, Page 49, Contra Costa County Records.

EXCEPTING THEREFROM: All oil, gas, casinghead gas, asphaltum and other hydrocarbons and all chemical gas, now or hereafter found, situated or located in all or any part or portion of the lands described herein lying more than 500 feet below the surface thereof, together with the right to slant drill for and remove all or any of said oil, gas, casinghead gas, asphaltum and other hydrocarbons and chemical gas lying below a depth of more than 500 feet below the surface thereof, but without any rights whatsoever to enter upon the surface of said land or upon any part of said lands within 500 feet vertical distance below the surface thereof, as reserved in the deeds from Bank of America National Trust and Savings Association, a national banking association, recorded December 16, 1942, in Book 712, Page 339, and on August 27, 1968, in Book 5697, Page 150 of Official Records of Contra Costa County.

Being APN 032-082-010

Parcel Two:

Parcel “D”, as shown on the Parcel Map, filed August 12, 1968, in Book 4 of Parcel Maps, Page 49, Contra Costa County Records.

EXCEPTING THEREFROM: All oil, gas, casinghead gas, asphaltum and other hydrocarbons and all chemical gas, now or hereafter found, situated or located in all or any part or portion of the lands described herein lying more than 500 feet below the surface thereof, together with the right to slant drill for and remove all or any of said oil, gas, casinghead gas, asphaltum and other hydrocarbons and chemical gas lying below a depth of more than 500 feet below the surface thereof, but without any rights whatsoever to enter upon the surface of said land or upon any part of said lands within 500 feet vertical distance below the surface thereof, as reserved in the deeds from Bank of America National Trust and Savings Association, a national banking association, recorded December 16, 1942, in Book 712, Page 339, and on August 27, 1968, in Book 5697, Page 150 of Official Records of Contra Costa County.

Being APN 032-082-011

EXHIBIT A-5
LEGAL DESCRIPTION OF THE PA3 PROPERTY

The land referred to is situated in the County of Contra Costa, City of Oakley, State of California, and is described as follows:

Parcel One:

Portion of the South 1/2 of Section 28, Township 2 North, Range 3 East, Mount Diablo Base and Meridian, described as follows:

Beginning on the North line of the South 1/2 of said Section 28 at the Northeast line of the 260 feet in width strip of land described in the Deed from Bank of America National Trust and Savings Association to United States of America, dated November 30, 1937, and recorded June 16, 1938, in Book 473 of Official Records, Page 2; thence from said point of beginning South 44° 35' East along said Northeast line to the South line of said Section 28; thence North 89° 58' East along said South line to the East line of said Section 28; thence North 0° 18' East along said East line to the North line of the South 1/2 of said Section 28; thence South 89° 58' West along said North line to a point which bears North 0° 02' West, 30 feet from the Northeast corner of the parcel of land described in the Deed from O.V. Strickland, et ux, to A.J. Cooley, dated June 10, 1950 and recorded June 27, 1950, in Book 1582 of Official Records, Page 460; thence South 0° 02" East at 30 feet the Northeast corner of said Cooley parcel, a total distance of 435.6 feet to the Southeast corner thereof; thence South 89° 58" West along the South line of said Cooley parcel, 1582 O.R. 460, and along the direct extension South 89° 58' West thereof to the Northeast line of the 125 feet in width strip of land described as Parcel 5 in the Judgment entered November 15, 1930, under action No. 30173, in the district court of the United States in and for the Northern district of California, Southern division, a certified copy of which was recorded November 15, 1950, in Book 1668 Official Records, Page 494; thence North 30° 53' 47" West along said Northeast line and along the extension Northerly thereof to the North line of the South 1/2 of said Section 28; thence South 89° 58' West along said North line to the intersection thereof with the Southwest line of said United States of America Parcel, 1668 or 494, extended North 30° 53' 47" West; thence South 30° 53' 47" East, along said extended line and along the Southwest line of said United States of America parcel, 1668 or 494, to a point which bears North 89° 58' East from the Southeast corner of the parcel of land described in the Deed from O.V. Strickland, et ux, to Eugene Conness, et ux, dated April 10, 1950 and recorded April 11, 1950, in Book 1536 of Official Records, Page 123; thence South 89° 58' West to the Southeast corner of said Conness parcel, 1536 O.R. 123; thence South 89° 58' west along the South line of said Conness parcel and along the direct extension South 89° 58' West thereof to the Southeast corner of the parcel of land described in the Deed from O.V. Strickland, et ux, to Dora M. Henry, et vir, dated June 27, 1949, and recorded July 25, 1949, in Book 1416 of Official Records, Page 274; thence South 89° 58' West along the South line of said Henry Parcel, 1416 O.R. 274, 68.24 feet; thence South 89° 58' West to a point which is 45 feet Northeasterly measured at right angles from the Northeast line of said United States of America Parcel, 473 O.R. 2; thence North 44° 35' West parallel with the Northeast line of said

United States of America Parcel to the North line of the South 1/2 of the said Section 28; thence South 89° 58' West along said North line to the point of beginning.

EXCEPTING THEREFROM:

"All oil, gas and other hydrocarbons and minerals now or at any time hereafter situate therein and thereunder", as reserved in the Deed from Bank of America National Trust and Savings Association to Earl M. Harrington, et ux, dated March 21, 1940 and recorded April 27, 1940, in Book 534 of Official Records, Page 309.

1. The interest conveyed to Contra Costa County by Deed from Earl M. Harrington, et ux, dated September 22, 1941 and recorded October 16, 1941, in Book 633 of Official Records, Page 44, "For Use as a Public Highway" over that portion of the premises lying within Cypress Road and Bethel Island Road.

2. Parcel "A", as shown on Parcel Map MS 950010, filed February 24, 2000, Parcel Map Book 178, Page 15, Contra Costa County Records.

Parcel Two:

The easement conveyed in the Deed from Arthur E. Honegger, a married man, recorded August 27, 1976, in Book 7994, Page 181, Official Records, Contra Costa County, as follows:

A portion of Section 33 and Section 34, Township 2 North, Range 3 East, Mount Diablo Base and Meridian, described as follows:

An easement for irrigation purposes, water transport, construction, repair, and maintenance with ingress and egress to said easement. Said easement is a strip of land 30 feet wide, right angle measurement in, under, over, along and across a corridor of land, the centerline of which is described as follows:

Beginning at the Southeast corner of said Section 28, being along the common corner of Sections, 27, 28, 33 and 34; running thence along the Eastern boundary line of Section 33, being also the centerline of said 30 foot wide irrigation easement, South 00° 18' West 2.485 feet, more or less, to a point on the Northeasterly boundary line of the right-of-way of the Contra Costa canal as described in the Deed from West Coast Life Insurance Company to the United States of America dated November 29, 1937 and recorded March 17, 1938 in Book 448, Page 155, Official Records. The side lines shall be lengthened or shortened so as to create a strip of land of the uniform width of 30 feet.

Thence, continuing with said 30 feet wide easement form the point of intersection of said centerline with the said Northeasterly boundary line of said canal the Southwestern boundary line of said strip is described as follows:

Said Southwestern boundary line is also the Northeastern boundary line of said canal thence, in a Southeasterly direction parallel with the Northeasterly boundary line of said

canal, thence along the last named line South 44° 35' West 225 feet, more or less, to a point of intersection with the East-West mid-section line of said Section 34.

The Northeasterly boundary line of said 30 feet wide strip, right angle measurement, shall be lengthened or shortened so as to create a strip of land of the uniform width of 30 feet.

Parcel Three:

A non-exclusive easement as an appurtenance to Parcel One above for a right of way for pedestrian and vehicular ingress and easement for maintenance, repair and replacement of electric lines, subterranean sewer and other utilities, over, under and upon an Easterly portion of said land lying within the area designated as “Temporary Private Access Easement to Remainder" as shown on the Parcel Map M.S. 10-95 in Book 178 of Parcel Maps at Page 15, Contra Costa County Records.

APN: 032-050-003

ORDINANCE NO. -23

AN ORDINANCE OF THE CITY OF OAKLEY CITY COUNCIL APPROVING THE GRAND CYPRESS PRESERVE DEVELOPMENT AGREEMENTS MASTER AMENDMENT (DA 01-23) BETWEEN THE CITY OF OAKLEY AND ACD-TI OAKLEY LLC (APNS: 020-140-048; 020-150-003; 032-050-003; 032-082-001; 032-082-005; 032-082-010; 032-082-011; AND 032-082-013)

WHEREAS, the City has enacted a Development Agreement Ordinance A codified as Chapter 3 of Title 9 of the Oakley Municipal Code ("OMC") establishing the procedures and requirements for the consideration of development agreements pursuant to California Government Code Section 65864 et seq.; and

WHEREAS, on June 29, 2023, Andrew Han of ACD-TI Oakley, LLC ("Applicant" filed an application requesting approval of a Development Agreements Master Amendment (DA 01-23) that would apply to five separate Development Agreements to extend their terms from December 13, 2025 to December 13, 2035 ("Project"). The five existing Development Agreements apply to previously approved development projects made up of Planning Areas 1, 3, 4, and 6-H of the East Cypress Corridor Specific Plan. The development projects, commonly known as KT-KB Oakley LLC (Planning Area 1), Lesher Trust (Planning Area 1), Dal Porto South (Planning Area 3), Bethel Island LLC (Planning Area 4), and Pacific West Communities (Planning Area 6-H), are all part of a larger project known as "Grand Cypress Preserve". All sites covered under the existing Development Agreements and applicable to the proposed Master Amendment are zoned SP-1 (East Cypress Corridor Specific Plan) District. The applicable sites are located in Planning Areas 1, 3, 4, and 6-H of the East Cypress Corridor Specific Plan generally located at the eastern end of Oakley north and south of East Cypress Road, Oakley, CA 94561. APNs: 020-140-048; 020-150-003; 032-050-003; 032-082-001; 032-082-005; 032-082-010; 032-082-011; and 032-082-013; and

WHEREAS, the project is designated as Specific Plan (SP) in the Oakley General Plan, and zoned SP-1 (East Cypress Corridor Specific Plan) District; and

WHEREAS, the project is within the scope of related entitlements approved under the analysis of the East Cypress Corridor Specific Plan Revised Final Environmental Impact Report (SCH No. 2004092011) certified by the City Council through adoption of Resolution No. 46-09 on March 10, 2009; and

WHEREAS, on July 18, 2023, the Planning Commission held a duly noticed public hearing at which it considered the Project, Staff's Report, Oakley General Plan, the City's Zoning and Subdivision Ordinances, the East Cypress Corridor Specific Plan, the Revised EIR, and all comments received in writing and all testimony received at the public hearing (together the "Record"), and adopted Planning Commission 11-23 recommending the City Council adopt an ordinance approving the Project; and

WHEREAS, on or before July 28, 2023, the Notice of Public Hearing for the Project was duly noticed in the Contra Costa Times, a newspaper of general distribution, was posted at Oakley City Hall located at 3231 Main Street, outside the gym at Delta Vista

Middle School located at 4901 Frank Hengel Way, outside the library at Freedom High School located at 1050 Neroly Road, and at the project site, and was mailed out to all owners of property within a 500-foot radius of the subject property's boundaries, to outside agencies, and to parties requesting such notice; and

WHEREAS, on August 8, 2023, the City Council held a duly noticed public hearing at which it considered the Project's Development Agreement, Staff's Report, Oakley General Plan, the City's Zoning and Subdivision Ordinances, the East Cypress Corridor Specific Plan, the Revised EIR, and all comments received in writing and all testimony received at the public hearing (together the "Record"); and; and

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

WHEREAS, these Findings are based upon the City's General Plan, the City's Zoning Ordinance, the East Cypress Corridor Specific Plan and all related documents, and the information submitted to the City Council at its August 8, 2023, meeting, both written and oral, including oral information provided by the applicant, as reflected in the minutes of such meetings, together with the documents contained in the file for the project (hereinafter the "Record").

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

SECTION1. Findings

A. Regarding the application requesting approval of the Grand Cypress Preserve Development Agreements Master Amendment (DA 01-23) by and between the City of Oakley and ACD-TI Oakley LLC:

1. The Development Agreements Master Amendment is consistent with the objectives, policies, general land uses and programs specific in the East Cypress Corridor Specific Plan ("ECCSP"). It is also compatible with the uses authorized in, and the regulations prescribed for, the ECCSP, and is designed in compliance with the approved development plans in that it does not result in any physical changes to any of the approved entitlements for any of the applicable Tentative Maps; and

2. The Master Amendment is in conformity with public convenience, general welfare and good land use practice and will not be detrimental to the health, safety and general welfare in that the development in the ECCSP is responsible for much of the infrastructure improvements or cost-sharing for those improvements in and around the area that will benefit future residents and existing residents of Summer Lake South and areas in unincorporated Contra Costa County, such as along Dutch Slough Road and Sandmound Boulevard and on Bethel Island, and the term extension will increase the

likelihood these projects are developed, and as a result, that infrastructure completed; and

3. The Master Amendment will not adversely affect the development of the properties in that the term extension will increase the chances they are able to be developed in the future; and

B. The project complies with Measure J Growth Management requirements.

SECTION 2. Approval of the Master Amendment to the Development Agreements

The City Council hereby approves the Development Agreements Master Amendment (Exhibit "A) and authorizes and directs the Mayor to sign it.

SECTION 3. Recordation of Development Agreement

Within ten (10) days after the Mayor executes the Development Agreement, the City Clerk shall submit the Agreement to the County Recorder for recordation.

SECTION 4. Effective Date and Posting

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

The foregoing ordinance was adopted with the reading waived at a regular meeting of the Oakley City Council on _____, 2023 by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

APPROVED:

_____
Aaron Meadows, Mayor

ATTEST:

_____
Libby Vreonis, City Clerk Date

OAKLEY
CALIFORNIA

DATE: August 8, 2023

Approved and Forwarded to the City Council

TO: Joshua McMurray, City Manager

FROM: Libby Vreonis, City Clerk;
Kim Snodgrass, Deputy City Clerk

CC: Brent Smith, Community Development Director;
Andy Pinasco, Esq., Neumiller & Beardslee

SUBJECT: Appeal of Administrative Hearing Officer's Decision, 20 W. Bolton Road, Oakley, California

Background and Analysis

Appellant is the property owner of 20 W. Bolton Road, Oakley, California. Appellant is contesting the total amount of fines imposed and the validity of the code violations cited in the Administrative Hearing Officer's Decision. The appeal was submitted timely.

On March 2, 2021, while performing an inspection in response to a complaint made regarding livestock on 20 W. Bolton Road, Code Enforcement staff observed a structure being built on the property without a permit and a Notice of Violation **(Attachment 1)** was issued to Appellant to apply for and obtain a building/demo permit by March 22, 2021. The Notice also provided permitted uses for livestock with a remedy date of March 12, 2021, for livestock on the property. Thereafter, it was unclear to staff if the livestock remained; therefore, staff extended the remedy date for livestock to March 22, 2021, to coincide with the date the building/demo permit must be obtained.

On March 22, 2021, Appellant's contractor contacted staff requesting additional time to submit plans for the storage structure and staff informed him he would first need to obtain approval from Environmental Health. Staff granted a 20-day extension (April 11, 2021) for the contractor to start the process with Environmental Health, provide an update to staff, and provide proof to staff that he is working with Environmental Health. The contractor also confirmed the livestock was still on the property and staff requested he inform Appellant that it be re-homed or Appellant would be cited. The contractor provided proof of application with Environmental Health on April 12, 2021, and staff extended the deadline 20 days to review.

On April 12, 2021, staff contacted the contractor and provided details of how to apply for the permit, including the permit application, Accessory Structure handout, credit card

authorization form, a copy of the preliminary title report, proof of any drainage fees from the County, approval from Ironhouse Sanitary District of the plans if any plumbing is included, and if the property is on a septic system, approval from Contra Costa County Environmental Health.

On May 14, 2021, staff issued a final Notice of Violation **(Attachment 2)** to Appellant to obtain a building/demo permit and to remove livestock from the property.

On May 26, 2021, the contractor submitted documents to staff for the storage structure; however, the plans were difficult to read, and he was asked to re-submit the plans by May 28, 2021, along with a copy of the preliminary title report. On May 28, 2021, he submitted the prints in the City's drop box and requested to drop off the larger printed copy in person. Staff extended the deadline one week to confirm receipt of the larger copy.

On June 1, 2021, staff contacted the contractor to again inform him the complete submittal of the permit documents needs to occur after he has obtained approval from Environmental Health and that a copy of the preliminary title report would need to be submitted with those documents. The same day, staff received information that livestock still existed on the property and issued a Notice of Violation **(Attachment 3)** to remedy livestock on the property by June 11, 2021, along with Administrative Citation AC-21-000210 **(Attachment 4)** in the amounts of $100 (livestock) to Appellant.

On June 7, 2021, Appellant communicated to staff there was no goat, pig or rooster on the property, but she did have five chickens of which staff requested she remove two of them for code compliance (Oakley Municipal Code Section 9.1.404(b)(12)(b) allows a maximum of three). Appellant requested appeal forms on June 15, 2021, and staff provided them to her via email indicating the filing deadline of June 16, 2021. Appellant submitted the appeal forms timely. Staff extended the deadline one week for her/her contractor to submit the permit forms in PDF format to staff, including Environmental Health approval and a copy of the preliminary title report.

On June 17, 2021, the contractor submitted a USB flash drive with the requested documents; however, the plans were still very difficult to read; therefore, on June 21, 2021, staff requested the plans be resubmitted with a PDF file or Dropbox link. Staff also reached out to Appellant the same day to request she schedule a site visit with the Building Department to assist with the building permit requirements for the property upon noticing that approval from Environmental Health included multiple structures (metal shed, cargo box, metal carport and shed).

On June 21, 2021, staff dismissed Administrative Citation AC-21-000210. The property owner had contacted staff and indicated a goat on the property was re-homed, no pig exists on the property, a rooster is her neighbor's, and she agreed to remove two of the five chickens on the property.

The contractor scheduled a site visit that was held July 13, 2021, with Code Enforcement staff and the City's Building Inspector present, along with Appellant's son. Staff observed a metal carport with electrical, two sheds, a sea container that appeared someone may be living in, an unpermitted addition to the main house, chicken coop, goat house, and the proposed storage shed. In addition, staff observed a large amount of debris, tools, car parts, vehicles, a commercial vehicle (truck being used for storage), six jet skis and five dirt bikes.

Staff from Code Enforcement, Building and Planning met on July 28, 2021, to discuss the violations and corrective actions. On August 2, 2021, staff issued a Notice of Violation **(Attachment 5)** to Appellant for failure to obtain a building permit (proposed shed, addition to the main house, cargo box/shipping container, metal carport with electrical, and main house roof and foundation repair), cargo box/shipping container not permitted as a living space, minimum setback requirements for cargo box/shipping container, fence regulations (regarding fence surrounding property), and operating home-based business (automotive/motorcycle repair business). Staff provided until August 22, 2021, for code compliance.

On August 3, 2021, Code Enforcement and Police posted a red tag **(Attachment 6)** at the property for the cargo box/shipping container to the exterior fence and Appellant offered to post a red tag on the cargo box/shipping container. Staff provided Appellant with a copy of the Notice of Violation. Appellant confirmed she let a woman live in the shipping container but asked her to leave after receiving the City's notice. She also stated that no children were living in the shipping container upon toys noticed by staff which she indicated were for her grandson who visits. While onsite, staff observed a woman exiting the property with bags of items and taking them to a car parked across the street from the property and then returning with the bags to the property as staff was exiting the area.

Communications continued between staff, Appellant, and Appellant's son regarding setback requirements, Residential Design Guidelines and accessory structures. Appellant expressed interest in removing the existing home and building a new one; however, site plans were not submitted. On September 7, 2021, staff issued a final Notice of Violation **(Attachment 7)** addressing outstanding violations (failure to obtain a building permit for the proposed shed, addition to the main house, cargo box/shipping container, metal carport with electrical, and main house roof and foundation repair; and

minimum setback for the cargo box/shipping container and fence regulations for the fence surrounding the property) with the code compliance date of September 27, 2021.

On October 4, 2021, the site plan was submitted by the contractor and staff performed a cursory review of the setbacks. On October 26, 2021, staff communicated the setbacks to the contractor and on October 27, 2021, staff reached out to Appellant to provide the setback information and to try and discuss her action plan to address the existing violations. Appellant was non-responsive to staff's outreach and on November 1, 2021, staff again issued a final Notice of Violation (addressing same issues as the Notice of Violation issued September 7, 2021) **(Attachment 8)** with the code compliance date of November 21, 2021.

Staff and Appellant continued communications regarding permit requirements and on November 18, 2021, Appellant submitted two permit applications which staff communicated to her were incomplete.

On December 1, 2021, staff confirmed no permits had been issued for any of the structures and violations remained; therefore, staff issued Administrative Citation AC-21-000534 **(Attachment 9)** to Appellant in the amounts of $130 (failure to obtain a building permit for the proposed shed), $130 (failure to obtain a building permit for the addition to the main house), $130 (failure to obtain a building permit for a cargo box/shipping container) and $130 (failure to obtain a building permit for a metal carport with electrical). A Notice of Violation **(Attachment 10)** was also issued to Appellant on December 1, 2021, for failure to obtain a building permit for the proposed shed, addition to the main house, cargo box/shipping container, and metal carport with electrical with the code compliance date of December 21, 2021. In addition, a Courtesy Notice **(Attachment 11)** was also issued to Appellant to cease living in the RV with a code compliance date of December 11, 2021.

On December 8 and 9, 2021, staff communicated with Appellant regarding permits and the contractor contacted staff on December 10, 2021, to indicate he would submit the application.

On December 15, 2021, staff received a complaint regarding livestock at the property and staff issued a Notice of Violation **(Attachment 12)** to Appellant with a code compliance date of January 4, 2022.

On December 16, 2021, Appellant emailed staff with a picture of a Septic System Construction Permit Application. Staff reached out to Appellant for an update on progress on January 10, 2022, and Appellant sent staff attachments via email on

January 17, 2022. Staff reached out to Appellant again on January 18, 2022 as staff was unable to determine progress by the attachments Appellant sent to staff via email on January 17, 2022. An exchange of emails occurred between January 18, 2022 through January 28, 2022 regarding the permit application. Staff informed Appellant on January 28, 2022 that a demo permit could not be issued for the storage room/addition area as there was a concern regarding safety and Appellant should contact Planning regarding requirements of the sea container as well as multiple building dwellings on the property.

As of May 12, 2022, no permits had been issued and there had been no communication from Appellant. A reinspection of the property was performed, and violations remained. Staff issued the second Administrative Citation AC-22-000179 **(Attachment 13)** in the amounts of $700 (failure to obtain a building permit for the proposed shed), $700 (failure to obtain a building permit for the addition to the main house), $700 (failure to obtain a building permit for the cargo box/shipping container), and $700 failure to obtain a building permit for the metal carport with electrical). Staff also issued a Notice of Violation **(Attachment 14)** addressing outstanding violations (failure to obtain a building permit for the proposed shed, addition to the main house, cargo box/shipping container, and metal carport with electrical).

On May 31, 2022, Appellant's son contacted staff to request more time and indicated they have a permit with Environmental Health for removal of the septic tank and an upcoming inspection. Staff informed him the demo permits still needed to be obtained, they cannot live in the RV, suggested he speak with Building to review submittal requirements again so there is no misunderstanding, and provided a 30-day extension to connect to sewer and submit demo permits or make progress.

In late June 2022, the contractor sent an attachment to staff via email, and it was unclear to staff if the septic had been abandoned or connected. After reaching out to the contractor for clarification and receiving no response, staff confirmed with Ironhouse Sanitary District July 18, 2022, that a connection permit had not been issued for the property and it is not on public sewer. Staff connected with Environmental Health regarding the status of the permit to abandon septic on July 19, 2022, and was informed that the inspector noted that people were living in the RV on the property. Staff issued Administrative Citation AC-22-000216 **(Attachment 15)** in the amount of $100 to Appellant, along with a Notice of Violation **(Attachment 16)** to cease living in the RV, with a code compliance date of July 29, 2022. Environmental Health also sent Appellant a letter **(Attachment 17)** the same day rescinding its septic tank permit approval and providing Appellant until January 1, 2023, to connect or demolish the structure previously served by the septic system. Staff confirmed with Diablo Water District that the property was still connected to water service.

On July 20, 2022, staff red-tagged **(Attachment 18)** the property as uninhabitable due to lack of sewage connection (violation of International Property Maintenance Code Section 108.1.3-Structure Unfit for Human Occupancy) and issued a Notice of Violation **(Attachment 19)** to Appellant for the violation with a code compliance date of August 9, 2022. A porta-potty was being used in lieu of sewage connection and Appellant was informed she had until July 30, 2022, to remove it. While on site for the red-tag, staff found no evidence to suggest people were living in the RV, therefore staff canceled Administrative Citation AC-22-000216.

Communication continued between staff and the contractor regarding obtaining a demo permit and on July 28, 2022, an additional 90-day extension was provided. Communication continued between staff and Appellant regarding removal of the porta-potty and permits.

On October 14, 2022, Environmental Health contacted staff and informed staff they were contacted by Appellant's son who stated they were no longer planning to connect to sewer, wanted to install a new septic system, and plan to demo the home.

On January 11, 2023, Environmental Health contacted staff inquiring about the status of the property since they hadn't received an application to replace the septic system. Staff advised there was no recent contact from the property owner with any updates.

On January 12, 2023, staff performed an inspection at the property and issued a third Administrative Citation AC-23-000004 **(Attachment 20)** to Appellant in the amounts of $1,300 (failure to obtain a building permit for proposed shed), $1,300 (failure to obtain a building permit for addition to the main house), $1,300 (failure to obtain a building permit for cargo box/shipping container) and $1,300 (failure to obtain a building permit for metal carport with electrical). Staff also issued Administrative Citation AC-23-000006 **(Attachment 21)** to Appellant in the amount of $130 (failure to obtain a building permit for main house roof and foundation repair). In addition, staff issued a Notice of Violation **(Attachment 22)** to Appellant addressing outstanding violations (failure to obtain a building permit for the proposed shed, addition to the main house, cargo box/shipping container, metal carport with electrical and main house roof and foundation repair).

On January 30, 2023, Appellant submitted a Request for Appeal of Administrative Citation **(Attachment 23)** for Administrative Citation AC-23-000004 along with a hardship waiver for the hearing deposit. The hardship waiver was approved, and an administrative hearing was scheduled for March 28, 2023 **(Attachment 24)**. At the request of the appellant, the

hearing was rescheduled to April 12, 2023 **(Attachment 25)**. Communications continued between staff and Appellant regarding permits during this time.

On April 12, 2023, the matter was heard before an administrative hearing officer with Appellant and Appellant's son present. The decision **(Attachment 26)** held that the citations are affirmed, the appeal is denied, and the fines totaling $5,330 are approved (due in 30 days). The decision also provided Appellant could file a written appeal of the Administrative Hearing Officer's Decision with the City Clerk by May 18, 2023, to have the matter heard before the City Council.

On April 17, 2023, the Administrative Hearing Officer's Decision was mailed to Appellant.

On May 11, 2023, Appellant placed her written appeal **(Attachment 27)** into the drop box located outside the City's Development Services Building which was retrieved by staff from the drop box on May 22, 2023. The appeal was submitted timely.

Appellant is contesting the total amount of fines imposed and the validity of the code violations cited in the Administrative Hearing Officer's Decision. In her written appeal, she indicates the fines imposed are excessive and unjustified, and requests the fines be reduced to a more reasonable amount. She also indicates she has taken all necessary steps to ensure her property is code and regulation compliant.

On May 31, 2023, an email was sent to the property owner to confirm the date of August 8, 2023, would work for the hearing and on July 18, 2023, staff mailed and e-mailed a Notice of Hearing **(Attachment 28)** to the property owner advising of this hearing date, time and location.

Consistency with the Oakley Strategic Plan 27+

This matter is consistent with the Oakley Strategic Plan 27+ Community Health and Safety Goal to have safe and healthy neighborhoods.

Fiscal Impact

The essence of Code Enforcement is to preserve the health, safety, and welfare of a community through code compliance. A Notice of Violation is provided to a property owner when there is a code violation to allow the property owner opportunity to remedy the violation. When there is no code compliance and the violation remains after receiving notice and being provided time to remedy the violation, citations are then utilized. Here, notices were issued, time was provided to remedy violations, and citations were eventually issued. Appellant has had, in total, more than two years to remedy the violations, of which staff time has been dedicated. The fines cited are before the Council for consideration, acknowledging that no permits have been issued for repair or demolition; therefore, violations remain on the property. The

Administrative Hearing Officer's Decision addressed fines in the amount of $5,330; however, total outstanding fines are in the amount of $8,520 **(Attachment 29)**.

Staff Recommendation

Staff recommends that the City Council review the written record and any oral argument (at its discretion), affirm or deny the Administrative Hearing Officer's Decision, and announce its decision, or if the matter is continued, announce the decision at the meeting to which it is continued.

Attachments

1. Notice of Violation 3/2/2021
2. Notice of Violation 5/14/2021
3. Notice of Violation 6/1/2021
4. Administrative Citation, AC-21-000210, 6/1/2021 (canceled)
5. Notice of Violation 8/2/2021
6. Red Tag 8/3/2021
7. Notice of Violation 9/7/2021
8. Notice of Violation 11/1/2021
9. Administrative Citation, AC-21-000534, 12/1/2021
10. Notice of Violation 12/1/2021
11. Courtesy Notice 12/1/2021
12. Notice of Violation 12/15/2021
13. Administrative Citation, AC-22-000179, 5/12/2022
14. Notice of Violation 5/12/202
15. Administrative Citation, AC-22-000216, 7/19/2022 (canceled)
16. Notice of Violation 7/19/2022
17. Letter from EVH to Property Owner 7/19/2022
18. Red Tag 7/20/2022
19. Notice of Violation 7/20/2022
20. Administrative Citation, AC-23-000004, 1/12/2023
21. Administrative Citation, AC-23-000006, 1/12/2023
22. Notice of Violation 1/12/2023
23. Request for Appeal of Administrative Citation 1/30/2023
24. Notice of Hearing 3/9/2023
25. Notice of Rescheduled Hearing 3/28/2023
26. Administrative Hearing Officer's Decision 4/13/23
27. Appeal of Administrative Hearing Officer's Decision 5/11/2023
28. Notice of Hearing 7/18/2023
29. 20 W Bolton Citations (summary of citations)

OAKLEY
CALIFORNIA

Attachment 1

NOTICE OF VIOLATION

ELOWSKY PAMELA J
20 W BOLTON RD
OAKLEY, CA 94561-2728

Property Address: 20 W BOLTON RD
Parcel Number: 034-241-013
Case Number: CE-21-0157

To ELOWSKY PAMELA J,

Date: March 2, 2021

An inspection was conducted on and the property listed above has been found to be in violation of the City of Oakley's Municipal Code. The violation(s) below require immediate action by the property owner/resident.

VIOLATION AND ACTION REQUIRED

OMC § California Building Code 105.1 - Failure to Obtain a Building Permit Prior to Construction states:

Any owner or authorized agent who intends to construct, enlarge, alter, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Please contact the Building Department by calling 925-625-7005 to **apply for and obtain** a Building/Demo permit by the due date or administrative citations (starting at $130) will be issued. Please note that double fees may apply.

This is in reference to the structure being built. Please see photo. Thank you.

• Compliance Date: March 22, 2021

OMC § - Other states:

9.1.404

b. Permitted Uses.

12) Small farming, including the raising of fowl (i.e., chickens, ducks, geese, turkeys, or pheasants raised primarily for home consumption) and small animals (i.e., rabbits), shall be allowed only under the following conditions, and may require additional conditions as deemed appropriate by the Planning Commission:

a) Small farming activities shall be permitted only in the R-20 and R-40 residential districts;

This is in reference to the livestock on the property. Thank you.

• Compliance Date: March 12, 2021

FAILURE TO CORRECT

Failure to correct the violation(s) by the compliance date(s) above may result in re-inspection fees for actual costs incurred. These costs are separate from citations and may be placed as a special assessment on the property tax rolls if not reimbursed. The City may also issue Administrative Citations, which range from a $100 to $500 fine per violation for every day the violation(s) remain and/or take other actions to compel compliance. The property owner is responsible for all costs associated with the abatement of this nuisance including inspection fees, hearing costs, and any costs incurred by the City if forced to abate this nuisance.

Thank you in advance for your prompt attention to resolving this matter.

Contact

You may contact Code Enforcement via email at: code-enforcement@ci.oakley.ca.us or by calling (925) 625-7031. To better assist you, please reference the Case No. and/or Property Address and provide a brief explanation of your question (ie. Request for Extension, Clarification of Violation).

CITY OF OAKLEY CODE ENFORCEMENT - 3231 MAIN STREET, OAKLEY, CA 94561

Photo Attachments



IMG_1462.JPG

OAKLEY
CALIFORNIA

NOTICE OF VIOLATION

ELOWSKY PAMELA J
20 W BOLTON RD
OAKLEY, CA 94561-2728

Property Address: 20 W BOLTON RD
Parcel Number: 034-241-013
Case Number: CE-21-0157

To ELOWSKY PAMELA J,

Date: May 14, 2021

An inspection was conducted on March 16, 2021 and the property listed above has been found to be in violation of the City of Oakley's Municipal Code. The violation(s) below require immediate action by the property owner/resident.

VIOLATION AND ACTION REQUIRED

OMC § California Building Code 105.1 - Failure to Obtain a Building Permit Prior to Construction states:

Any owner or authorized agent who intends to construct, enlarge, alter, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

FINAL NOTICE

Please contact the Building Department by calling 925-625-7005 to **apply for and obtain** a Building/Demo permit by the due date or administrative citations (starting at $130) will be issued. Please note that double fees may apply.

PLEASE CORRECT THE VIOLATION OR ADMINISTRATIVE CITATIONS WILL FOLLOW STARTING AT $130.00 AND UP TO $1,300.00 PER VIOLATION. Please do not hesitate to contact us if you have any questions. Thank you.

• **Compliance Date: June 3, 2021**

OMC § - Other states:

FINAL NOTICE

9.1.404

b. Permitted Uses.

12) Small farming, including the raising of fowl (i.e., chickens, ducks, geese, turkeys, or pheasants raised primarily for home consumption) and small animals (i.e., rabbits), shall be allowed only under the following conditions, and may require additional conditions as deemed appropriate by the Planning Commission:

a) Small farming activities shall be permitted only in the R-20 and R-40 residential districts;

PLEASE REMOVE GOAT FROM THE PROPERTY. Thank you.

PLEASE CORRECT THE VIOLATION OR ADMINISTRATIVE CITATIONS WILL FOLLOW STARTING AT $100.00 AND UP TO $500.00 PER VIOLATION. Please do not hesitate to contact us if you have any questions. Thank you.

• Compliance Date: May 24, 2021

Failure to Correct

Failure to correct the violation(s) by the compliance date(s) above may result in re-inspection fees for actual costs incurred. These costs are separate from citations and may be placed as a special assessment on the property tax rolls if not reimbursed. The City may also issue Administrative Citations, which range from a $100 to $500 fine per violation for every day the violation(s) remain and/or take other actions to compel compliance. The property owner is responsible for all costs associated with the abatement of this nuisance including inspection fees, hearing costs, and any costs incurred by the City if forced to abate this nuisance.

Thank you in advance for your prompt attention to resolving this matter.

Contact

You may contact Code Enforcement via email at: code-enforcement@ci.oakley.ca.us or by calling (925) 625-7031. To better assist you, please reference the Case No. and/or Property Address and provide a brief explanation of your question (ie. Request for Extension, Clarification of Violation).

CITY OF OAKLEY CODE ENFORCEMENT - 3231 MAIN STREET, OAKLEY, CA 94561

OAKLEY
CALIFORNIA

NOTICE OF VIOLATION

ELOWSKY PAMELA J
20 W BOLTON RD
OAKLEY, CA 94561-2728

Property Address: 20 W BOLTON RD
Parcel Number: 034-241-013
Case Number: CE-21-0157

To ELOWSKY PAMELA J,

Date: June 1, 2021

An inspection was conducted on March 16, 2021 and the property listed above has been found to be in violation of the City of Oakley's Municipal Code. The violation(s) below require immediate action by the property owner/resident.

VIOLATION AND ACTION REQUIRED

OMC § - Other states:

9.1.404

b. Permitted Uses.

12) Small farming, including the raising of fowl (i.e., chickens, ducks, geese, turkeys, or pheasants raised primarily for home consumption) and small animals (i.e., rabbits), shall be allowed only under the following conditions, and may require additional conditions as deemed appropriate by the Planning Commission:

a) Small farming activities shall be permitted only in the R-20 and R-40 residential districts;

This is in reference to the livestock (goat and pig) on the property. Thank you.

ADMINISTRATIVE CITATION HAS BEEN ISSUED FOR $100.00 AND ANOTHER CITATION OF $200.00 WILL BE ISSUED AFTER THE DUE DATE IF VIOLATION IS NOT CORRECTED. THANK YOU FOR YOUR COOPERATION.

• **Compliance Date: June 11, 2021**

OMC § 9.1.404 - Roosters/Hens states:

Property owner shall not maintain more than 3 Hen Chickens. Roosters are prohibited.

Please Remove all Roosters. Remove any hen chickens in excess of 3 (three).

PLEASE CORRECT THE VIOLATION OR ADMINISTRATIVE CITATIONS WILL FOLLOW STARTING AT $100.00 AND UP TO $500.00 PER VIOLATION. Please do not hesitate to contact us if you have any questions. Thank you.

• **Compliance Date: June 11, 2021**

FAILURE TO CORRECT

Failure to correct the violation(s) by the compliance date(s) above may result in re-inspection fees for actual costs incurred. These costs are separate from citations and may be placed as a special assessment on the property tax rolls if not reimbursed. The City may also issue Administrative Citations, which range from a $100 to $500 fine per violation for every day the violation(s) remain and/or take other actions to compel compliance. The property owner is responsible for all costs associated with the abatement of this nuisance

OAKLEY
CALIFORNIA

ADMINISTRATIVE CITATION

Mailing Date: June 1, 2021
Time of Citation: 10:54 AM
ELOWSKY PAMELA J
20 W BOLTON RD
OAKLEY, CA 94561-2728

Citation No: AC-21-000210
Responsible Party: ELOWSKY PAMELA J
Property Address: 20 W BOLTON RD
Parcel Number: 034-241-013
Case Number: CE-21-0157

To ELOWSKY PAMELA J,

Date: June 1, 2021

A Notice of Violation for the above property was issued on May 14, 2021 granting a time frame to correct the violation. That time frame has now expired and the property is still not in compliance so an Administrative Citation is being issued. **Payment of this Citation does not relieve the burden of correcting the remaining violation(s). This account will be referred to a Third Party Collection Agency upon becoming past due.**

ADMINISTRATIVE CITATION

OMC § - Other states:

The following corrective action was <u>not</u> completed upon re-inspection:
9.1.404

b. Permitted Uses.

12) Small farming, including the raising of fowl (i.e., chickens, ducks, geese, turkeys, or pheasants raised primarily for home consumption) and small animals (i.e., rabbits), shall be allowed only under the following conditions, and may require additional conditions as deemed appropriate by the Planning Commission:

a) Small farming activities shall be permitted only in the R-20 and R-40 residential districts;

This is in reference to the livestock (goat and pig) on the property. Thank you.

ADMINISTRATIVE CITATION HAS BEEN ISSUED FOR $100.00 AND ANOTHER CITATION OF $200.00 WILL BE ISSUED AFTER THE DUE DATE IF VIOLATION IS NOT CORRECTED. THANK YOU FOR YOUR COOPERATION.

CITATION FINE IS NOW DUE AND PAYABLE		
☑ 1st Citation	☐ 2nd Citation	☐ 3rd Citation
$100.00	$200.00	$500.00

Pursuant to Section 1.5.203(d) and 1.5.204 (c) of the Oakley Municipal Code (OMC), each day the violation continues is a separate and distinct offense and subject to additional citations. Fines per each count of the OMC Section violated are as follows: Fines are $100 for the first citation per violation, $200 for the second citation per violation and $500 for any subsequent citation violation. Notwithstanding the above, violations of local building and safety codes are punishable by fines of $500 for a second Citation and $1,000 for subsequent Citations.

RIGHTS OF APPEAL

You have the right to contest this Administrative Citation at a public hearing before an **Administrative**

OAKLEY
CALIFORNIA

Attachment 5

NOTICE OF VIOLATION

ELOWSKY PAMELA J
20 W BOLTON RD
OAKLEY, CA 94561-2728

Property Address: 20 W BOLTON RD
Parcel Number: 034-241-013
Case Number: CE-21-0157

To ELOWSKY PAMELA J,

Date: August 2, 2021

An inspection was conducted on July 13, 2021 and the property listed above has been found to be in violation of the City of Oakley's Municipal Code. The violation(s) below require immediate action by the property owner/resident.

VIOLATION AND ACTION REQUIRED

OMC § California Building Code 105.1 - Failure to Obtain a Building Permit Prior to Construction states:

Any owner or authorized agent who intends to construct, enlarge, alter, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Please contact the Building Department by calling 925-625-7005 to **apply for and obtain** a DEMO permit by the due date or administrative citations (starting at $130) will be issued. Please note that double fees may apply.

This is in reference to the PROPOSED SHED (MOTORCYCLE). Thank you.

PLEASE CORRECT THE VIOLATION OR ADMINISTRATIVE CITATIONS WILL FOLLOW STARTING AT $130.00 AND UP TO $1,300.00 PER VIOLATION. Please do not hesitate to contact us if you have any questions. Thank you.

• **Compliance Date: August 22, 2021**

OMC § California Building Code 105.1 - Failure to Obtain a Building Permit Prior to Construction states:

Any owner or authorized agent who intends to construct, enlarge, alter, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Please contact the Building Department by calling 925-625-7005 to **apply for and obtain** a Building/Demo permit by the due date or administrative citations (starting at $130) will be issued. Please note that double fees may apply.

This is in reference to the "ADDITION" to the main house. Thank you.

• **Compliance Date: August 22, 2021**

OMC § California Building Code 105.1 - Failure to Obtain a Building Permit Prior to Construction states:

Any owner or authorized agent who intends to construct, enlarge, alter, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Please contact the Building Department by calling 925-625-7005 to **apply for and obtain** a Building/Demo permit by the due date or administrative citations (starting at $130) will be issued. Please note that double fees may apply.

This is in reference to the CARGO BOX/SHIPPING CONTAINER. Thank you.

• Compliance Date: August 22, 2021

OMC § - Other states:

IPMC 108.1.3 Structure Unfit for Human Occupancy -- CARGO BOX/SHIPPING CONTAINER IS NOT PERMITTED AS LIVING SPACE.

PLEASE CORRECT THE VIOLATION OR ADMINISTRATIVE CITATIONS WILL FOLLOW STARTING AT $100.00 AND UP TO $500.00 PER VIOLATION. Please do not hesitate to contact us if you have any questions. Thank you.

• Compliance Date: August 22, 2021

OMC § California Building Code 105.1 - Failure to Obtain a Building Permit Prior to Construction states:

Any owner or authorized agent who intends to construct, enlarge, alter, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Please contact the Building Department by calling 925-625-7005 to **apply for and obtain** a Building/Demo permit by the due date or administrative citations (starting at $130) will be issued. Please note that double fees may apply.

This is in reference to the METAL CARPORT WITH ELECTRICAL. Thank you.

• Compliance Date: August 22, 2021

OMC § 9.1.1802 (c) - Minimum Setback/Accessory Structure states:

1) All Residential Lots.

a) Accessory structures shall be located outside of the required front yard and shall not have any portion closer than the main structure to the front property line;

b) Accessory structures that are exempt from a building permit and are no higher than the height of the adjacent fence to which they are to be placed may be located within the required side or rear yard of any lot, up to the property line, only if the accessory structure maintains a minimum clearance of five feet to any other structure, excluding the fence. No accessory structure may be attached to a shared fence;

c) Single structures that are one thousand five hundred (1,500) square feet or less shall maintain a minimum setback of three feet to the side and rear property lines. No portion of an accessory structure, its roof, or any other material that is a part of the accessory structure (i.e., overhang, gutter, support beam, etc.) shall project into the minimum setback;

Please remove or relocate structure in accordance with setback requirements.

This is in reference to the CARGO BOX/SHIPPING CONTAINER. Thank you.

• Compliance Date: August 22, 2021

OMC § 9.1.1110 - Fence Regulations states:

A. Residential Fence Regulations:

1. Standard Lots. In residential zoning districts R-6 to R-15 with a front setback of 15 to 20 feet, open and closed fences and solid forms of landscaping shall be subject to the following limitations:

i.) Between the front property line and the front yard setback line, fences and solid forms of landscaping shall not exceed 3 feet in height;

ii.) Outside the front yard setback but within the front yard, fences and solid forms of landscaping shall not exceed 6 feet in height. Open forms of landscaping, including heavy growths of trees, may exceed 6 feet in height in the front yard;

iii.) From the front yard setback line to the back property line, fences and solid forms of landscaping shall not exceed 7 feet in height. Fences over 6 feet in height shall require a building permit;

iv.) On lots located in a cul-de-sac, from the front yard setback to the front property line, fences and solid forms of landscaping shall not exceed 3 feet in height;

v.) If a fence crosses a driveway located between the front of the residence and the front property line, any gate in the fence for vehicular access shall be located 20 feet from the front property line, regardless of the height of the fence and gate; and

vi.) The addition of decorative entry features to a fence or solid landscaping form shall not result in a total height in excess of 8 feet. Decorative entry features shall not be wider than 4 feet.

Specific information about fencing and setback requirements can be found by contacting the Planning department/planner on duty at (925) 625-7000. Please contact us at Code-Enforcement@Ci.Oakley.CA.US once you determine a corrective action plan as we are willing to work with you.

THIS IS IN REFERENCE TO THE FENCE SURROUNDING THE PROPERTY.

• Compliance Date: August 22, 2021

OMC § California Building Code 105.1 - Failure to Obtain a Building Permit Prior to Construction states:

Any owner or authorized agent who intends to construct, enlarge, alter, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Please contact the Building Department by calling 925-625-7005 to **apply for and obtain** a Building/Demo permit by the due date or administrative citations (starting at $130) will be issued. Please note that double fees may apply.

This is in reference to the MAIN HOUSE ROOF AND FOUNDATION REPAIR. Thank you.

• Compliance Date: August 22, 2021

OMC § 9.1.1120 (c) (ii) - Cease Operating Home-Based Business states:

Home-based business determined to be inappropriate or incompatible with a residential neighborhood.

Please cease any home-based business operations.

This is in reference to the AUTOMOTIVE/MOTORCYLE REPAIR BUSINESS. Thank you.

• Compliance Date: August 22, 2021

FAILURE TO CORRECT

Failure to correct the violation(s) by the compliance date(s) above may result in re-inspection fees for actual costs incurred. These costs are separate from citations and may be placed as a special assessment on the property tax rolls if not reimbursed. The City may also issue Administrative Citations, which range from a $100 to $500 fine per violation for every day the violation(s) remain and/or take other actions to compel compliance. The property owner is responsible for all costs associated with the abatement of this nuisance including inspection fees, hearing costs, and any costs incurred by the City if forced to abate this nuisance.

DO NOT ENTER
UNSAFE TO OCCUPY
(THIS PLACARD IS NOT A DEMOLITION ORDER)

IT IS A MISDEMEANOR TO OCCUPY THIS BUILDING OR TO REMOVE OR DEFACE THIS NOTICE

THIS STRUCTURE HAS BEEN INSPECTED AND FOUND TO BE UNSAFE TO OCCUPY AS DESCRIBED BELOW: INTERNATIONAL PROPERTY MAINTENANCE CODE SECTION: 108.1.3

BY ORDER OF THE CODE ENFORCEMENT OFFICER

- **IPMC 108.1.3: STRUCTURE UNFIT FOR HUMAN OCCUPANCY**

BETH BALDWIN

CITY OF OAKLEY
3231 MAIN ST
OAKLEY, CA 94561

The property owner or owner's authorized agent has the right to appeal this determination.

The City has the right to file a lien on the property for any and all expenses incurred if this Notice is ignored or not complied with in accordance with the International Property Maintenance Code Sec. 106

DO NOT ENTER, EXCEPT AS SPECIFICALLY AUTHORIZED IN WRITING BY JURISDICTION ENTRY MAY RESULT IN INJURY OR DEATH TO OCCUPANTS

NAME: ANY OCCUPANT
ADDRESS: 20 W BOLTON WAY
(CARGO BOX/SHIPPING CONTAINER)

APN: 034-241-013

INSPECTOR: BALDWIN
DATE: AUGUST 3, 2021
TIME: 10:30 AM

INSPECTED BY THE CITY OF OAKLEY

Attachment 6

OAKLEY
CALIFORNIA

NOTICE OF VIOLATION

ELOWSKY PAMELA J
20 W BOLTON RD
OAKLEY, CA 94561-2728

Property Address: 20 W BOLTON RD
Parcel Number: 034-241-013
Case Number: CE-21-0157

To ELOWSKY PAMELA J,

Date: September 7, 2021

An inspection was conducted on September 7, 2021 and the property listed above has been found to be in violation of the City of Oakley's Municipal Code. The violation(s) below require immediate action by the property owner/resident.

VIOLATION AND ACTION REQUIRED

OMC § California Building Code 105.1 - Failure to Obtain a Building Permit Prior to Construction states:

Any owner or authorized agent who intends to construct, enlarge, alter, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

FINAL NOTICE

Please contact the Building Department by calling 925-625-7005 to **apply for and obtain** a DEMO permit by the due date or administrative citations (starting at $130) will be issued. Please note that double fees may apply.

This is in reference to the PROPOSED SHED (MOTORCYCLE). Thank you.

PLEASE CORRECT THE VIOLATION OR ADMINISTRATIVE CITATIONS WILL FOLLOW STARTING AT $130.00 AND UP TO $1,300.00 PER VIOLATION. Please do not hesitate to contact us if you have any questions. Thank you.

• **Compliance Date: September 27, 2021**

OMC § California Building Code 105.1 - Failure to Obtain a Building Permit Prior to Construction states:

Any owner or authorized agent who intends to construct, enlarge, alter, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

FINAL NOTICE

Please contact the Building Department by calling 925-625-7005 to **apply for and obtain** a Building/Demo permit by the due date or administrative citations (starting at $130) will be issued. Please note that double fees may apply.

This is in reference to the "ADDITION" to the main house. Thank you.

• **Compliance Date: September 27, 2021**

OMC § California Building Code 105.1 - Failure to Obtain a Building Permit Prior to Construction states:

Any owner or authorized agent who intends to construct, enlarge, alter, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

FINAL NOTICE

Please contact the Building Department by calling 925-625-7005 to **apply for and obtain** a Building/Demo permit by the due date or administrative citations (starting at $130) will be issued. Please note that double fees may apply.

This is in reference to the CARGO BOX/SHIPPING CONTAINER. Thank you.

• Compliance Date: September 27, 2021

OMC § California Building Code 105.1 - Failure to Obtain a Building Permit Prior to Construction states:

Any owner or authorized agent who intends to construct, enlarge, alter, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

FINAL NOTICE

Please contact the Building Department by calling 925-625-7005 to **apply for and obtain** a Building/Demo permit by the due date or administrative citations (starting at $130) will be issued. Please note that double fees may apply.

This is in reference to the METAL CARPORT WITH ELECTRICAL. Thank you.

• Compliance Date: September 27, 2021

OMC § 9.1.1802 (c) - Minimum Setback/Accessory Structure states:

1) All Residential Lots.

a) Accessory structures shall be located outside of the required front yard and shall not have any portion closer than the main structure to the front property line;

b) Accessory structures that are exempt from a building permit and are no higher than the height of the adjacent fence to which they are to be placed may be located within the required side or rear yard of any lot, up to the property line, only if the accessory structure maintains a minimum clearance of five feet to any other structure, excluding the fence. No accessory structure may be attached to a shared fence;

c) Single structures that are one thousand five hundred (1,500) square feet or less shall maintain a minimum setback of three feet to the side and rear property lines. No portion of an accessory structure, its roof, or any other material that is a part of the accessory structure (i.e., overhang, gutter, support beam, etc.) shall project into the minimum setback;

FINAL NOTICE

Please remove or relocate structure in accordance with setback requirements.

This is in reference to the CARGO BOX/SHIPPING CONTAINER. Thank you.

• Compliance Date: September 27, 2021

OMC § 9.1.1110 - Fence Regulations states:

A. Residential Fence Regulations:

1. Standard Lots. In residential zoning districts R-6 to R-15 with a front setback of 15 to 20 feet, open and closed fences and solid forms of landscaping shall be subject to the following limitations:

i.) Between the front property line and the front yard setback line, fences and solid forms of landscaping shall not exceed 3 feet in height;

ii.) Outside the front yard setback but within the front yard, fences and solid forms of landscaping shall not exceed 6 feet in height. Open forms of landscaping, including heavy growths of trees, may exceed 6 feet in height in the front

yard;

iii.) From the front yard setback line to the back property line, fences and solid forms of landscaping shall not exceed 7 feet in height. Fences over 6 feet in height shall require a building permit;

iv.) On lots located in a cul-de-sac, from the front yard setback to the front property line, fences and solid forms of landscaping shall not exceed 3 feet in height;

v.) If a fence crosses a driveway located between the front of the residence and the front property line, any gate in the fence for vehicular access shall be located 20 feet from the front property line, regardless of the height of the fence and gate; and

vi.) The addition of decorative entry features to a fence or solid landscaping form shall not result in a total height in excess of 8 feet. Decorative entry features shall not be wider than 4 feet.

FINAL NOTICE

Specific information about fencing and setback requirements can be found by contacting the Planning department/planner on duty at (925) 625-7000. Please contact us at Code-Enforcement@Ci.Oakley.CA.US once you determine a corrective action plan as we are willing to work with you.

THIS IS IN REFERENCE TO THE FENCE SURROUNDING THE PROPERTY.

• Compliance Date: September 27, 2021

OMC § California Building Code 105.1 - Failure to Obtain a Building Permit Prior to Construction states:

Any owner or authorized agent who intends to construct, enlarge, alter, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

FINAL NOTICE

Please contact the Building Department by calling 925-625-7005 to apply for and obtain a Building/Demo permit by the due date or administrative citations (starting at $130) will be issued. Please note that double fees may apply.

This is in reference to the MAIN HOUSE ROOF AND FOUNDATION REPAIR. Thank you.

• Compliance Date: September 27, 2021

FAILURE TO CORRECT

Failure to correct the violation(s) by the compliance date(s) above may result in re-inspection fees for actual costs incurred. These costs are separate from citations and may be placed as a special assessment on the property tax rolls if not reimbursed. The City may also issue Administrative Citations, which range from a $100 to $1,000 fine per building code violation for every day the violation(s) remain and/or take other actions to compel compliance. This is the only notice that you will receive prior to citations being issued. The property owner is responsible for all costs associated with the abatement of this nuisance including inspection fees, hearing costs, and any costs incurred by the City if forced to abate this nuisance.

Thank you in advance for your prompt attention to resolving this matter.

CONTACT

You may contact Code Enforcement via email at: code-enforcement@ci.oakley.ca.us or by calling (925) 625-7031. To better assist you, please reference the Case No. and/or Property Address and provide a brief explanation of your question (ie. Request for Extension, Clarification of Violation).

OAKLEY
CALIFORNIA

NOTICE OF VIOLATION

ELOWSKY PAMELA J
20 W BOLTON RD
OAKLEY, CA 94561-2728

Property Address: 20 W BOLTON RD
Parcel Number: 034-241-013
Case Number: CE-21-0157

To ELOWSKY PAMELA J,

Date: November 1, 2021

An inspection was conducted on October 4, 2021 and the property listed above has been found to be in violation of the City of Oakley's Municipal Code. The violation(s) below require immediate action by the property owner/resident.

VIOLATION AND ACTION REQUIRED

OMC § California Building Code 105.1 - Failure to Obtain a Building Permit Prior to Construction states:

Any owner or authorized agent who intends to construct, enlarge, alter, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

FINAL NOTICE

Please contact the Building Department by calling 925-625-7005 to **apply for and obtain** a Building/Demo permit by the due date or administrative citations (starting at $130) will be issued. Please note that double fees may apply.

This is in reference to the PROPOSED SHED (MOTORCYCLE). Thank you.

PLEASE CORRECT THE VIOLATION OR ADMINISTRATIVE CITATIONS WILL FOLLOW STARTING AT $130.00 AND UP TO $1,300.00 PER VIOLATION. Please do not hesitate to contact us if you have any questions. Thank you.

• **Compliance Date: November 21, 2021**

OMC § California Building Code 105.1 - Failure to Obtain a Building Permit Prior to Construction states:

Any owner or authorized agent who intends to construct, enlarge, alter, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

FINAL NOTICE

Please contact the Building Department by calling 925-625-7005 to **apply for and obtain** a Building/Demo permit by the due date or administrative citations (starting at $130) will be issued. Please note that double fees may apply.

This is in reference to the "ADDITION" to the main house. Thank you.

• **Compliance Date: November 21, 2021**

OMC § California Building Code 105.1 - Failure to Obtain a Building Permit Prior to Construction states:

Any owner or authorized agent who intends to construct, enlarge, alter, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

FINAL NOTICE

Please contact the Building Department by calling 925-625-7005 to **apply for and obtain** a Building/Demo permit by the due date or administrative citations (starting at $130) will be issued. Please note that double fees may apply.

This is in reference to the CARGO BOX/SHIPPING CONTAINER. Thank you.

• Compliance Date: November 21, 2021

OMC § California Building Code 105.1 - Failure to Obtain a Building Permit Prior to Construction states:

Any owner or authorized agent who intends to construct, enlarge, alter, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

FINAL NOTICE

Please contact the Building Department by calling 925-625-7005 to **apply for and obtain** a Building/Demo permit by the due date or administrative citations (starting at $130) will be issued. Please note that double fees may apply.

This is in reference to the METAL CARPORT WITH ELECTRICAL. Thank you.

• Compliance Date: November 21, 2021

OMC § 9.1.1802 (c) - Minimum Setback/Accessory Structure states:

1) All Residential Lots.

a) Accessory structures shall be located outside of the required front yard and shall not have any portion closer than the main structure to the front property line;

b) Accessory structures that are exempt from a building permit and are no higher than the height of the adjacent fence to which they are to be placed may be located within the required side or rear yard of any lot, up to the property line, only if the accessory structure maintains a minimum clearance of five feet to any other structure, excluding the fence. No accessory structure may be attached to a shared fence;

c) Single structures that are one thousand five hundred (1,500) square feet or less shall maintain a minimum setback of three feet to the side and rear property lines. No portion of an accessory structure, its roof, or any other material that is a part of the accessory structure (i.e., overhang, gutter, support beam, etc.) shall project into the minimum setback;

FINAL NOTICE

Please remove or relocate structure in accordance with setback requirements.

This is in reference to the CARGO BOX/SHIPPING CONTAINER. Thank you.

• Compliance Date: November 21, 2021

OMC § 9.1.1110 - Fence Regulations states:

A. Residential Fence Regulations:

1. Standard Lots. In residential zoning districts R-6 to R-15 with a front setback of 15 to 20 feet, open and closed fences and solid forms of landscaping shall be subject to the following limitations:

i.) Between the front property line and the front yard setback line, fences and solid forms of landscaping shall not exceed 3 feet in height;

ii.) Outside the front yard setback but within the front yard, fences and solid forms of landscaping shall not exceed 6 feet in height. Open forms of landscaping, including heavy growths of trees, may exceed 6 feet in height in the front

yard;

iii.) From the front yard setback line to the back property line, fences and solid forms of landscaping shall not exceed 7 feet in height. Fences over 6 feet in height shall require a building permit;

iv.) On lots located in a cul-de-sac, from the front yard setback to the front property line, fences and solid forms of landscaping shall not exceed 3 feet in height;

v.) If a fence crosses a driveway located between the front of the residence and the front property line, any gate in the fence for vehicular access shall be located 20 feet from the front property line, regardless of the height of the fence and gate; and

vi.) The addition of decorative entry features to a fence or solid landscaping form shall not result in a total height in excess of 8 feet. Decorative entry features shall not be wider than 4 feet.

FINAL NOTICE

Specific information about fencing and setback requirements can be found by contacting the Planning department/planner on duty at (925) 625-7000. Please contact us at Code-Enforcement@Ci.Oakley.CA.US once you determine a corrective action plan as we are willing to work with you.

THIS IS IN REFERENCE TO THE FENCE SURROUNDING THE PROPERTY

• **Compliance Date: November 21, 2021**

OMC § California Building Code 105.1 - Failure to Obtain a Building Permit Prior to Construction states:

Any owner or authorized agent who intends to construct, enlarge, alter, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

FINAL NOTICE

Please contact the Building Department by calling 925-625-7005 to **apply for and obtain** a Building/Demo permit by the due date or administrative citations (starting at $130) will be issued. Please note that double fees may apply.

This is in reference to the MAIN HOUSE ROOF AND FOUNDATION REPAIR. Thank you.

• **Compliance Date: November 21, 2021**

Failure to Correct

Failure to correct the violation(s) by the compliance date(s) above may result in re-inspection fees for actual costs incurred. These costs are separate from citations and may be placed as a special assessment on the property tax rolls if not reimbursed. The City may also issue Administrative Citations, which range from a $100 to $1,000 fine per building code violation for every day the violation(s) remain and/or take other actions to compel compliance. **This is the only notice that you will receive prior to citations being issued.** The property owner is responsible for all costs associated with the abatement of this nuisance including inspection fees, hearing costs, and any costs incurred by the City if forced to abate this nuisance.

Thank you in advance for your prompt attention to resolving this matter.

Contact

You may contact Code Enforcement via email at: code-enforcement@ci.oakley.ca.us or by calling (925) 625-7031. To better assist you, please reference the Case No. and/or Property Address and provide a brief explanation of your question (ie. Request for Extension, Clarification of Violation).

OAKLEY
CALIFORNIA

ADMINISTRATIVE CITATION

Mailing Date: December 1, 2021
ELOWSKY PAMELA J
20 W BOLTON RD
OAKLEY, CA 94561-2728

Citation No: AC-21-000534
Responsible Party: ELOWSKY PAMELA J
Property Address: 20 W BOLTON RD
Parcel Number: 034-241-013
Case Number: CE-21-0157

To ELOWSKY PAMELA J,

Date: December 1, 2021

A Notice of Violation for the above property was issued on August 2, 2021 granting a time frame to correct the violation. That time frame has now expired and the property is still not in compliance so an Administrative Citation is being issued. **Payment of this Citation does not relieve the burden of correcting the remaining violation(s). This account will be referred to a Third Party Collection Agency upon becoming past due.**

ADMINISTRATIVE CITATION

OMC § California Building Code 105.1 - Failure to Obtain a Building Permit Prior to Construction states:

Any owner or authorized agent who intends to construct, enlarge, alter, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

The following corrective action was not completed upon re-inspection:

*Please contact the Building Department by calling 925-625-7005 to **apply for and obtain** a Building/Demo permit by the due date or administrative citations (starting at $130) will be issued. Please note that double fees may apply.*

This is in reference to the PROPOSED SHED (MOTORCYCLE). Thank you.

ADMINISTRATIVE CITATION HAS BEEN ISSUED FOR $130.00 AND ANOTHER CITATION OF $700.00 WILL BE ISSUED AFTER THE DUE DATE IF VIOLATION IS NOT CORRECTED. THANK YOU FOR YOUR COOPERATION.

CITATION FINE IS NOW DUE AND PAYABLE		
☑ 1st Citation	☐ 2nd Citation	☐ 3rd Citation
$130.00	$700.00	$1,300.00

OMC § California Building Code 105.1 - Failure to Obtain a Building Permit Prior to Construction states:

Any owner or authorized agent who intends to construct, enlarge, alter, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

The following corrective action was not completed upon re-inspection:

*Please contact the Building Department by calling 925-625-7005 to **apply for and obtain** a Building/Demo permit by the due date or administrative citations (starting at $130) will be issued. Please note that double fees may apply.*

This is in reference to the "ADDITION" to the main house. Thank you.

CITATION FINE IS NOW DUE AND PAYABLE		
☑ 1st Citation	☐ 2nd Citation	☐ 3rd Citation
$130.00	$700.00	$1,300.00

OMC § California Building Code 105.1 - Failure to Obtain a Building Permit Prior to Construction states:

Any owner or authorized agent who intends to construct, enlarge, alter, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

The following corrective action was <u>not</u> completed upon re-inspection:

*Please contact the Building Department by calling 925-625-7005 to **apply for and obtain** a Building/Demo permit by the due date or administrative citations (starting at $130) will be issued. Please note that double fees may apply.*

This is in reference to the CARGO BOX/SHIPPING CONTAINER. Thank you.

ADMINISTRATIVE CITATION HAS BEEN ISSUED FOR $130.00 AND ANOTHER CITATION OF $700.00 WILL BE ISSUED AFTER THE DUE DATE IF VIOLATION IS NOT CORRECTED. THANK YOU FOR YOUR COOPERATION.

CITATION FINE IS NOW DUE AND PAYABLE		
☑ 1st Citation	☐ 2nd Citation	☐ 3rd Citation
$130.00	$700.00	$1,300.00

OMC § California Building Code 105.1 - Failure to Obtain a Building Permit Prior to Construction states:

Any owner or authorized agent who intends to construct, enlarge, alter, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

The following corrective action was <u>not</u> completed upon re-inspection:

*Please contact the Building Department by calling 925-625-7005 to **apply for and obtain** a Building/Demo permit by the due date or administrative citations (starting at $130) will be issued. Please note that double fees may apply.*

This is in reference to the METAL CARPORT WITH ELECTRICAL. Thank you.

ADMINISTRATIVE CITATION HAS BEEN ISSUED FOR $130.00 AND ANOTHER CITATION OF $700.00 WILL BE ISSUED AFTER THE DUE DATE IF VIOLATION IS NOT CORRECTED. THANK YOU FOR YOUR COOPERATION.

CITATION FINE IS NOW DUE AND PAYABLE		
☑ 1st Citation	☐ 2nd Citation	☐ 3rd Citation
$130.00	$700.00	$1,300.00

Pursuant to Section 1.5.203(d) and 1.5.204 (c) of the Oakley Municipal Code (OMC), each day the violation continues is a separate and distinct offense and subject to additional citations. Violations of local building and saf

codes are punishable by fines of $130 for the first citation, $700 for the second citation and $1,300 for any subsequent citations.

Rights of Appeal

You have the right to contest this Administrative Citation at a public hearing before an **Administrative Hearing Officer**. To request a hearing, you must pay an advance deposit in the full amount of the fine and submit that amount with the written appeal either by mail to the City Clerk, 3231 Main St, Oakley, CA 94561, or in person to the City Clerk's office at City Hall, **within ten (10) working days from the date of the Administrative Citation.**

A properly filed appeal will result in written notification of the date and time set for your hearing. Failure to appear at your hearing will constitute a failure to exhaust your administrative remedies. Any person who requests an appeal of an administrative citation and is unable to make the advance deposit of the fine required, may file a **Waiver of Fine Deposit Application**. Applications may be obtained from the City Clerk's Office at the above address and must be submitted with the appeal request.

RIGHT TO JUDICIAL REVIEW: Any person aggrieved by a decision of the Administrative Hearing Officer on an Administrative Citation may obtain review of the decision by filing a petition for review with the Superior Court in Contra Costa County in accordance with the timelines and provisions set forth in the California Government Code Section 530693.4

How to Pay

Payment should be made to: City of Oakley 3231 Main St Oakley, CA 94561.

- The total fine amount is **$520.00** and must be paid by mail or in person to the City of Oakley by **December 31, 2021**, which is thirty (30) days from the date of this Citation.
- Payment may be made by personal check, cashier's check or money order, VISA or Master Card.
- Please include the citation number **AC-21-000534** on your check or money order.

If the citation is not paid within thirty (30) days or appealed within 10 days from **December 1, 2021**, you may be subject to the imposition of a twenty-five percent (25%) late payment penalty if the Administrative Fine(s) is not paid by the due date, and interest at the rate of 1.5% per month, compounded monthly, will be added to the fine amount.

Failure to Pay

The City will collect any unpaid Administrative Citation fines or late payment charges by use of all available legal means, including but not limited to those means available for the collection of judgments, special assessment liens on real property and all actions for recovery of money. The city has the authority to collect all costs and attorney fees associated with the filing of such actions.

Contact

You may contact Code Enforcement via email at: code-enforcement@ci.oakley.ca.us or by calling (925) 625-7031. To better assist you, please reference the Case No. and/or Property Address and provide a brief explanation of your question (ie. Request for Extension, Clarification of Violation).

OAKLEY
CALIFORNIA

NOTICE OF VIOLATION

ELOWSKY PAMELA J
20 W BOLTON RD
OAKLEY, CA 94561-2728

Property Address: 20 W BOLTON RD
Parcel Number: 034-241-013
Case Number: CE-21-0157

To ELOWSKY PAMELA J,

Date: December 1, 2021

An inspection was conducted on December 1, 2021 and the property listed above has been found to be in violation of the City of Oakley's Municipal Code. The violation(s) below require immediate action by the property owner/resident.

VIOLATION AND ACTION REQUIRED

OMC § California Building Code 105.1 - Failure to Obtain a Building Permit Prior to Construction states:

Any owner or authorized agent who intends to construct, enlarge, alter, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Please contact the Building Department by calling 925-625-7005 to **apply for and obtain** a Building/Demo permit by the due date or administrative citations (starting at $130) will be issued. Please note that double fees may apply.

This is in reference to the PROPOSED SHED (MOTORCYCLE). Thank you.

ADMINISTRATIVE CITATION HAS BEEN ISSUED FOR $130.00 AND ANOTHER CITATION OF $700.00 WILL BE ISSUED AFTER THE DUE DATE IF VIOLATION IS NOT CORRECTED. THANK YOU FOR YOUR COOPERATION.

• **Compliance Date: December 21, 2021**

OMC § California Building Code 105.1 - Failure to Obtain a Building Permit Prior to Construction states:

Any owner or authorized agent who intends to construct, enlarge, alter, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Please contact the Building Department by calling 925-625-7005 to **apply for and obtain** a Building/Demo permit by the due date or administrative citations (starting at $130) will be issued. Please note that double fees may apply.

This is in reference to the "ADDITION" to the main house. Thank you.

• **Compliance Date: December 21, 2021**

OMC § California Building Code 105.1 - Failure to Obtain a Building Permit Prior to Construction states:

Any owner or authorized agent who intends to construct, enlarge, alter, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, remove, convert or replace any

electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Please contact the Building Department by calling 925-625-7005 to **apply for and obtain** a Building/Demo permit by the due date or administrative citations (starting at $130) will be issued. Please note that double fees may apply.

This is in reference to the CARGO BOX/SHIPPING CONTAINER. Thank you.

ADMINISTRATIVE CITATION HAS BEEN ISSUED FOR $130.00 AND ANOTHER CITATION OF $700.00 WILL BE ISSUED AFTER THE DUE DATE IF VIOLATION IS NOT CORRECTED. THANK YOU FOR YOUR COOPERATION.

• **Compliance Date: December 21, 2021**

OMC § California Building Code 105.1 - Failure to Obtain a Building Permit Prior to Construction states:

Any owner or authorized agent who intends to construct, enlarge, alter, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Please contact the Building Department by calling 925-625-7005 to **apply for and obtain** a Building/Demo permit by the due date or administrative citations (starting at $130) will be issued. Please note that double fees may apply.

This is in reference to the METAL CARPORT WITH ELECTRICAL. Thank you.

ADMINISTRATIVE CITATION HAS BEEN ISSUED FOR $130.00 AND ANOTHER CITATION OF $700.00 WILL BE ISSUED AFTER THE DUE DATE IF VIOLATION IS NOT CORRECTED. THANK YOU FOR YOUR COOPERATION.

• **Compliance Date: December 21, 2021**

Failure to Correct

Failure to correct the violation(s) by the compliance date(s) above may result in re-inspection fees for actual costs incurred. These costs are separate from citations and may be placed as a special assessment on the property tax rolls if not reimbursed. The City may also issue Administrative Citations, which range from a $100 to $1,000 fine per building code violation for every day the violation(s) remain and/or take other actions to compel compliance. **This is the only notice that you will receive prior to citations being issued.** The property owner is responsible for all costs associated with the abatement of this nuisance including inspection fees, hearing costs, and any costs incurred by the City if forced to abate this nuisance.

Thank you in advance for your prompt attention to resolving this matter.

Contact

You may contact Code Enforcement via email at: code-enforcement@ci.oakley.ca.us or by calling (925) 625-7031. To better assist you, please reference the Case No. and/or Property Address and provide a brief explanation of your question (ie. Request for Extension, Clarification of Violation).

OAKLEY
CALIFORNIA

COURTESY NOTICE

ELOWSKY PAMELA J
20 W BOLTON RD
OAKLEY, CA 94561-2728

Property Address: 20 W BOLTON RD
Parcel Number: 034-241-013
Case Number: CE-21-0157

To ELOWSKY PAMELA J,

Date: December 1, 2021

The City has received information that the following condition(s) and/or uses may be present on the above referenced property. **Please note, at this time an inspection has not been conducted.**

POTENTIAL VIOLATION AND ACTION REQUIRED

OMC § 4.29.408 - Living in RV states:
Use of any motor vehicle for living/sleeping quarters in the city except for in a location lawfully operated as a mobile home/trailer park.

Cease living in RV. Disconnect any power, water or sewer connections on the RV. Secure (close) all entrances to include doors and windows.

You will be given until December 11, 2021 to correct the possible prohibited condition and/or uses stated above. After the due date, an inspection will be conducted to verify compliance.

FAILURE TO CORRECT

Failure to correct the violation(s) by the compliance date(s) above may result in re-inspection fees for actual costs incurred. These costs are separate from citations and may be placed as a special assessment on the property tax rolls if not reimbursed. The City may also issue Administrative Citations, which range from a $100 to $500 fine per violation for every day the violation(s) remain and/or take other actions to compel compliance. The property owner is responsible for all costs associated with the abatement of this nuisance including inspection fees, hearing costs, and any costs incurred by the City if forced to abate this nuisance.

Thank you in advance for your prompt attention to resolving this matter.

CONTACT

You may contact Code Enforcement via email at: code-enforcement@ci.oakley.ca.us or by calling (925) 625-7031. To better assist you, please reference the Case No. and/or Property Address and provide a brief explanation of your question.

OAKLEY
CALIFORNIA

NOTICE OF VIOLATION

ELOWSKY PAMELA J
20 W BOLTON RD
OAKLEY, CA 94561-2728

Property Address: 20 W BOLTON RD
Parcel Number: 034-241-013
Case Number: CE-21-0157

To ELOWSKY PAMELA J,

Date: December 15, 2021

An inspection was conducted on December 15, 2021 and the property listed above has been found to be in violation of the City of Oakley's Municipal Code. The violation(s) below require immediate action by the property owner/resident.

VIOLATION AND ACTION REQUIRED

OMC § - Other states:

FINAL NOTICE TO REMOVE LIVESTOCK

9.1.404

b. Permitted Uses.

12) Small farming, including the raising of fowl (i.e., chickens, ducks, geese, turkeys, or pheasants raised primarily for home consumption) and small animals (i.e., rabbits), shall be allowed only under the following conditions, and may require additional conditions as deemed appropriate by the Planning Commission:

a) Small farming activities shall be permitted only in the R-20 and R-40 residential districts;

This is in reference to the livestock (GOAT) on the property. Thank you.

THIS IS A REPEAT VIOLATION. YOU WERE ISSUED A NOTICE OF VIOLATION ON JUNE 1, 2021. IF THIS SAME VIOLATION OCCURS IN THE FUTURE IT WILL BE AN AUTOMATIC CITATION

- **Compliance Date: January 4, 2022**

FAILURE TO CORRECT

Failure to correct the violation(s) by the compliance date(s) above may result in re-inspection fees for actual costs incurred. These costs are separate from citations and may be placed as a special assessment on the property tax rolls if not reimbursed. The City may also issue Administrative Citations, which range from a $100 to $500 fine per violation for every day the violation(s) remain and/or take other actions to compel compliance. The property owner is responsible for all costs associated with the abatement of this nuisance including inspection fees, hearing costs, and any costs incurred by the City if forced to abate this nuisance.

Thank you in advance for your prompt attention to resolving this matter.

CONTACT

You may contact Code Enforcement via email at: code-enforcement@ci.oakley.ca.us or by calling (925) 625-7031. To better assist you, please reference the Case No. and/or Property Address and provide a brief explanation of your question (ie. Request for Extension, Clarification of Violation).

OAKLEY
CALIFORNIA

Attachment 13

ADMINISTRATIVE CITATION

Mailing Date: May 12, 2022
ELOWSKY PAMELA J
20 W BOLTON RD
OAKLEY, CA 94561-2728

Citation No:	AC-22-000179
Responsible Party:	ELOWSKY PAMELA J
Property Address:	20 W BOLTON RD
Parcel Number:	034-241-013
Case Number:	CE-21-0157

To ELOWSKY PAMELA J,

Date: May 12, 2022

A Notice of Violation for the above property was issued on December 15, 2021 granting a time frame to correct the violation. That time frame has now expired and the property is still not in compliance so an Administrative Citation is being issued. **Payment of this Citation does not relieve the burden of correcting the remaining violation(s). This account will be referred to a Third Party Collection Agency upon becoming past due.**

ADMINISTRATIVE CITATION

OMC § California Building Code 105.1 - Failure to Obtain a Building Permit Prior to Construction states:

Any owner or authorized agent who intends to construct, enlarge, alter, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

The following corrective action was <u>not</u> completed upon re-inspection:

*Please contact the Building Department by calling 925-625-7005 to **apply for and obtain** a Building/Demo permit by the due date or administrative citations (starting at $130) will be issued. Please note that double fees may apply.*

This is in reference to the PROPOSED SHED (MOTORCYCLE). Thank you.

ADMINISTRATIVE CITATION HAS BEEN ISSUED FOR $700.00 AND ANOTHER CITATION OF $1,300.00 WILL BE ISSUED AFTER THE DUE DATE IF VIOLATION IS NOT CORRECTED. THANK YOU FOR YOUR COOPERATION.

CITATION FINE IS NOW DUE AND PAYABLE		
☐ 1st Citation	☑ 2nd Citation	☐ 3rd Citation
$130.00	**$700.00**	$1,300.00

OMC § California Building Code 105.1 - Failure to Obtain a Building Permit Prior to Construction states:

Any owner or authorized agent who intends to construct, enlarge, alter, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

The following corrective action was <u>not</u> completed upon re-inspection:

*Please contact the Building Department by calling 925-625-7005 to **apply for and obtain** a Building/Demo permit by the due date or administrative citations (starting at $130) will be issued. Please note that double fees may apply.*

This is in reference to the "ADDITION" to the main house. Thank you.

ADMINISTRATIVE CITATION HAS BEEN ISSUED FOR $700.00 AND ANOTHER CITATION OF $1,300.00 WILL BE ISSUED AFTER THE DUE DATE IF VIOLATION IS NOT CORRECTED. THANK YOU FOR YOUR COOPERATION.

CITATION FINE IS NOW DUE AND PAYABLE		
☐ 1st Citation	☑ **2nd Citation**	☐ 3rd Citation
$130.00	**$700.00**	$1,300.00

OMC § California Building Code 105.1 - Failure to Obtain a Building Permit Prior to Construction states:

Any owner or authorized agent who intends to construct, enlarge, alter, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

The following corrective action was <u>not</u> completed upon re-inspection:

*Please contact the Building Department by calling 925-625-7005 to **apply for and obtain** a Building/Demo permit by the due date or administrative citations (starting at $130) will be issued. Please note that double fees may apply.*

This is in reference to the CARGO BOX/SHIPPING CONTAINER. Thank you.

ADMINISTRATIVE CITATION HAS BEEN ISSUED FOR $700.00 AND ANOTHER CITATION OF $1,300.00 WILL BE ISSUED AFTER THE DUE DATE IF VIOLATION IS NOT CORRECTED. THANK YOU FOR YOUR COOPERATION.

CITATION FINE IS NOW DUE AND PAYABLE		
☐ 1st Citation	☑ **2nd Citation**	☐ 3rd Citation
$130.00	**$700.00**	$1,300.00

OMC § California Building Code 105.1 - Failure to Obtain a Building Permit Prior to Construction states:

Any owner or authorized agent who intends to construct, enlarge, alter, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

The following corrective action was <u>not</u> completed upon re-inspection:

*Please contact the Building Department by calling 925-625-7005 to **apply for and obtain** a Building/Demo permit by the due date or administrative citations (starting at $130) will be issued. Please note that double fees may apply.*

This is in reference to the METAL CARPORT WITH ELECTRICAL. Thank you.

ADMINISTRATIVE CITATION HAS BEEN ISSUED FOR $700.00 AND ANOTHER CITATION OF $1,300.00 WILL BE ISSUED AFTER THE DUE DATE IF VIOLATION IS NOT CORRECTED. THANK YOU FOR YOUR COOPERATION.

CITATION FINE IS NOW DUE AND PAYABLE		
☐ 1st Citation	☑ **2nd Citation**	☐ 3rd Citation
$130.00	**$700.00**	$1,300.00

Pursuant to Section 1.5.203(d) and 1.5.204 (c) of the Oakley Municipal Code (OMC), each day the violation continues is a separate and distinct offense and subject to additional citations. Violations of local building and safety codes are punishable by fines of $130 for the first citation, $700 for the second citation and $1,300 for any subsequent citations.

Rights of Appeal

You have the right to contest this Administrative Citation at a public hearing before an **Administrative Hearing Officer**. To request a hearing, you must pay an advance deposit in the full amount of the fine and submit that amount with the written appeal either by mail to the City Clerk, 3231 Main St, Oakley, CA 94561, or in person to the City Clerk's office at City Hall, **within ten (10) working days from the date of the Administrative Citation.**

A properly filed appeal will result in written notification of the date and time set for your hearing. Failure to appear at your hearing will constitute a failure to exhaust your administrative remedies. Any person who requests an appeal of an administrative citation and is unable to make the advance deposit of the fine required, may file a **Waiver of Fine Deposit Application**. Applications may be obtained from the City Clerk's Office at the above address and must be submitted with the appeal request.

RIGHT TO JUDICIAL REVIEW: Any person aggrieved by a decision of the Administrative Hearing Officer on an Administrative Citation may obtain review of the decision by filing a petition for review with the Superior Court in Contra Costa County in accordance with the timelines and provisions set forth in the California Government Code Section 530693.4

How to Pay

Payment should be made to: City of Oakley 3231 Main St Oakley, CA 94561.

- The total fine amount is **$2,800.00** and must be paid by mail or in person to the City of Oakley by **June 11, 2022,** which is thirty (30) days from the date of this Citation.
- Payment may be made by personal check, cashier's check or money order, VISA or Master Card.
- Please include the citation number **AC-22-000179** on your check or money order.

If the citation is not paid within thirty (30) days or appealed within 10 days from **May 12, 2022**, you may be subject to the imposition of a twenty-five percent (25%) late payment penalty if the Administrative Fine(s) is not paid by the due date, and interest at the rate of 1.5% per month, compounded monthly, will be added to the fine amount.

Failure to Pay

The City will collect any unpaid Administrative Citation fines or late payment charges by use of all available legal means, including but not limited to those means available for the collection of judgments, special assessment liens on real property and all actions for recovery of money. The city has the authority to collect all costs and attorney fees associated with the filing of such actions.

Contact

You may contact Code Enforcement via email at: code-enforcement@ci.oakley.ca.us or by calling (925) 625-7031. To better assist you, please reference the Case No. and/or Property Address and provide a brief explanation of your question (ie. Request for Extension, Clarification of Violation).

OAKLEY
CALIFORNIA

NOTICE OF VIOLATION

ELOWSKY PAMELA J
20 W BOLTON RD
OAKLEY, CA 94561-2728

Property Address: 20 W BOLTON RD
Parcel Number: 034-241-013
Case Number: CE-21-0157

To ELOWSKY PAMELA J,

Date: May 12, 2022

An inspection was conducted on May 12, 2022 and the property listed above has been found to be in violation of the City of Oakley's Municipal Code. The violation(s) below require immediate action by the property owner/resident.

VIOLATION AND ACTION REQUIRED

OMC § California Building Code 105.1 - Failure to Obtain a Building Permit Prior to Construction states:

Any owner or authorized agent who intends to construct, enlarge, alter, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Please contact the Building Department by calling 925-625-7005 to **apply for and obtain** a Building/Demo permit by the due date or administrative citations (starting at $130) will be issued. Please note that double fees may apply.

This is in reference to the PROPOSED SHED (MOTORCYCLE). Thank you.

ADMINISTRATIVE CITATION HAS BEEN ISSUED FOR $700.00 AND ANOTHER CITATION OF $1,300.00 WILL BE ISSUED AFTER THE DUE DATE IF VIOLATION IS NOT CORRECTED. THANK YOU FOR YOUR COOPERATION.

• **Compliance Date: June 1, 2022**

OMC § California Building Code 105.1 - Failure to Obtain a Building Permit Prior to Construction states:

Any owner or authorized agent who intends to construct, enlarge, alter, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Please contact the Building Department by calling 925-625-7005 to **apply for and obtain** a Building/Demo permit by the due date or administrative citations (starting at $130) will be issued. Please note that double fees may apply.

This is in reference to the "ADDITION" to the main house. Thank you.

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• **Compliance Date: June 1, 2022**

OMC § California Building Code 105.1 - Failure to Obtain a Building Permit Prior to Construction states:

Any owner or authorized agent who intends to construct, enlarge, alter, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Please contact the Building Department by calling 925-625-7005 to **apply for and obtain** a Building/Demo permit by the due date or administrative citations (starting at $130) will be issued. Please note that double fees may apply.

This is in reference to the CARGO BOX/SHIPPING CONTAINER. Thank you.

ADMINISTRATIVE CITATION HAS BEEN ISSUED FOR $700.00 AND ANOTHER CITATION OF $1,300.00 WILL BE ISSUED AFTER THE DUE DATE IF VIOLATION IS NOT CORRECTED. THANK YOU FOR YOUR COOPERATION.

• **Compliance Date: June 1, 2022**

OMC § California Building Code 105.1 - Failure to Obtain a Building Permit Prior to Construction states:

Any owner or authorized agent who intends to construct, enlarge, alter, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Please contact the Building Department by calling 925-625-7005 to **apply for and obtain** a Building/Demo permit by the due date or administrative citations (starting at $130) will be issued. Please note that double fees may apply.

This is in reference to the METAL CARPORT WITH ELECTRICAL. Thank you.

ADMINISTRATIVE CITATION HAS BEEN ISSUED FOR $700.00 AND ANOTHER CITATION OF $1,300.00 WILL BE ISSUED AFTER THE DUE DATE IF VIOLATION IS NOT CORRECTED. THANK YOU FOR YOUR COOPERATION.

• **Compliance Date: June 1, 2022**

Failure to Correct

Failure to correct the violation(s) by the compliance date(s) above may result in re-inspection fees for actual costs incurred. These costs are separate from citations and may be placed as a special assessment on the property tax rolls if not reimbursed. The City may also issue Administrative Citations, which range from a $100 to $1,000 fine per building code violation for every day the violation(s) remain and/or take other actions to compel compliance. **This is the only notice that you will receive prior to citations being issued.** The property owner is responsible for all costs associated with the abatement of this nuisance including inspection fees, hearing costs, and any costs incurred by the City if forced to abate this nuisance.

Thank you in advance for your prompt attention to resolving this matter.

Contact

You may contact Code Enforcement via email at: code-enforcement@ci.oakley.ca.us or by calling (925) 625-7031. To better assist you, please reference the Case No. and/or Property Address and provide a brief explanation of your question (ie. Request for Extension, Clarification of Violation).

OAKLEY
CALIFORNIA

ADMINISTRATIVE CITATION

Mailing Date: July 19, 2022
ELOWSKY PAMELA J
20 W BOLTON RD
OAKLEY, CA 94561-2728

Citation No: AC-22-000216
Responsible Party: ELOWSKY PAMELA J
Property Address: 20 W BOLTON RD
Parcel Number: 034-241-013
Case Number: CE-21-0157

To ELOWSKY PAMELA J,

Date: July 19, 2022

A Notice of Violation for the above property was issued on December 15, 2021 granting a time frame to correct the violation. That time frame has now expired and the property is still not in compliance so an Administrative Citation is being issued. **Payment of this Citation does not relieve the burden of correcting the remaining violation(s). This account will be referred to a Third Party Collection Agency upon becoming past due.**

ADMINISTRATIVE CITATION

OMC § 4.29.408 - Living in RV states:
Use of any motor vehicle for living/sleeping quarters in the city except for in a location lawfully operated as a mobile home/trailer park.

The following corrective action was <u>not</u> completed upon re-inspection:
Cease living in RV. Disconnect any power, water or sewer connections on the RV. Secure (close) all entrances to include doors and windows.

ADMINISTRATIVE CITATION HAS BEEN ISSUED FOR $100.00 AND ANOTHER CITATION OF $200.00 WILL BE ISSUED AFTER THE DUE DATE IF VIOLATION IS NOT CORRECTED. THANK YOU FOR YOUR COOPERATION.

CITATION FINE IS NOW DUE AND PAYABLE		
☑ 1st Citation	☐ 2nd Citation	☐ 3rd Citation
$100.00	$200.00	$500.00

Pursuant to Section 1.5.203(d) and 1.5.204 (c) of the Oakley Municipal Code (OMC), each day the violation continues is a separate and distinct offense and subject to additional citations. Fines per each count of the OMC Section violated are as follows: Fines are $100 for the first citation per violation, $200 for the second citation per violation and $500 for any subsequent citation violation. Notwithstanding the above, violations of local building and safety codes are punishable by fines of $500 for a second Citation and $1,000 for subsequent Citations.

RIGHTS OF APPEAL

You have the right to contest this Administrative Citation at a public hearing before an **Administrative Hearing Officer**. To request a hearing, you must pay an advance deposit in the full amount of the fine and submit that amount with the written appeal either by mail to the City Clerk, 3231 Main St, Oakley, CA 94561, or in person to the City Clerk's office at City Hall, **within ten (10) working days from the date of the Administrative Citation**.

A properly filed appeal will result in written notification of the date and time set for your hearing. Failure to appear at your hearing will constitute a failure to exhaust your administrative remedies. Any person who requests an appeal of an administrative citation and is unable to make the advance deposit of the fine required, may file a **Waiver of Fine Deposit Application**. Applications may be obtained from the City Clerk's Office

at the above address and must be submitted with the appeal request.

RIGHT TO JUDICIAL REVIEW: Any person aggrieved by a decision of the Administrative Hearing Officer on an Administrative Citation may obtain review of the decision by filing a petition for review with the Superior Court in Contra Costa County in accordance with the timelines and provisions set forth in the California Government Code Section 530693.4

How to Pay

Payment should be made to: City of Oakley 3231 Main St Oakley, CA 94561.

- The total fine amount is **$100.00** and must be paid by mail or in person to the City of Oakley by **August 18, 2022**, which is thirty (30) days from the date of this Citation.
- Payment may be made by personal check, cashier's check or money order, VISA or Master Card.
- Please include the citation number **AC-22-000216** on your check or money order.

If the citation is not paid within thirty (30) days or appealed within 10 days from **July 19, 2022**, you may be subject to the imposition of a twenty-five percent (25%) late payment penalty if the Administrative Fine(s) is not paid by the due date, and interest at the rate of 1.5% per month, compounded monthly, will be added to the fine amount.

Failure to Pay

The City will collect any unpaid Administrative Citation fines or late payment charges by use of all available legal means, including but not limited to those means available for the collection of judgments, special assessment liens on real property and all actions for recovery of money. The city has the authority to collect all costs and attorney fees associated with the filing of such actions.

Contact

You may contact Code Enforcement via email at: code-enforcement@ci.oakley.ca.us or by calling (925) 625-7031. To better assist you, please reference the Case No. and/or Property Address and provide a brief explanation of your question (ie. Request for Extension, Clarification of Violation).

OAKLEY
CALIFORNIA

NOTICE OF VIOLATION

ELOWSKY PAMELA J
20 W BOLTON RD
OAKLEY, CA 94561-2728

Property Address: 20 W BOLTON RD
Parcel Number: 034-241-013
Case Number: CE-21-0157

To ELOWSKY PAMELA J,

Date: July 19, 2022

An inspection was conducted on July 19, 2022 and the property listed above has been found to be in violation of the City of Oakley's Municipal Code. The violation(s) below require immediate action by the property owner/resident.

VIOLATION AND ACTION REQUIRED

OMC § 4.29.408 - Living in RV states:
Use of any motor vehicle for living/sleeping quarters in the city except for in a location lawfully operated as a mobile home/trailer park.

Cease living in RV. Disconnect any power, water or sewer connections on the RV. Secure (close) all entrances to include doors and windows.

ADMINISTRATIVE CITATION HAS BEEN ISSUED FOR $100.00 AND ANOTHER CITATION OF $200.00 WILL BE ISSUED AFTER THE DUE DATE IF VIOLATION IS NOT CORRECTED. THANK YOU FOR YOUR COOPERATION.

• **Compliance Date: July 29, 2022**

FAILURE TO CORRECT

Failure to correct the violation(s) by the compliance date(s) above may result in re-inspection fees for actual costs incurred. These costs are separate from citations and may be placed as a special assessment on the property tax rolls if not reimbursed. The City may also issue Administrative Citations, which range from a $100 to $500 fine per violation for every day the violation(s) remain and/or take other actions to compel compliance. The property owner is responsible for all costs associated with the abatement of this nuisance including inspection fees, hearing costs, and any costs incurred by the City if forced to abate this nuisance.

Thank you in advance for your prompt attention to resolving this matter.

CONTACT

You may contact Code Enforcement via email at: code-enforcement@ci.oakley.ca.us or by calling (925) 625-7031. To better assist you, please reference the Case No. and/or Property Address and provide a brief explanation of your question (ie. Request for Extension, Clarification of Violation).

ANNA M. ROTH, RN, MS, MPH
HEALTH SERVICES DIRECTOR
RANDALL L. SAWYER
DEPUTY HEALTH DIRECTOR
JOCELYN STORTZ, MS, REHS
ENVIRONMENTAL HEALTH DIRECTOR

CONTRA COSTA
HEALTH SERVICES

CONTRA COSTA
ENVIRONMENTAL HEALTH
2120 Diamond Boulevard, Suite 100
Concord, California 94520
Ph (925) 608-5500
Fax (925) 608-5502
www.cchealth.org/eh/

July 19, 2022

Pamela J. Elowsky
20 W. Bolton Rd
Oakley, CA 94561

RE: Septic Tank Abandonment Permit Number ON0004666
20 W. Bolton Road, Oakley, CA
APN: 034-241-013

Dear Ms. Elowsky:

The above referenced permit was improperly issued final approval on June 3, 2022. That approval is rescinded and the signed final approval invalid. To obtain final approval of the referenced permit you must complete the following:

1. Obtain all required permits and approvals and lawfully connect the structure previously served by the septic system to sanitary sewer; or

2. Obtain all required permits and approvals and lawfully demolish the structure previously served by the septic system.

The expiration date of the referenced permit has been extended to January 1, 2023. A permit may be renewed only once. **Complete one of the above actions by January 1, 2023**. Failure to do so will result in the permit becoming void and a new permit fee must be paid.

If you have any questions, you may contact me at (925) 608-5570 or john.wiggins@cchealth.org.

Sincerely,

John Wiggins, REHS
Supervising Environmental Health Specialist
Land Use Program

DO NOT ENTER
UNSAFE TO OCCUPY
(THIS PLACARD IS NOT A DEMOLITION ORDER)

IT IS A MISDEMEANOR TO OCCUPY THIS BUILDING OR TO REMOVE OR DEFACE THIS NOTICE

THIS STRUCTURE HAS BEEN INSPECTED AND FOUND TO BE UNSAFE TO OCCUPY AS DESCRIBED BELOW: INTERNATIONAL PROPERTY MAINTENANCE CODE SECTION: 108.1.3

• IPMC 108.1.3: STRUCTURE UNFIT FOR HUMAN OCCUPANCY

INADEQUATE WASTE DISPOSAL

BY ORDER OF THE CODE ENFORCEMENT OFFICER

JODY WILLIAMS

CITY OF OAKLEY
3231 MAIN ST
OAKLEY, CA 94561

The property owner or owner's authorized agent has the right to appeal this determination.

The City has the right to file a lien on the property for any and all expenses incurred if this Notice is ignored or not complied with in accordance with the International Property Maintenance Code Sec. 106

DO NOT ENTER, EXCEPT AS SPECIFICALLY AUTHORIZED IN WRITING BY JURISDICTION ENTRY MAY RESULT IN INJURY OR DEATH TO OCCUPANTS

NAME: ANY OCCUPANT
ADDRESS: 209 BOLTON WAY
(MAIN HOUSE)
APN: 034-241-013

INSPECTOR: WILLIAMS
DATE: JULY 20, 2022
TIME: 1:30 PM

INSPECTED BY THE CITY OF OAKLEY

Attachment 18

OAKLEY
CALIFORNIA

Attachment 19

NOTICE OF VIOLATION

ELOWSKY PAMELA J
20 W BOLTON RD
OAKLEY, CA 94561-2728

Property Address: 20 W BOLTON RD
Parcel Number: 034-241-013
Case Number: CE-21-0157

To ELOWSKY PAMELA J,

Date: July 20, 2022

An inspection was conducted on July 20, 2022 and the property listed above has been found to be in violation of the City of Oakley's Municipal Code. The violation(s) below require immediate action by the property owner/resident.

VIOLATION AND ACTION REQUIRED

OMC § - Other states:

IPMC 108.1.3 Structure Unfit for Human Occupancy -- MAIN HOUSE

Due to inadequate waste disposal. Please see the attached.

• **Compliance Date: August 9, 2022**

FAILURE TO CORRECT

Failure to correct the violation(s) by the compliance date(s) above may result in re-inspection fees for actual costs incurred. These costs are separate from citations and may be placed as a special assessment on the property tax rolls if not reimbursed. The City may also issue Administrative Citations, which range from a $100 to $1,000 fine per building code violation for every day the violation(s) remain and/or take other actions to compel compliance. **This is the only notice that you will receive prior to citations being issued.** The property owner is responsible for all costs associated with the abatement of this nuisance including inspection fees, hearing costs, and any costs incurred by the City if forced to abate this nuisance.

Thank you in advance for your prompt attention to resolving this matter.

CONTACT

You may contact Code Enforcement via email at: code-enforcement@ci.oakley.ca.us or by calling (925) 625-7031. To better assist you, please reference the Case No. and/or Property Address and provide a brief explanation of your question (ie. Request for Extension, Clarification of Violation).

CITY OF OAKLEY CODE ENFORCEMENT - 3231 MAIN STREET, OAKLEY, CA 94561

OAKLEY
CALIFORNIA

ADMINISTRATIVE CITATION

Mailing Date: January 12, 2023
ELOWSKY PAMELA J
20 W BOLTON RD
OAKLEY, CA 94561-2728

Citation No:	AC-23-000004
Responsible Party:	ELOWSKY PAMELA J
Property Address:	20 W BOLTON RD
Parcel Number:	034-241-013
Case Number:	CE-21-0157

To ELOWSKY PAMELA J,

Date: January 12, 2023

A Notice of Violation for the above property was issued on July 20, 2022 granting a time frame to correct the violation. That time frame has now expired and the property is still not in compliance so an Administrative Citation is being issued. **Payment of this Citation does not relieve the burden of correcting the remaining violation(s). This account will be referred to a Third Party Collection Agency upon becoming past due.**

ADMINISTRATIVE CITATION

OMC § California Building Code 105.1 - Failure to Obtain a Building Permit Prior to Construction states:

Any owner or authorized agent who intends to construct, enlarge, alter, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

The following corrective action was <u>not</u> completed upon re-inspection:

*Please contact the Building Department by calling 925-625-7005 to **apply for and obtain** a Building/Demo permit by the due date or administrative citations (starting at $130) will be issued. Please note that double fees may apply.*

This is in reference to the PROPOSED SHED (MOTORCYCLE). Thank you.

ADMINISTRATIVE CITATION HAS BEEN ISSUED FOR $1,300.00 AND ANOTHER CITATION OF $1,300.00 WILL BE ISSUED AFTER THE DUE DATE IF VIOLATION IS NOT CORRECTED. THANK YOU FOR YOUR COOPERATION.

CITATION FINE IS NOW DUE AND PAYABLE		
☐ 1st Citation	☐ 2nd Citation	☑ 3rd Citation
$130.00	$700.00	**$1,300.00**

OMC § California Building Code 105.1 - Failure to Obtain a Building Permit Prior to Construction states:

Any owner or authorized agent who intends to construct, enlarge, alter, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

The following corrective action was <u>not</u> completed upon re-inspection:

*Please contact the Building Department by calling 925-625-7005 to **apply for and obtain** a Building/Demo permit by the due date or administrative citations (starting at $130) will be issued. Please note that double fees may apply.*

This is in reference to the "ADDITION" to the main house. Thank you.

ADMINISTRATIVE CITATION HAS BEEN ISSUED FOR $1,300.00 AND ANOTHER CITATION OF $1,300.00 WILL BE ISSUED AFTER THE DUE DATE IF VIOLATION IS NOT CORRECTED. THANK YOU FOR YOUR COOPERATION.

CITATION FINE IS NOW DUE AND PAYABLE		
☐ 1st Citation	☐ 2nd Citation	☑ **3rd Citation**
$130.00	$700.00	**$1,300.00**

OMC § California Building Code 105.1 - Failure to Obtain a Building Permit Prior to Construction states:

Any owner or authorized agent who intends to construct, enlarge, alter, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

The following corrective action was <u>not</u> completed upon re-inspection:

*Please contact the Building Department by calling 925-625-7005 to **apply for and obtain** a Building/Demo permit by the due date or administrative citations (starting at $130) will be issued. Please note that double fees may apply.*

This is in reference to the CARGO BOX/SHIPPING CONTAINER. Thank you.

ADMINISTRATIVE CITATION HAS BEEN ISSUED FOR $1,300.00 AND ANOTHER CITATION OF $1,300.00 WILL BE ISSUED AFTER THE DUE DATE IF VIOLATION IS NOT CORRECTED. THANK YOU FOR YOUR COOPERATION.

CITATION FINE IS NOW DUE AND PAYABLE		
☐ 1st Citation	☐ 2nd Citation	☑ **3rd Citation**
$130.00	$700.00	**$1,300.00**

OMC § California Building Code 105.1 - Failure to Obtain a Building Permit Prior to Construction states:

Any owner or authorized agent who intends to construct, enlarge, alter, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

The following corrective action was <u>not</u> completed upon re-inspection:

*Please contact the Building Department by calling 925-625-7005 to **apply for and obtain** a Building/Demo permit by the due date or administrative citations (starting at $130) will be issued. Please note that double fees may apply.*

This is in reference to the METAL CARPORT WITH ELECTRICAL. Thank you.

ADMINISTRATIVE CITATION HAS BEEN ISSUED FOR $1,300.00 AND ANOTHER CITATION OF $1,300.00 WILL BE ISSUED AFTER THE DUE DATE IF VIOLATION IS NOT CORRECTED. THANK YOU FOR YOUR COOPERATION.

CITATION FINE IS NOW DUE AND PAYABLE		
☐ 1st Citation	☐ 2nd Citation	☑ **3rd Citation**
$130.00	$700.00	**$1,300.00**

Pursuant to Section 1.5.203(d) and 1.5.204 (c) of the Oakley Municipal Code (OMC), each day the violation continues is a separate and distinct offense and subject to additional citations. Violations of local building and safety codes are punishable by fines of $130 for the first citation, $700 for the second citation and $1,300 for any subsequent citations.

Rights of Appeal

You have the right to contest this Administrative Citation at a public hearing before an **Administrative Hearing Officer**. To request a hearing, you must pay an advance deposit in the full amount of the fine and submit that amount with the written appeal either by mail to the City Clerk, 3231 Main St, Oakley, CA 94561, or in person to the City Clerk's office at City Hall, **within ten (10) working days from the date of the Administrative Citation.**

A properly filed appeal will result in written notification of the date and time set for your hearing. Failure to appear at your hearing will constitute a failure to exhaust your administrative remedies. Any person who requests an appeal of an administrative citation and is unable to make the advance deposit of the fine required, may file a **Waiver of Fine Deposit Application**. Applications may be obtained from the City Clerk's Office at the above address and must be submitted with the appeal request.

RIGHT TO JUDICIAL REVIEW: Any person aggrieved by a decision of the Administrative Hearing Officer on an Administrative Citation may obtain review of the decision by filing a petition for review with the Superior Court in Contra Costa County in accordance with the timelines and provisions set forth in the California Government Code Section 530693.4

How to Pay

Payment should be made to: City of Oakley 3231 Main St Oakley, CA 94561.

- The total fine amount is **$5,200.00** and must be paid by mail or in person to the City of Oakley by **February 11, 2023**, which is thirty (30) days from the date of this Citation.
- Payment may be made by personal check, cashier's check or money order, VISA or Master Card.
- Please include the citation number **AC-23-000004** on your check or money order.

If the citation is not paid within thirty (30) days or appealed within 10 days from **January 12, 2023**, you may be subject to the imposition of a twenty-five percent (25%) late payment penalty if the Administrative Fine(s) is not paid by the due date, and interest at the rate of 1.5% per month, compounded monthly, will be added to the fine amount.

Failure to Pay

The City will collect any unpaid Administrative Citation fines or late payment charges by use of all available legal means, including but not limited to those means available for the collection of judgments, special assessment liens on real property and all actions for recovery of money. The city has the authority to collect all costs and attorney fees associated with the filing of such actions.

Contact

You may contact Code Enforcement via email at: code-enforcement@ci.oakley.ca.us or by calling (925) 625-7031. To better assist you, please reference the Case No. and/or Property Address and provide a brief explanation of your question (ie. Request for Extension, Clarification of Violation).

OAKLEY
CALIFORNIA

ADMINISTRATIVE CITATION

Mailing Date: January 12, 2023
ELOWSKY PAMELA J
20 W BOLTON RD
OAKLEY, CA 94561-2728

Citation No:	AC-23-000006
Responsible Party:	ELOWSKY PAMELA J
Property Address:	20 W BOLTON RD
Parcel Number:	034-241-013
Case Number:	CE-21-0157

To ELOWSKY PAMELA J,

Date: January 12, 2023

A Notice of Violation for the above property was issued on July 20, 2022 granting a time frame to correct the violation. That time frame has now expired and the property is still not in compliance so an Administrative Citation is being issued. **Payment of this Citation does not relieve the burden of correcting the remaining violation(s). This account will be referred to a Third Party Collection Agency upon becoming past due.**

ADMINISTRATIVE CITATION

OMC § California Building Code 105.1 - Failure to Obtain a Building Permit Prior to Construction states:

Any owner or authorized agent who intends to construct, enlarge, alter, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

The following corrective action was <u>not</u> completed upon re-inspection:

*Please contact the Building Department by calling 925-625-7005 to **apply for and obtain** a Building/Demo permit by the due date or administrative citations (starting at $130) will be issued. Please note that double fees may apply.*

This is in reference to the MAIN HOUSE ROOF AND FOUNDATION REPAIR. Thank you.

ADMINISTRATIVE CITATION HAS BEEN ISSUED FOR $130.00 AND ANOTHER CITATION OF $700.00 WILL BE ISSUED AFTER THE DUE DATE IF VIOLATION IS NOT CORRECTED. THANK YOU FOR YOUR COOPERATION.

CITATION FINE IS NOW DUE AND PAYABLE		
☑ **1st Citation**	☐ 2nd Citation	☐ 3rd Citation
$130.00	$700.00	$1,300.00

Pursuant to Section 1.5.203(d) and 1.5.204 (c) of the Oakley Municipal Code (OMC), each day the violation continues is a separate and distinct offense and subject to additional citations. Violations of local building and safety codes are punishable by fines of $130 for the first citation, $700 for the second citation and $1,300 for any subsequent citations.

RIGHTS OF APPEAL

You have the right to contest this Administrative Citation at a public hearing before an **Administrative Hearing Officer**. To request a hearing, you must pay an advance deposit in the full amount of the fine and submit that amount with the written appeal either by mail to the City Clerk, 3231 Main St, Oakley, CA 94561, or in person to the City Clerk's office at City Hall, **within ten (10) working days from the date of the**

Administrative Citation.

A properly filed appeal will result in written notification of the date and time set for your hearing. Failure to appear at your hearing will constitute a failure to exhaust your administrative remedies. Any person who requests an appeal of an administrative citation and is unable to make the advance deposit of the fine required, may file a **Waiver of Fine Deposit Application**. Applications may be obtained from the City Clerk's Office at the above address and must be submitted with the appeal request.

RIGHT TO JUDICIAL REVIEW: Any person aggrieved by a decision of the Administrative Hearing Officer on an Administrative Citation may obtain review of the decision by filing a petition for review with the Superior Court in Contra Costa County in accordance with the timelines and provisions set forth in the California Government Code Section 530693.4

How to Pay

Payment should be made to: City of Oakley 3231 Main St Oakley, CA 94561.

- The total fine amount is **$130.00** and must be paid by mail or in person to the City of Oakley by **February 11, 2023**, which is thirty (30) days from the date of this Citation.
- Payment may be made by personal check, cashier's check or money order, VISA or Master Card.
- Please include the citation number **AC-23-000006** on your check or money order.

If the citation is not paid within thirty (30) days or appealed within 10 days from **January 12, 2023**, you may be subject to the imposition of a twenty-five percent (25%) late payment penalty if the Administrative Fine(s) is not paid by the due date, and interest at the rate of 1.5% per month, compounded monthly, will be added to the fine amount.

Failure to Pay

The City will collect any unpaid Administrative Citation fines or late payment charges by use of all available legal means, including but not limited to those means available for the collection of judgments, special assessment liens on real property and all actions for recovery of money. The city has the authority to collect all costs and attorney fees associated with the filing of such actions.

Contact

You may contact Code Enforcement via email at: code-enforcement@ci.oakley.ca.us or by calling (925) 625-7031. To better assist you, please reference the Case No. and/or Property Address and provide a brief explanation of your question (ie. Request for Extension, Clarification of Violation).

OAKLEY
CALIFORNIA

Attachment 22

NOTICE OF VIOLATION

ELOWSKY PAMELA J
20 W BOLTON RD
OAKLEY, CA 94561-2728

Property Address: 20 W BOLTON RD
Parcel Number: 034-241-013
Case Number: CE-21-0157

To ELOWSKY PAMELA J,

Date: January 12, 2023

An inspection was conducted on January 12, 2023 and the property listed above has been found to be in violation of the City of Oakley's Municipal Code. The violation(s) below require immediate action by the property owner/resident.

VIOLATION AND ACTION REQUIRED

OMC § California Building Code 105.1 - Failure to Obtain a Building Permit Prior to Construction states:

Any owner or authorized agent who intends to construct, enlarge, alter, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Please contact the Building Department by calling 925-625-7005 to **apply for and obtain** a Building/Demo permit by the due date or administrative citations (starting at $130) will be issued. Please note that double fees may apply.

This is in reference to the PROPOSED SHED (MOTORCYCLE). Thank you.

ADMINISTRATIVE CITATION HAS BEEN ISSUED FOR $1,300.00 AND ANOTHER CITATION OF $1,300.00 WILL BE ISSUED AFTER THE DUE DATE IF VIOLATION IS NOT CORRECTED. THANK YOU FOR YOUR COOPERATION.

• **Compliance Date: February 1, 2023**

OMC § California Building Code 105.1 - Failure to Obtain a Building Permit Prior to Construction states:

Any owner or authorized agent who intends to construct, enlarge, alter, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Please contact the Building Department by calling 925-625-7005 to **apply for and obtain** a Building/Demo permit by the due date or administrative citations (starting at $130) will be issued. Please note that double fees may apply.

This is in reference to the "ADDITION" to the main house. Thank you.

ADMINISTRATIVE CITATION HAS BEEN ISSUED FOR $1,300.00 AND ANOTHER CITATION OF $1,300.00 WILL BE ISSUED AFTER THE DUE DATE IF VIOLATION IS NOT CORRECTED. THANK YOU FOR YOUR COOPERATION.

• **Compliance Date: February 1, 2023**

OMC § California Building Code 105.1 - Failure to Obtain a Building Permit Prior to Construction states:

Any owner or authorized agent who intends to construct, enlarge, alter, move, demolish, or change the

occupancy of a building or structure, or to erect, install, enlarge, alter, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Please contact the Building Department by calling 925-625-7005 to **apply for and obtain** a Building/Demo permit by the due date or administrative citations (starting at $130) will be issued. Please note that double fees may apply.

This is in reference to the CARGO BOX/SHIPPING CONTAINER. Thank you.

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• Compliance Date: February 1, 2023

OMC § California Building Code 105.1 - Failure to Obtain a Building Permit Prior to Construction states:

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Please contact the Building Department by calling 925-625-7005 to **apply for and obtain** a Building/Demo permit by the due date or administrative citations (starting at $130) will be issued. Please note that double fees may apply.

This is in reference to the METAL CARPORT WITH ELECTRICAL. Thank you.

ADMINISTRATIVE CITATION HAS BEEN ISSUED FOR $1,300.00 AND ANOTHER CITATION OF $1,300.00 WILL BE ISSUED AFTER THE DUE DATE IF VIOLATION IS NOT CORRECTED. THANK YOU FOR YOUR COOPERATION.

• Compliance Date: February 1, 2023

OMC § California Building Code 105.1 - Failure to Obtain a Building Permit Prior to Construction states:

Any owner or authorized agent who intends to construct, enlarge, alter, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Please contact the Building Department by calling 925-625-7005 to **apply for and obtain** a Building/Demo permit by the due date or administrative citations (starting at $130) will be issued. Please note that double fees may apply.

This is in reference to the MAIN HOUSE ROOF AND FOUNDATION REPAIR. Thank you.

ADMINISTRATIVE CITATION HAS BEEN ISSUED FOR $130.00 AND ANOTHER CITATION OF $700.00 WILL BE ISSUED AFTER THE DUE DATE IF VIOLATION IS NOT CORRECTED. THANK YOU FOR YOUR COOPERATION.

• Compliance Date: February 1, 2023

Failure to Correct

Failure to correct the violation(s) by the compliance date(s) above may result in re-inspection fees for actual costs incurred. These costs are separate from citations and may be placed as a special assessment on the property tax rolls if not reimbursed. The City may also issue Administrative Citations, which range from a $100 to $1,000 fine per building code violation for every day the violation(s) remain and/or take other actions to compel compliance. **This is the only notice that you will receive prior to citations being issued.** The

property owner is responsible for all costs associated with the abatement of this nuisance including inspection fees, hearing costs, and any costs incurred by the City if forced to abate this nuisance.

Thank you in advance for your prompt attention to resolving this matter.

CONTACT

You may contact Code Enforcement via email at: code-enforcement@ci.oakley.ca.us or by calling (925) 625-7031. To better assist you, please reference the Case No. and/or Property Address and provide a brief explanation of your question (ie. Request for Extension, Clarification of Violation).

CITY OF OAKLEY CODE ENFORCEMENT - 3231 MAIN STREET, OAKLEY, CA 94561

OAKLEY
CALIFORNIA

(received stamp below)
RECEIVED
JAN 30 2023
Code Enforcement Division
City of Oakley

REQUEST FOR APPEAL OF ADMINISTRATIVE CITATION

Return this form to: City of Oakley
Office of the City Clerk
3231 Main Street
Oakley, CA 94561

Appellant/Citee Information

Appellant/Citee Name(s): Pamela Massari Elowsky

Mailing Address: 20 West Bolton Road

City: Oakley State: Ca Zip Code: 94561

Phone: [redacted] Fax: ( ) -

E-mail: [redacted]

Citation Information

Citation Number: AC-23-000004 Date of Citation: Jan 12, 2023

Amount of Citation: $ 500.-

I request an appeal of administrative citation for the following reason (check at least one box):

- ☐ I deny that a violation has occurred.
- ☐ I deny that the citation was not corrected within the correction period.
- ☐ I deny that I am a responsible person (as set forth in Title 1, Article 2, Chapter 5, Section 1.5.202.i. of the Oakley Municipal Code) for the violation.

Please explain the basis for your appeal. You may attach as many additional sheets as necessary.

I was denied permit (some) for addition. Have been financially unstable as of June 2022 due to injury and was told by Judy Williams Code enforcement would work with me up until my home was Red Tagged for Septic replacement, which is my #1 concern now. I'm unable to financially complete all violations in such short time frame after the septic is in (Nov).

I hereby request a hearing before a Hearing Officer on this citation:

Signature: [redacted] Date: Jan 30, 2023

(FOR CITY OF OAKLEY USE ONLY)

Received by: _____

Received via: ☐ Mail ☐ Person ☐ Other _____

Cashier Reference
Receipt Acct. #:
Admin. Citation Acct. #:

Payment: ☐ Advance Deposit ☐ Hardship Waiver

Routing: ☐ Code Enforcement ☐ City Attorney ☐ City Clerk ☐ Finance

CITY COUNCIL
Aaron Meadows, Mayor
Anissa Williams, Vice Mayor
George Fuller
Shannon Shaw
Hugh Henderson

OAKLEY
CALIFORNIA

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

March 9, 2023

Elowsky, Pamela J
20 W Bolton Rd.
Oakley, CA 94561-2728

NOTICE OF HEARING

Re: Administrative Citations # AC-23-00004 & AC-23-00006

Property location: 20 W Bolton Rd.

Appellant/Citee: Elowsky, Pamela J

The City of Oakley is in receipt of your request for appeal of administrative citation received on January 30, 2023. You are hereby notified that a hearing will be held before William R. Galstan, Esq., an administrative hearing officer, at City Hall in the Administrative Services building located at 3231 Main Street, Oakley, CA 94561 on **March 28, 2023 at 10:00 a.m.**

At the hearing, you will be given the opportunity to testify and to present evidence relevant to the code violation specified in the administrative citation or to financial hardship. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you.

Please read the attachment regarding Hearing Procedures.

Failure to appear without contacting the undersigned at least 1 hour prior to the scheduled hearing time will result in forfeiture of your appeal and all paid fine amount.

If you have any questions, please contact me at (925) 625-7048 or snodgrass@ci.oakley.ca.us

Kim Snodgrass, Deputy City Clerk
City of Oakley

CITY COUNCIL
Aaron Meadows, Mayor
Anissa Williams, Vice Mayor
George Fuller
Shannon Shaw
Hugh Henderson

OAKLEY
CALIFORNIA

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

March 28, 2023

Elowsky, Pamela J
20 W Bolton Rd.
Oakley, CA 94561-2728

NOTICE OF RESCHEDULED HEARING

Re: Administrative Citations # AC-23-00004 & AC-23-00006

Property location: 20 W Bolton Rd.

Appellant/Citee: Elowsky, Pamela J

You are hereby notified that your **rescheduled** hearing will be held before William R. Galstan, Esq., an administrative hearing officer, at City Hall in the Administrative Services building located at 3231 Main Street, Oakley, CA 94561 on **April 12, 2023 at 10:00 a.m.**

At the hearing, you will be given the opportunity to testify and to present evidence relevant to the code violation specified in the administrative citation or to financial hardship. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you.

Please read the attachment regarding Hearing Procedures.

Failure to appear without contacting the undersigned at least 1 hour prior to the scheduled hearing time will result in forfeiture of your appeal and all paid fine amount.

If you have any questions, please contact me at (925) 625-7048 or snodgrass@ci.oakley.ca.us

Kim Snodgrass, Deputy City Clerk
City of Oakley

ADMINISTRATIVE CITATION HEARING

Oakley, California

In the matter of	)	
	)	
PAMELA ELOWSKY	)	**DECISION**
	)	
Citation 21-000534	)	
and related citations	)	

Hearing: The hearing was held on April 12, 2023. Officer Williams appeared for city; Appellant Pamela Elowsky and her son Dominick appeared.

Violation: California Building Code Sec. 105.1, failure to obtain building permit prior to construction.

Decision: The citations are AFFIRMED and the appeal is DENIED. The fines totaling $5,330.00 are approved.

Reasons: The Code Enforcement Department has prepared an extensive summary of this lengthy file. I attach the summary to this Decision and adopt it as my own summary of facts. Appellants did not dispute these facts in any relevant degree, as will be further explained below.

The file documents the many occasions on which the City and Appellants discussed ways of resolving the issues, but Appellants' attempts at completion were half-hearted, incomplete or at times nonexistent. They did go through a couple of different plans for obtaining sewer service, applying for septic permits, expanding the house, demolishing the house, etc. At the hearing, Dominick agreed that some of the initial citations were valid but thought the continuing citations and accumulated fines were excessive. He stated that they tried to apply for permits on different occasions but were denied for various reasons. Appellant stated that no one lives in the house at this time, that she might want to build a couple of small dwelling units on the site, or that she might want to demolish and rebuild the existing house.

The development and maintenance of real property is no doubt a complicated matter, and the attempts of lay persons to successfully get through the process may be akin to a layperson trying to file for their own divorce or processing a relative's estate in probate court without a lawyer. There are forms and Internet advice about how to do these things, but almost invariably the layperson will be told by a court clerk or a judge that attempted filings are incomplete, incorrect, or inappropriate, thus leading to frustration.

Added to this lack of technical knowledge, I note that Appellant was allowing a person(s) to reside in a "shipping container"[1] on site. While this conduct is not central to determining the violation, it does show a rather casual interest in learning about zoning and housing laws and the obedience thereto. Appellant's appeal letter emphasizes the lack of funding to proceed with appropriate compliance.

Regarding the fine amount, it does appear that the repeat, unpaid and compounded fees were properly calculated by the City. In any event, Appellants do not complain about the calculation thereof, merely the amount.

On the subject of the fine amount, I noted at the hearing that it is somewhat ironic, in that the $5,330.00 could be otherwise spent on doing work to come into compliance. If at some point the City, in its judgment, wishes to reduce the fine amount as part of a compromise package with a workable compliance agreement, that will be determined by the City.

Finally, I also stated at the hearing that the mere decision on the citations will not solve the issues between the City and the Appellants. Rather, the Appellants need to take a more comprehensive view regarding the property and obtain competent expert advice about going forward. I suggest that a licensed real estate broker could be helpful in determining the value of the property as-is and also under a redevelopment plan of either total razing or with rebuilding, and that a legitimate, licensed general contractor could determine the costs thereof and successfully negotiate the City permit process. Appellant herself in her appeal letter acknowledges the necessity of obtaining financing going forward. The assistance of these types of experts can lead to a successful resolution of these problems that can satisfy both the City and the Appellants.

Deadline for compliance: Appellant shall pay the stated fine within 30 calendar days of the date of this Decision.

Deadline for further appeal: If Appellant desires to appeal this decision to the Oakley City Council, she must file a written appeal with the City Clerk not later than 5:00 p.m. on May 18, 2023.

Dated: April 13, 2023

William R. Galstan

WILLIAM R. GALSTAN
Administrative Hearing Officer

[1] Appellant refers to this as a truck trailer rather than a shipping container, but this seems to be a distinction without merit; it still lacks fenestration, approved heating and toileting facilities, plumbing...in short, everything necessary for human habitation.

March 27, 2023

To: Administrative Hearing Officer

From: Code Enforcement

Subject: ELOWSKY PAMELA J/20 W BOLTON RD, Oakley, CA 94561

OMC § California Building Code 105.1 - Failure to Obtain a Building Permit Prior to Construction

Citation total - $5,330.00

Fee waiver was submitted and approved to secure hearing.

City's Understanding of Basis for Appeal: Owner has stated that she is financially unstable and cannot remedy the violations at the property and is currently working to save money to install a septic system.

City's Position: On 3/2/21 Code Enforcement staff observed a structure being built without a permit while performing an inspection in response to a complaint received for the property. To date, there's been a total of 13 Notice of Violations mailed to the property to gain compliance for the outstanding violations since the case was opened. A site inspection was performed on 7/13/21 with the Code Enforcement staff, the Building Inspector, contactor Julian Aki (occupant of the property) and the property owner's son Dominick. The following unpermitted structures were identified during the inspection: metal carport with electrical, 2 sheds, a sea container that appeared to be lived in (children's toys, bed etc.) a residential addition to the main home and the proposed storage shed. It was also noted that the main structure's foundation and roof was severely deteriorated. The information obtained from our inspection was discussed with the City Attorney along with the Community Development Director at the time, Josh McMurray, and the building and planning departments. On 8/3/21 Code Enforcement met with the property owner Pamela and posted a "Red Tag" for the shipping container. The property owner Pamela confirmed she let a women live in the sea container but asked her to leave after receiving our notice. She also stated that no children were living in the sea container and the toys belonged to her grandchildren that visited the property. While onsite we observed a woman exiting the property with bags of items and taking them to a car parked across the street from the property.

Communications continued between City staff, the property owner, property owner's son Dominick and the contactor Julian. The property owner expressed an interest in removing the existing home and building a new one. A cursory review was performed by our Planning Department of the setback requirements for the new build of the home and an email was sent to the property owner on 10/27/21 with that information. Code Enforcement continued to work with the property owner by providing multiple extensions of time to submit for permits and on 12/01/21 the first round of citations were issued, almost nine months after the discovery of the first unpermitted structure. On 5/31/22, Code Enforcement received a call from the property owner's son Dominick requesting an extension of time. He stated they had a permit with Environmental Health to abandon the septic system from the property and would being installing the connection to sewer with Iron House Sanitary District. An additional extension of time was provided to allow time to connect to sewer. On 7/19/22 it was determined that the property had not obtained a connection permit and was not on public sewer with House Sanitary District nor did it have a functioning septic system for waste disposal. In addition, John Wiggens, Land Use Supervisor with Contra Costa Environmental Health rescinded the final permit for the property and issued a letter confirming the permit was rescinded and provided them until January 1, 2023, to

either obtain all required permits and approvals to connect the structure to sewer or obtain all required permits and approvals and lawfully demolish the structure previously supported by the septic system.

After further discussion with Community Development Director, Brent Smith, and the Building Department it was decided the main home would be "Red Tagged" due to inadequate waste disposal. On 7/20/22 Code Enforcement was provided access to the property by the occupant/contractor Julian Aki to post the red tag to the main structure. During that visit, a porta potty was observed on the property and Julian confirmed it was being used for waste disposal. Discussions continued with the property owner and contractor Julian Aki regarding obtaining demo permit and on 7/28/22 an additional 90-day extension was provided. Emails continued to be exchanged with City staff, and allegations were made by the property owner that she was being harassed and discriminated against. On 10/14/22 Code Enforcement was contacted by an inspector with Contra Costa County Environmental Health who stated they were contacted by the property owner's son Dominick who stated they were no longer planning to connect to sewer and wanted to install a new septic system at the property. He also stated they no longer planned to demo the home. On 1/11/23 Code Enforcement was contacted by John Wiggens, Land Use Supervisor with Contra Costa Environmental Health inquiring about the status of the property. To date, he hadn't received an application from the property owner to replace the septic system. Informed him that we hadn't had any recent contact from the property owner with any updates. On 01/12/23 the final round of administrative citations was issued for failure to obtain a building permit prior to construction.

Attachments:

A. Case History
B. Notice of Violation 03/02/2021
C. Notice of Violation 05/14/21
D. Administrative Citation 06/01/21
E. Notice of Violation 06/01/21
F. Notice of Violation 08/02/21
G. Red Tag 08/03/21
H. Notice of Violation 09/07/21
I. Notice of Violation 11/01/21
J. Administrative Citation 12/01/21
K. Notice of Violation 12/01/21
L. Courtesy Notice 12/01/21
M. Notice of Violation 12/15/21
N. Administrative Citation 05/12/22
O. Notice of Violation 05/12/22
P. Administrative Citation 07/19/22
Q. Notice of Violation 07/19/22
R Letter from EVH to property owner 7/19/22
S. Red Tag 7/20/22
T. Notice of Violation 07/20/22
U. Administrative Citation 01/12/23
V. Administrative Citation 01/12/23
W. Notice of Violation 01/12/23
X. Appeal

Dear ,City Council of oakley ca,

I am writing to appeal the recent decision made by the city council regarding fines and code violations against my property. I strongly contest the total amount of fines imposed and the validity of the code violations cited.

Firstly, I believe that the fines imposed are excessive and unjustified. While I understand the importance of maintaining a safe and healthy environment for all residents, I do not believe that the violations cited warrant such a high penalty. I respectfully request that the fines be reduced to a more reasonable amount.

Furthermore, I contest the validity of the code violations cited against my property. I have taken all necessary steps to ensure that my property is in compliance with all relevant codes and regulations. I have made numerous attempts to rectify any issues that were brought to my attention, and I have cooperated fully with city officials throughout the process.

I believe that the city council's decision was made without proper consideration of all the facts and circumstances surrounding my property. I respectfully request that the council reconsider its decision and take into account all relevant information before making a final determination.

I will bring forward proof we are not guilty of some code violations along with documents that support this.

Thank you for your attention to this matter. I look forward to hearing from you soon.

Sincerely,

Pamela Elowsky Massoni

RECEIVED

MAY 22 2023

Code Enforcement Division
City of Oakley

Libby Vreonis

From: Libby Vreonis
Sent: Tuesday, July 18, 2023 4:19 PM
To: [redacted]
Cc: Brent Smith
Subject: Notice of Hearing-20 W Bolton Road
Attachments: SKM_95823071811480.pdf

Ms. Massoni,

In response to your request for appeal of the Administrative Citation Hearing Decision involving 20 W Bolton Road, attached is the Notice of Hearing. The original is being mailed to you.

Please let us know if you should have any questions.

Thank you,

OAKLEY
CALIFORNIA

Libby Vreonis
City Clerk/Paralegal
925-625-7013 Office
3231 Main Street
Oakley, CA 94561

OAKLEY
CALIFORNIA

Aaron Meadows
Mayor

Anissa Williams
Vice Mayor

Dr. George Fuller
Councilmember

Shannon Shaw
Councilmember

Hugh Henderson
Councilmember

July 18, 2023

ELOWSKY (MASSONI) PAMELA J
20 W BOLTON RD
OAKLEY, CA 94561-2728

NOTICE OF HEARING

Re: Appeal of Administrative Citation Hearing Decision regarding 20 W Bolton Road, Oakley, California (APN 034-241-013); violation of California Building Code Sec. 105.1, failure to obtain building permit prior to construction; Citation 21-000534

Ms. Elowsky (Massoni),

In response to your letter requesting an appeal of the Administrative Citation Hearing Decision, you are hereby notified that the hearing is scheduled **Tuesday, August 8, 2023, beginning at 6:30 p.m. or soon thereafter** before the Oakley City Council during the regular City Council Meeting in the Oakley City Council Chambers located at 3231 Main Street, Oakley, CA 94561.

Please contact the undersigned at (925) 625-7013 or vreonis@ci.oakley.ca.us if you should have any questions or if you should need to reschedule (no later than 5:00 p.m. the day of the hearing). Failure to appear may result in forfeiture of the appeal hearing.

Libby Vreonis, City Clerk
City of Oakley

Cc: Brent Smith, Community Development Director
Joshua McMurray, City Manager

20 W Bolton Citations

Date	Citation No.	Violation	Actual Citation Amount	Amount Appealed
6/1/21	AC-21-000210	Livestock-non-permitted use	$130 (canceled)*	
12/1/21	AC-21-000534	Failure to obtain building permit-proposed shed	$130	
		Failure to obtain building permit-addition to main house	$130	
		Failure to obtain building permit-cargo box/shipping container	$130	
		Failure to obtain building permit-metal carport with electrical	$130	
5/12/22	AC-22-000179	Failure to obtain building permit-proposed shed	$700	
		Failure to obtain building permit-addition to main house	$700	
		Failure to obtain building permit-cargo box/shipping container	$700	
		Failure to obtain building permit-metal carport with electrical	$700	
7/19/22	AC-22-000216	Living in RV	$130 (canceled)**	
1/12/23	AC-23-000004	Failure to obtain building permit-proposed shed	$1300	$1,300
		Failure to obtain building permit-addition to main house	$1300	$1,300
		Failure to obtain building permit-cargo box/shipping container	$1300	$1,300
		Failure to obtain building permit-metal carport with electrical	$1300	$1,300
1/12/23	AC-23-000006	Failure to obtain building permit-main house roof and foundation repair	$130	$130
		Total	$8,520	$5,330

* After receiving the citation, Appellant contacted staff and indicated a goat on the property was re-homed, no pig exists on the property, a rooster is her neighbors, and she agreed to remove 2 of 5 chickens on the property (only 3 are allowed). The citation was canceled.

**An inspector for Environmental Health noted people were living in the RV on the property. Staff issued a citation on 7/19/22. As other violations existed on the property, staff visited the property on 7/20/22 to red tag the main house and found no evidence to suggest people were living inside the RV on the property. The citation was canceled.

OAKLEY
CALIFORNIA

DATE: August 8, 2023
TO: Joshua McMurray, City Manager
FROM: Harumi Murata, Economic Development Analyst
SUBJECT: Review and Adoption of 2023 Economic Development Work Plan

Approved and Forwarded to the City Council

Background and Analysis

In July 2022, the City Council directed Staff to update the Economic Development Work Plan initially drafted in 2016. To aid in this endeavor, we partnered with Chabin Concepts, Inc., and they assisted in the redevelopment of the Work Plan, ensuring it incorporated current economic trends, competitive analyses, and vital insights from stakeholders, alongside learnings from the previous Work Session in March 2023.

This revised comprehensive 2023 Economic Development Work Plan articulates detailed strategies that focus on fostering sustained economic growth and diversification by optimally utilizing community resources. It is positioned toward priming Oakley as a top-tier destination for new business prospects and investments. It also encapsulates our commitment to fostering new business possibilities, refining our marketing approach, and designating particular tasks in line with each objective.

These tasks span a variety of significant endeavors, such as identifying the underdeveloped properties, intensifying our regional economic development initiatives, crafting a strong marketing strategy, boosting existing businesses, and ceaselessly enhancing the City's competitive edge.

This Work Plan also includes a gap analysis, providing a discussion of what a competitive community offers to businesses and how Oakley compares to that ideal. It takes into account Oakley's strengths, identifies readiness gaps that require attention to reinforce the city's economic development competitiveness and outlines strategies for elevating our city's standing. Moreover, it underscores a practical implementation strategy that pinpoints key areas for enhancement to make Oakley a more desirable business community. By delineating short-term, long-term, one-time, and ongoing activities, it offers a clear roadmap for the city to kickstart this journey toward competitiveness.

Staff has reviewed the 2023 Work Plan and finds it comprehensive, forward-thinking, and aligned with the city's economic development goals. It also proposes clear action steps that are measurable and achievable.

The acceptance of this Work Plan is the first step towards implementing these strategies and working towards Oakley’s economic growth and diversification. Upon

acceptance of the Work Plan, staff will coordinate with relevant departments and stakeholders to begin implementation according to the provided launch schedule.

Consistency with the Oakley Strategic Plan 27+

This agenda item aligns with the principles of Strategic and Thoughtful Growth under the Community and Economic Development goals as it proposes to strategically plan and thoughtfully align our residential, commercial, and industrial growth to meet our short- and long-term vision.

Fiscal Impact

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 adopt the City of Oakley 2023 Economic Development Work Plan.

Attachments

1. 2023 Oakley Economic Development Work Plan
2. Draft Resolution

OAKLEY

CALIFORNIA

Economic Development Work Plan 2023-2026

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I. Introduction

The City of Oakley has been working from its 2016-17 Work Plan which outlines goals and priorities for the community's economic development. Following the 2019 COVID pandemic and subsequent economic shifts, city leadership determined it was time to update the work plan. The intent of the updated work plan is to recommend implementation actions that the city should take to achieve and boost long-term economic growth, promote economic diversification, and leverage its assets.

The consulting team of Chabin Concepts, DSG Advisors, and Urban Scenarios visited the City of Oakley to document the city's ability to deliver on the customary site selection factors considered when businesses search for a new location. Findings of this work are detailed in the Gap Analysis section and are the basis of the work plan. The work plan is focused on guiding the city economic development staff to prepare for an demonstrate to corporate decision-makers that the City of Oakley understands and can deliver on the location and workforce needs associated with the industries targeted for business attraction.

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

A. Goals

The economic development work plan adheres to the city's goals as stated in the 2022-2027+ Strategic Plan. The strategies and action items are intended to enhance the city's economic development competitiveness and contribute to reaching the following goals.

1. **Community and Economic Development**: inspire and encourage community and economic development through strategic and thoughtful growth, a business-friendly environment, and local employment opportunities.
2. **Community Health and Safety:** protect the public and prioritize safe streets, healthy neighborhoods, and robust community resources.
3. **Parks and Open Space:** capitalize on the Delta, where residents, businesses, and visitors can recreate and relax.
4. **Community and Collaborative Partnerships**: build strong community and collaborative partnerships to be mutually beneficial and co-create shared goals.
5. **Finance and Fiscal Responsibility:** leverage financial resources for the long-term benefit of residents and businesses while maintaining sufficient reserves to provide stability and ensure a successful future.
6. **Sustainable Organization:** create a vibrant municipal workforce that reflects commitment to an inclusive and equitable community and can meet the mission today while striving for the envisioned future tomorrow.

B. Competitive Analysis

The Chabin Team conducted an analysis of Oakley's community assets to identify economic development opportunities, real estate parcels and industry investment targets. The analysis considered customary site selection factors businesses study when searching for a new location. The matrix below presents a summary of findings which are the basis for the target industry recommendations and a revised work plan. A more detailed discussion of the Competitive Analysis is included in Section III Gap Analysis.

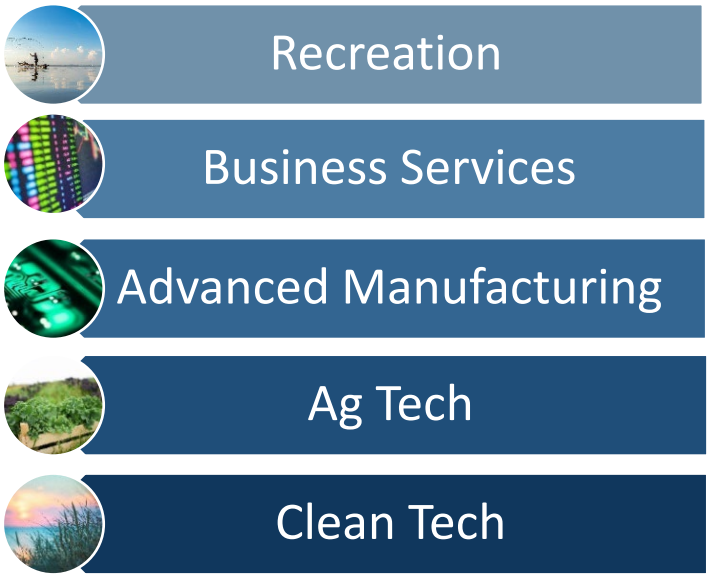
ASSETS	▪ Location on highways, interstates, and access to freight and passenger air and port services ▪ Growing talent pipeline and employers can draw 1.2 million workers in just 30-mile radii ▪ Good workforce training resources in the region ▪ Growth of median household income is on par with county, better than cities in region ▪ Low crime rate and favorable cost of living when compared to county and region ▪ Oakley has miles of waterfront that could support a range of development opportunities ▪ Entrepreneur Center ▪ Efforts are underway to establish a chamber of commerce ▪ Professional and service-oriented economic development staff
CHALLENGES	▪ Limited market-ready sites or buildings for industrial or commercial uses ▪ 95% of working population leave the city for employment ▪ Economy is heavily weighted to service and retail; economic development actions need to focus on diversifying the economy ▪ Educational attainment is lower than other cities in the region, low performance in English and math in the high school ▪ Senior population growing (age 60+) ▪ Planning is underway; a concrete plan for waterfront development must be a priority
OPPORTUNITIES	▪ There is high demand in the region for small to medium sized light industrial sites and buildings. Land zoned industrial in Oakley could accommodate an estimated 700,000 square feet of light industrial building space and several hundred traded-sector jobs ▪ Agreement on industry targets among educators, economic development organizations, and city government would guide stakeholders in moving the city forward ▪ Amtrak station will increase traffic and enhance the sense of importance of downtown ▪ Entrepreneur Center could spur entrepreneurs to invest in downtown development ▪ Waterfront development of recreation will improve the city's quality of life, attract visitors, and generate sales tax revenue ▪ Industrial development of the waterfront will draw business to the community and create local jobs ▪ Regional organizations can help expand the economic development capacity in the city

C. Target Industries

The consulting team weighed community assets against our experience with economic development and corporate investment trends at local, regional, national, and global levels. The target industries listed here are seen by the consulting team as aligning with Oakley's development assets, training initiatives supported by Contra Costa Community College, Contra Costa County's Department of Conservation and Development specified industry targets, and private sector investment trends in the region.

By focusing on the attraction of industries that align with community assets, Oakley can realize several benefits including:

- New job-creating investments in the city of Oakley
- Diversified Oakley economy with higher-paying, traded sector jobs
- Expanded capacity and marketing opportunities with target industries aligned with county and regional economic and workforce development partner organizations
- Increased presence and awareness in the region as a place to expand into a nearby, more-affordable location
- Reduced commute time for much of the Oakley workforce that is currently leaving the city for jobs



The remainder of this section presents a brief description of each target sector and Oakley's value proposition for meeting sector needs.

Target Industry	Recreation—specifically boating, fishing and fishing tournaments
Rationale	• Leverages and makes good economic use of one of the city's greatest asset, the waterfront • Attracting anglers and spectators can help draw attention to the city as place to do business (expanding the reach into other target industries) • Bass fishing is considered a top freshwater sport and California is one of the top three states contributing to the national economic impact • Fishing tournaments attract and engage all age groups and skill levels • If Oakley can keep anglers and spectators in the city for the duration of the tournament (for lodging, dining, supplies, etc.) the economic impact to the city and local businesses could be substantial • Once developed, the planned 55-acre Oakley Regional Park at Seller Avenue (pictured below) may be sufficient to hold small- to medium-sized tournaments but more research would need to be conducted



Figure 1. Oakley Regional Park

Target Industry	Business and Technical Services—includes operations providing back-office support functions, inbound call centers, small data centers, and specialized product fulfillment that support regional, national, and global markets.
Rationale	• The recommended development area and surrounding environment on Oakley's west side is conducive to attractive office park development, offering views of greenery and surrounding terrain • Oakley's location offers easy access to clientele throughout the East Bay • Occupations are a good match for the existing workforce • Sixty-five percent of the workers in the 30-mile labor shed area are in occupations that support this industry sector e.g., business and finance, IT, architecture, engineering, healthcare, sales and related (ESRI labor profile)

Target Industry	Advanced Manufacturing—refers to the use of innovative technology to improve products or processes. Advanced manufacturing industries constantly integrate new technologies into their products and processes.
Rationale	• Occupations are a good match for the existing workforce • Supports existing manufacturing and advanced manufacturing operations in Contra Costa County and the East Bay region • Development of the recommended light industrial district on Oakley's west side is perfectly suited to this type of operation (Figure 7)



Figure 2. Examples of attractive business park settings

Target Industry	Agricultural Technology (AgTech)—encompasses ag-related manufacturing, processing, and services, including horticulture and aquaculture. AgTech companies use technology or provide services to improve yield, efficiency, and profitability e.g., robotics, temp or moisture sensors, aerial imaging.
Rationale	• Development and adoption of new agricultural technology is rapidly evolving, and California and the greater Bay Area is the center of innovation • The changing regulatory environment, higher operating costs, foreign and domestic competition, and shifts in market demands opens opportunities for communities able to meet market and cost demands • Once developed, the recommended light industrial district on Oakley's west side is perfectly suited to these types of operation (Figure 7) • Commercial and industrial services including machine shops, equipment repair, metal fabrication, engineering firms, vehicle repair, and light manufacturing support the needs of both local and outside markets

Target Industry	Clean Technology (CleanTech)—is the term used to describe companies involved in energy, water, transportation, agriculture, and manufacturing using technology and processes to improve the long-term health of the environment. This can include a broad range of industry sectors including recycling, renewable energy, information technology, green transportation, electric motors, green chemistry, lighting, grey water, etc.
Rationale	• Could support existing employers in the region many of whom are already using some type of advanced technologies • Cleantech jobs are among the fastest growing in the nation • Development of the recommended light industrial sites is perfectly suited to this type of operation • A broad array of occupations are involved in cleantech, from highly degreed professionals to skilled trades—civil and process engineers, technicians, solar panel installers, IT, and lower skilled manufacturing and logistics workers • Industrial development on the waterfront could be attractive to these users; operations can cover the spectrum from small entrepreneurial firms to large multi-national corporations requiring a range of site and building sizes and configurations

D. Oakley's Value Proposition

Value Propositions are statements that convey benefits or solutions the community offers to businesses and specific industries. An effective value proposition answers the question "*why should my business locate in Oakley*?" Your responses to this question must be accompanied by fact-based proof points which will entice the audience to learn more.

Messages and proof points will be different for different audiences—local businesses, prospects, brokers, developers, media, workers—have different interests and priorities. Below are several potential value propositions and proof points for the City of Oakley's target industries.

The Appendix contains a guide to creating an effective Key Message Platform.

Sample Value Propositions for the City of Oakley

- Companies in the City of Oakley are in the heart of the East Bay Area and can easily reach major metro markets.
- Oakley employers count on highly productive workers and world-class training programs.
- Oakley has a large out-commuting workforce that is looking for local employment.
- Lower operational costs give you a greater return on your investment in Oakley.
- Oakley's [named] business park is the premier location for [industry] employers.
- Oakley's access to waterfront areas for recreation and sport is the best in the region.

Sample Proof Points

- Nearly 20,000 skilled workers commuting out of Oakley are looking for local employment
- Access to workforce and training resources including drone training and Los Medanos College's Process Technology (PTEC) certification programs where students can receive certification on advanced manufacturing skills in as little as 18 months
- Within [miles or minutes] of wine industry and ag growers and processers in East Bay and the Central Valley
- Operational costs X% lower than surrounding communities
- Easy proximity to centers of innovation including UC Davis
- XX acres of waterfront property

II. Work Plan

The 2023 Work Plan is an update of 2016-2017 Economic Development Work Plan and identifies specific actions that the City should take to achieve and boost long-term economic growth and economic diversification, by leveraging community assets.

A. Objectives

1. Prepare the City of Oakley to be a competitive location for the attraction of new business opportunities and investment in the community
2. Promote and facilitate new business opportunities and new investments in the community
3. Update the marketing program
4. Provide tools and resources to help existing Oakley businesses grow and succeed
5. Improve the look and feel of the City while maintaining its small-town character

B. Work Plan Tasks

Objective 1—Prepare the City of Oakley to be a competitive location for the attraction of new business opportunities and investment in the community

- Prepare acreage for the market that can support manufacturing, industrial services, offices, and related activities that will create high paying jobs and help diversify the local economy. Prioritize development of a light industrial park on 40+ acres located south of Main Street and east of Highway 160. This would include conducting an infrastructure needs assessment and plan for services such as electric, gas, water, wastewater, fiber optics, and roadways.
- Stay engaged with regional economic development efforts to ensure the city's needs and plans are represented in discussion of planning efforts and funding allocations (e.g., Plan Bay Area 2050, Northern Waterfront Economic Development Initiative, East Bay EDA projects, Contra Costa Economic Partnership).
- Stay involved with Resilient East Bay Industrial Land Use Analysis (currently underway) and the East Bay Industrial Land Use Toolkit to support Oakley's efforts to attract small to mid-sized businesses in the manufacturing, goods movement, and biomedical/life sciences sectors.
- To regain fishing tournament(s), (1) reach out to the sponsoring groups to learn what they require in a location (facility size, marina and other services, lodging rooms and dining places that will accommodate the expected number of anglers and spectators); (2) complete the Oakley Regional Park Master Plan; (3) make upgrades to the waterfront areas; (4) begin the work to fulfill the location requirements of sponsoring groups (5) start marketing.

Objective 2—Facilitate new business opportunities and new investments in the community

- Assist new and expanding businesses through the development and permit process by acting as the liaison and coordinating with other city and county departments and agencies (building, planning, public works, code enforcement, etc.).
- Solidify working relations with regional partners to expand city's economic development capacity; share city's plans, messages, value propositions with others who are conducting marketing and outreach to important audiences (businesses, site selectors, brokers, developers, etc.).
- Actively support the Northern Waterfront Economic Development Initiative Strategic Action Plan. This is a small step in creating a value proposition for identified target industries e.g., clean tech, biotech, advanced ag and manufacturing, transportation tech.
- Continue outreach to and further develop relationships with the regional broker community; as a primary audience for the city's economic development marketing and messaging, include them on all print and electronic campaigns; make quarterly phone or personal contact.
- Support and assist current efforts to establish an Oakley Chamber of Commerce.

Objective 3—Create a comprehensive marketing program

- Adopt a budget for economic development efforts that will adequately support the goals.
- Select target industries, document Oakley's value proposition for each sector (see the Key Message Platform guide in the Appendix) and continue to update.
- Prepare economic development marketing materials that will serve as centerpiece to Request for Proposals (RFP) and other inquiries from prospective corporate investors (see Site Proposal Guide in the Appendix).
- Include market access advantages in messaging to companies and organizations considering investment in new or expanding facilities. Create map(s) for print and website that visually show Oakley's access to highways, airports, port facilities, and major markets.
- Establish a stand-alone economic development website to aid in driving traffic and delivering complete and unambiguous messaging on the advantages of Oakley for new investment (see content recommendations in the Appendix).
- Document Oakley's development costs and permitting process. Partner with building, planning, public works, code enforcement and other relevant departments and partner agencies to prepare simple materials that demonstrate the streamlined permitting process, rates and connection fees charged by the city and other agencies. Use flowcharts, other graphics, spreadsheets and testimonials from businesses and developers that prove to the market that Oakley truly is a 'Business Friendly Community.' Samples are provided in the Appendix.
- Longer-term, explore the regional competitive landscape for infrastructure costs (rates and connection fees for water, wastewater), permitting fees and approval times, and land costs for targeted investments to illustrate how Oakley compares with area communities. If and when Oakley rate data do not compare favorably, identify where there are advantages—faster timeline, better

quality water, state-of-the art facilities, etc. Don't hide the bad news, address it and incorporate advantages into key messages (sample included in the Site Proposal Guide in the Appendix).

- Document local and regional workforce training resources, particularly those programs that support target industries. Incorporate information into messaging, marketing materials and website.
- Be alert to emerging factors that put Oakley at a competitive disadvantage and look for ways to improve the community's standing.
- Implement a system for maintaining an inventory of sites and buildings for commercial and industrial development that details infrastructure, development status, and costs. The Chabin Team recommends Location One Information System (LOIS) software platform. LOIS is a high quality and affordable website platform known for ease of use, attractive graphics, and support for branding customization.
- Expand Oakley's engagement with TeamCalifornia and the state's GoBiz organizations to better understand how location selection projects are identified and channeled to local areas and be prepared to respond to requests for information.
- Continually add new content to the city's Story Map. Use it as a long-term visionary communications tool to promote the City's vision, priorities, investment opportunities, and progress towards a competitive economic development environment.

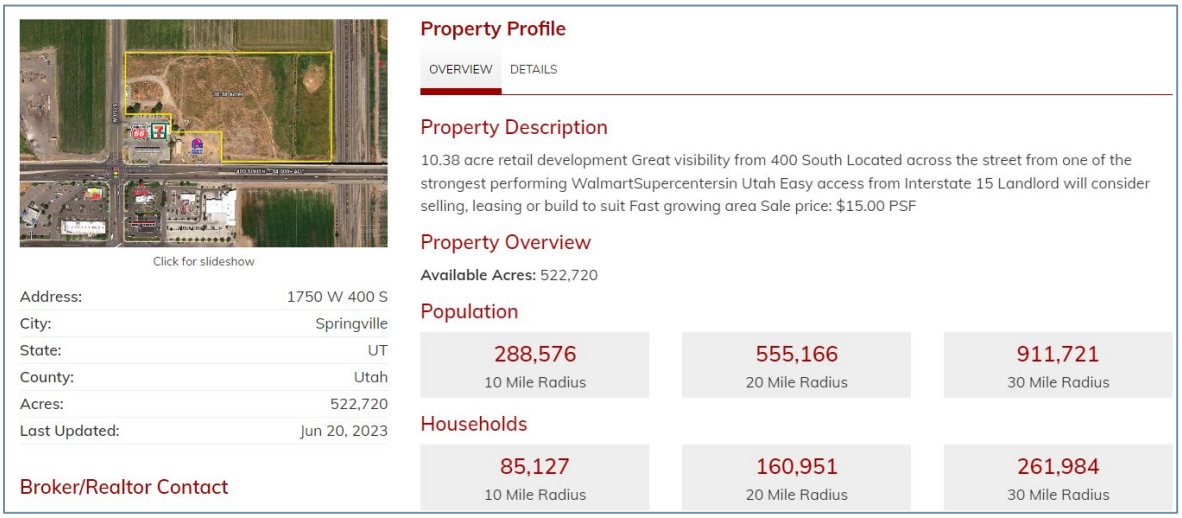


Figure 3. Sample online property inventory from Location One Information System (LOIS)

Objective 4—Provide tools and resources to help existing Oakley businesses grow and succeed

- Keep abreast of the technical training offered by the colleges and high schools in the district.
- Work closely with workforce and education partners to make joint visits to Oakley employers.
- Continue to support and promote the Oakley Entrepreneur Incubator space.
- Keep downtown businesses informed of the progress of Amtrak station and assist them to be prepared to take advantage e.g., collaborative messaging and marketing efforts, business directory, information kiosk.

Objective 5—Improve the look and feel of the city while maintaining its small-town character

- Continue efforts to improve appearance and amenities throughout the city.
- Continue working on downtown revitalization and establishing services around the Amtrak station for workers and residents.
- Continue working with partner organizations and landowners to clean up, make improvements to waterfront properties, and plan for future uses.



Figure 4. Investment in community amenities and revitalization support economic development and encourage private sector investment.

C. Launch Plan

The Action Plan includes several tasks—short-term, long-term, one-time and ongoing activities. The launch schedule below is meant to provide the city with some direction on where to start.

0-30 Days

- ❑ Present plan to council
- ❑ Prepare an internal department budget to support economic development goals and activities
- ❑ Meet with partner organizations to present the plan and garner participation
- ❑ Contact property owners to determine the feasibility of developing a business park

31-60 Days

- ❑ Meet with city departments and partner agencies to begin documenting the development process
- ❑ Begin regular outreach to broker and development community
- ❑ Begin collaborative employer visits

61-90 Days

- ❑ Incorporate Appendix B (website review and recommendations) in the pending RFP for new economic development website
- ❑ Identify properties for online inventory and subscribe to LOIS software platform
- ❑ Begin documenting value proposition and proof points
- ❑ Reach out to TeamCalifornia and GoBiz and begin regular engagement with these organizations

III. Gap Analysis

Business investment decisions are driven by considerations that reach far beyond properties. Business location selection comes only after carefully analyzing factors that are important to a company's near-term and long-term strategic interests.

Economic development best practices today acknowledge the complexities and work to ease the decision process by being prepared to show that the community is ready for corporate investment. The graphic below illustrates the variety of metrics considered during site selection. Collectively these factors can support or deny that a particular community is right for corporate investment.



The Chabin Team documented the City of Oakley's local assets and strengths on which investment attraction can be based. As presented in this section, our findings are the basis of the recommended target industries, value propositions, and economic development strategies. Strategies are focused on preparing for and demonstrating to corporate decision-makers that the City of Oakley understands the strategic and tactical needs associated with the industries targeted for business attraction.

This Gap Analysis presents a discussion of what a competitive community offers to businesses and how Oakley compares to that ideal. The discussion includes assets the city can leverage, and the readiness gaps the Chabin Team believes need to be addressed to improve Oakley's economic development competitiveness.

These findings are based on a review of information gathered from interviews, personal observations, data research, and materials collected during the consulting team's community visit and form the basis of the resulting recommendations. Data sources and other details are included in the Appendix.

A. Market Access and Transportation Infrastructure

The efficient movement of goods and people relies on a network of highways and arterial roads that connect sites to workers, customers, and vendors.

Oakley's Competitive Position

- City is located at the intersection of state highways 160 (north/south) and 4 (east/west)
- The Main Street/Highway 160 interchange averages 37,000 daily vehicle trips and 4,850 daily truck trips
- 20 miles to Interstate 680 via State Highway 4
- 30 miles to Interstate 5 North via State Highway 160
- 30 miles to Interstate 5 South via State Highway 160
- Several freight and passenger airports are located within less than two-hour drive

Tactical Recommendations

- Include these market access advantages in your messaging to prospects
- Create map(s) for print and website that visually show Oakley's access to highways and major markets (Figure 1)

Competitive communities offer:

Highway access to and from business parks, sites, and employment centers that include at least two routes for trucks and employee vehicles

Access routes that are free of potential traffic flow impediments e.g., weight-limited bridges, low clearances, rail crossings, areas of traffic congestion, time-of-day restrictions

A commercial airport within a 60- to 90-minute drive

Rail cargo service and ocean ports as necessary

Pedestrian-friendly downtown, commercial and retail centers; local roadways that connect residents and visitors to amenities and recreational opportunities

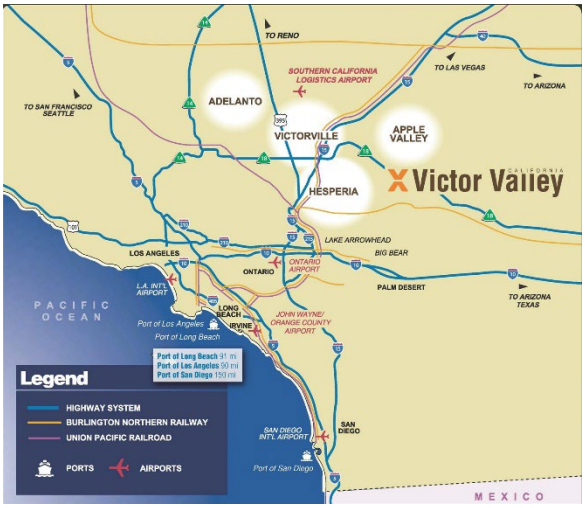




Figure 5. Sample maps displaying community location within a region, state, or nation

B. Workforce, Education and Training

In today's market, the primary business location factor is the availability and quality of workers. Location investigations start by verifying that a sufficient labor supply exists and that there is a pipeline of workers so businesses will be able to attract the talent they need now and in the future.

Competitive communities offer:

A supply of workers with industry-specific skills and a strong work ethic

Available sources of new workers, e.g., population growth, balanced age distribution, graduates from two- or four-year colleges, certificate training programs

An education system adept at producing workers with skills that are aligned with industry needs and the needs of a rapidly changing global economy

Local wages and fringe benefits structure reasonable for the region

History of positive labor-management relations

Amenities that attract and retain talent

Workforce

- Median age (34 years) in Oakley is younger than Contra Costa County (39 years), and comparison cities of Antioch (36), Brentwood (40), and Benicia (46)
- Unlike comparison cities and many other cities across the nation, in Oakley there is a slight (2.7%) five-year growth in Talent Pipeline (0-19 years) and Prime Workers (20-39 years)
- Fortunately, Oakley employers can draw from a labor force of 1.2 million in 30-mile radii
- Contra Costa County is historically a union community

Training Resources

- Contra Costa Community College District operates three campuses in the county with 41,000 students enrolled during the 2020-21 academic year; San Pablo (main campus), Diablo Valley College in San Ramon, and Los Medanos College (LMC) in Brentwood which is just 10 miles from Oakley
- Between the three campuses a broad range of training programs are offered that align with local employers. Los Medanos College offers Process Technology (PTEC) certification where students learn advanced manufacturing skills through a certification program that can take as little as 18 months. Companies hiring Operations Technicians with PTEC certificates include refineries, chemical companies, local and regional water districts, food, wine and beer companies, and advanced manufacturing companies
- Mechanisms for maintaining effective outreach to the business community are reported to be in place e.g., 1) recent introduction of the Handshake platform joinhandshake.com to assist with job and employee search; 2) college maintains an outreach liaison to guide companies in how to engage students and instructors; 3) college staff development is guided by private sector skills requirements

- Drone training has been approved at Los Medanos Campus which uses Buchanan and Byron airfields

Challenges

- The share of Oakley's population with higher education degrees is unimpressive (18.6%) and does not compare well to countywide (41.7%) and comparison cities in the region (21% to 40%)
- 95% of Oakley's working population leaves the city for employment
- Employment in Oakley is heavily weighted to service and retail jobs (Figure 2)
- Contra Costa College District – the contract education program that originally focused on technology sectors only success is with construction sector.

Tactical Recommendations

- Keep abreast of the technical training offered by the colleges in the district
- Work closely with the college/business outreach liaison and make joint visits to Oakley employers
- Include the training resources in the industry value propositions and prospect proposals

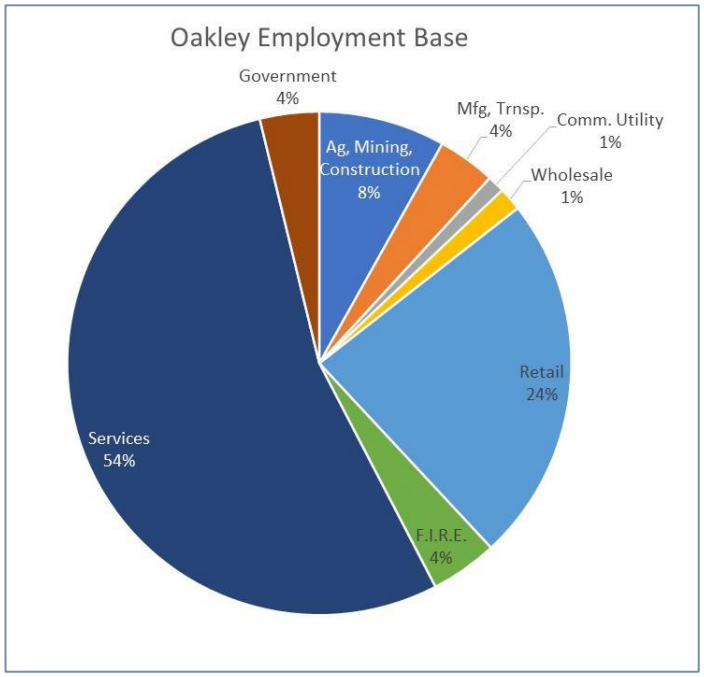


Figure 6. Distribution of Oakley's employment.
Source: 2022 Data Axle (ESRI Business Summary)

C. Real Estate and Infrastructure

Companies prefer sites or buildings that are shovel- or move-in-ready; sites that are supported by modern infrastructure with the capacity to accommodate current and future business needs. Getting properties market-ready can be a long-term endeavor. As communities work on preparing market-ready real estate, they should prioritize those properties that can be made ready with the least input. Have a plan to address any gaps in infrastructure and demonstrate a willingness to invest in required upgrades to expand and keep systems secure.

Competitive communities offer:

Identified priority sites, detailed profiles, maps, aerials, photos

Business or industrial park settings or ready-to-go sites of one to 100 acres that are served with all utilities and properly zoned

Available buildings for diverse uses and adequate parking; spec buildings or plan

Controls in place to prevent undesired development nearby

Reliable and detailed information on the development process, timing, and costs

Land in and around the city for residential construction that will support population growth

Reliable, modern, redundant, secure services at a reasonable cost

Services with capacity sufficient to meet and exceed the industry's near-term needs

Broadband telecom serving sites and buildings that can meet significant data transfer requirements

Sites and Buildings

- Very limited on market-ready sites and buildings to support diversifying the economy away from service and retail focus
- There is high demand in the region for small to medium size light industrial parks
- There is land available in Oakley that is suitable for near-term development–small and large agriculture parcels–but nothing is ready for the market (Figure 7)
- The planned Amtrak station on Main Street offers Oakley an opportunity to continue developing downtown

Downtown

- Slated to open in first quarter 2025, the Amtrak San Joaquin station will connect Oakley to the Bay Area, Sacramento and Bakersfield. The station will have 275 parking stalls, a plaza and bistro and additional amenities to help create a transit hub in central downtown Oakley

Water

- Diablo Water District serves the City of Oakley.
- Surface water is purchased from Contra Costa Water District and Diablo Water District pulls water from three wells; all water is treated at Diablo's treatment facility and distributed throughout the system; water is blended with groundwater to maintain quality and reliability across the system
- Treatment system is being upgraded to ensure quality and reliability as demand grows; hard water issues which are common in the region are being addressed; distribution pressure is maintained through elevated storage tanks

Wastewater System

- Ironhouse Sanitary District provides the city's wastewater system. Appears to meet current community needs and capacity expansion and discharge quality challenges are being addressed to stay ahead of growth trends

Electric Power

- Electric power is provided by Pacific Gas & Electric (PG&E)

Challenges

- Climate change–rising ocean level will lift groundwater and push contaminants around; Diablo Water District is aware of the need for investments to protect quality and reliability
- There is discussion but no solid plan for developing the waterfront
- Appears to be limited downtown properties to support entrepreneurial development

Tactical Recommendations

- The conventional structure is that cities operate water and wastewater services although services provided by private companies or through a utility district, like in Oakley, are seen in some parts of the country. Risk mitigation is the foremost consideration when companies are looking for a location to invest and create jobs. This is especially important when dealing with receiving and possibly expanding water/sewer services, building codes, zoning, road infrastructure, taxation, etc. Competitive communities ensure the user experience is seamless and hassle free—the definition of a "business friendly" community. Whether water/sewer services are under Oakley control, or remain as they are, the goal is to meet customer expectations.
- Focus on preparing 40 acres for a business park that will support light industrial development and be attractive to businesses thereby diversifying the local economy and creating higher-paying jobs. Build out of the 40 acres could accommodate more than 700,000 square feet of light industrial building space (Figure 8).
- Continue to work on building a secure and fast fiber optic network in Oakley's business and residential neighborhoods. Connectivity is a critical element to a business' location decision. The popularity of remote working increases the importance communities should be placing on building the network to deliver optimal services.
- Stay involved to ensure the city's needs and plans are represented in regional economic development efforts and that the city has access to tools and future funding resources, e.g., Plan Bay Area 2050, Northern Waterfront Economic Development Initiative, East Bay EDA projects, Contra Costa Economic Partnership, etc.
- Stay involved and leverage the currently underway Resilient East Bay Industrial Land Use Analysis and the East Bay Industrial Land Use Toolkit to support Oakley's efforts to attract small to mid-sized businesses in the manufacturing, goods movement, and biomedical/life sciences sectors

- Have documentation from city departments and partner agencies of infrastructure costs (rates and connection fees for water, wastewater, etc.) and permitting process to be able to communicate Oakley's competitive position
- Prepare and maintain an inventory of sites for new commercial and industrial development with details on the infrastructure and development status and costs; LOIS is recommended for features, ease of use, and cost
- Continue making downtown streetscape and revitalization improvements in preparation for the Amtrak station and additional traffic

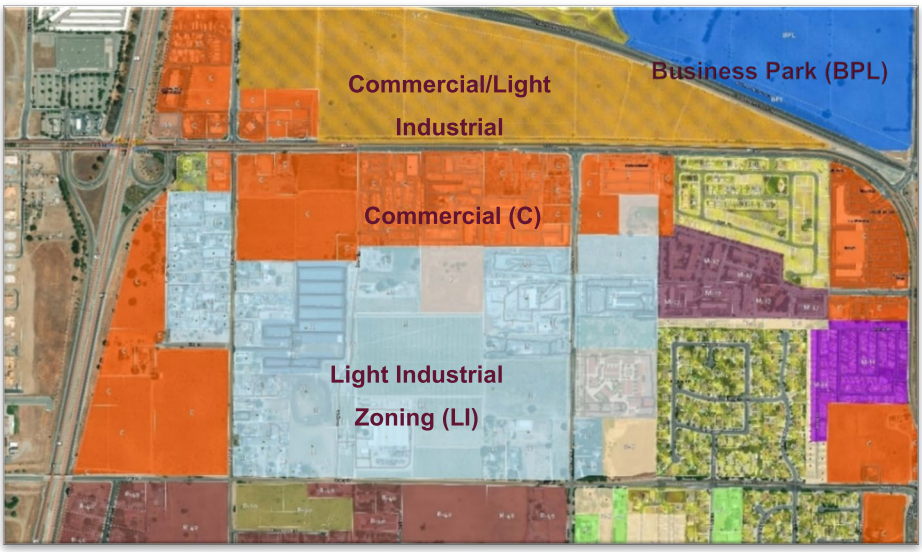


Figure 8. Areas recommended for commercial and light industrial development are +/-40 acres at Main Street and East of Highway 160.

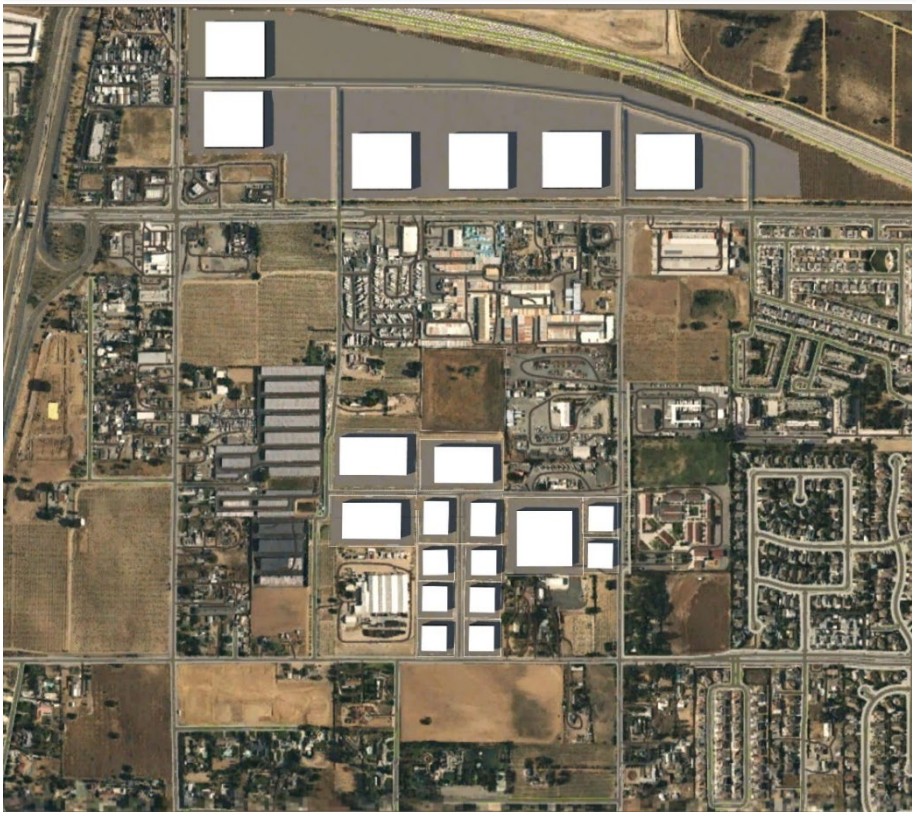


Figure 8. Sample layout for the subject properties which shows potential for job-creating industry development. The northern most area depicts six industrial flex buildings of 115,000 square feet each, a total of 690,000 square feet (as approved in the 2008 master plan. Below that are buildings ranging from 22,000 to 110,000 square feet. Depending on the industries and specific uses, these types of business parks could accommodate thousands of new jobs over time.

D. Quality of Place

Quality of place investment helps employers attract and retain skilled workers and professionals. Achieving and maintaining a quality community requires continued engagement and ongoing investment in infrastructure and cultural amenities.

> ***Competitive communities offer:***
>
> *Investments that support the safety, health, and welfare of its citizens*
>
> *Housing options for a mix of incomes*
>
> *Lifestyle, cultural, and recreational amenities that make it a desirable place to live*
>
> *Ongoing monitoring of metrics that measure Quality of Place e.g., cost of living index, crime rates, graduation rates, housing (supply, diversity, affordability)*

Oakley's Competitive Position

Demographics

- Five-year average annual growth rate of the median household income in Oakley (5%) is on par with the County (5.9%) and better than the comparison cities (about 4%)
- Cost of living index is lower than countywide
- Share of population living below poverty (7%) is lower than countywide and Antioch, higher than Brentwood or Benicia
- Oakley is a safer community than comparison cities. 2021 annual property crimes were 14 per 1,000 population; violent crime rate was 1.5 per 1,000 population
- Five-year average annual population growth (1.8%) is slightly better than County (1.2%)
- The median household income growth rate (5%) is on par with County (5.9%), better than comparable cities in the region (about 4%)

Housing[1]

- Most of the people living in Oakley commute to other areas for employment; home values in Oakley are much more affordable relative to the rest of the Bay Area but the price of homes for sale and rent are increasing dramatically



Education[2]

- Excellent graduation rate in Oakley's one high school, 98% in the 2022 academic year
- About 62% enroll in some postsecondary schooling
- Academic performance in English and Math are low

[1] City of Oakley 2023-2031 Housing Element Update adopted March 28, 2023

[2] California Department of Education, School Dashboard

Land Use Planning

- The General Plan addresses the need for continued support for industrial development including land available for manufacturing jobs
- Downtown development efforts are a great start at enhancing Oakley's identity (e.g., train station project)

Challenges



- Community appearance in several privately-owned areas beyond the downtown needs improving e.g., waterfront access, marinas, waterfront property
- Unbalanced focus on retail and high-cost housing while neglecting non-retail jobs, worker-affordable housing and diverse housing options
- 91% of the housing units are single family homes; there are few worker-affordable housing units or rentals, the rental vacancy rate was just 1% at the time the housing element was prepared
- There are no emergency housing shelters in Oakley[3]

Tactical Recommendations

- Support efforts to improve appearance and amenities throughout the city
- Continue working on downtown and establishing services around the Amtrak station for workers and residents
- Move forward quickly with a concrete plan for waterfront development, 55-acre Oakley Regional Park, and continue working with partner organizations and landowners to clean up, make improvements to waterfront properties, and plan for future uses



Figure 9. Proposed Oakley Regional Park

[3] Source: City of Oakley 2023-2031 Housing Element Update adopted March 28, 2023

E. Economic Development Operations

A community's economic development success depends on leadership's support, including an agreed upon vision for the future, goals, and sufficient financial and human resources to implement an adopted program.

Oakley's Competitive Position

- Professional, approachable and service-oriented city staff
- Convergence on industry targets among educators, economic development organizations, and city government

Challenges

- Limited staff and financial resources for implementing a strong proactive marketing, business attraction, and business retention program
- The city's economic development work plan lacks a specific budget for marketing and program implementation
- Community actions on economic development are not aligned with job-creating trends in the region nor with attracting businesses that will diversify the local economy e.g., manufacturing, professional services, research and development

Tactical Recommendations

- Support and assist current efforts to establish an Oakley Chamber of Commerce
- Ensure a sufficient budget is available to support economic development goals and activities
- Establish a standalone website focused on economic development
- Prepare necessary economic development marketing and prospect response pieces to support business development efforts (much of this can be accomplished through a LOIS subscription)

Competitive communities offer:

Community-wide consensus on vision and goals and support for economic growth demonstrated by assistance, entrepreneurial programs, financing, business retention programs

The ability to convey under-standing of industry needs–real estate, infrastructure, workforce skills–with value propositions supported with proof points

The ability to demonstrate a clear and reasonable development path and operating costs

Willingness to be forthcoming about real, perceived, natural, or man-made risks and hazards e.g., earthquakes, tornados, hurricanes, toxic waste, major weather events that can close transportation routes for extended periods

A community profile with an overview of the history, composition of the economy, demographics, shopping amenities for workers and residents, recreation assets

Ability to quickly compile and deliver a professional and accurate proposal package that is delivered electronically and available for print

Market-ready property profiles, labor shed map, commute patterns, directory of local employers, testimonials

- Solidify working relations with regional partners to expand city's economic development capacity; share city's plans, messages, value propositions with others who are conducting marketing and outreach to important audiences (businesses, site selectors, brokers, developers, etc.)
- Actively support the North Waterfront Strategic Plan, this is a small step in creating a value proposition for identified target industries e.g., clean tech, biotech, advanced ag and manufacturing, transportation tech

A competitive community budgets sufficient funds for economic development operations and activities. Guidelines:	
Total Operations	$8 to $10 per capita (rural communities) $15 per capita (urban communities)
Marketing Budget	$50,000 – minimum, communities up to 25,000 population $2.50 per capita – communities with up to 100,000 population $3.00 per capita – communities with 100,000+ population

IV. Appendix

A. Economic Scan, ESRI reports

B. Economic Development Website Review and Recommendations

C. Proposal package (update template provided in Canon City)

D. LOIS product information

E. Key Message Platform

RESOLUTION NO. XX-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY ADOPTING THE 2023 ECONOMIC DEVELOPMENT WORK PLAN DRAFTED BY CHABIN CONCEPTS., INC.

BE IT RESOLVED by the City Council of the City of Oakley that reviewed and adopted the 2023 Economic Development Work Plan prepared by Chabin Concepts, Inc.

PASSED AND ADOPTED by the City Council of the City of Oakley this 8th day of August 2023 by the following vote:

AYES:
NOES:
ABSTENTION:
ABSENT:

APPROVED:

_____
Aaron Meadows, Mayor

ATTEST:

_____
Libby Vreonis, City Clerk

_____
Date

DATE: August 8, 2023

TO: Joshua McMurray, City Manager

FROM: Danielle Navarro, Assistant City Manager

Approved and Forwarded to the City Council

SUBJECT: Adopt a Resolution Authorizing the City Manager or Mayor to Sign and Send Letters of Support or Opposition to Legislation

Background and Analysis

Legislative issues frequently arise at the local, state and federal level that are directly relevant to or impact the provision of municipal services. In general, the City does not address matters that are not pertinent to the City's local government services unless specifically considered by the City Council. The primary objective of the proposed resolution is to streamline the advocacy process allowing staff to quickly prepare letters of support or opposition based on the City's goals, objectives, policies, and strategic plan.

Staff believes it is in the best interest of the City to establish a policy authorizing the City Manager or Mayor to send a letter of support or opposition on behalf of the City regarding legislative issues or projects that meet certain criteria.

Staff has identified the following two primary guiding principles for the City's advocacy position:

Preservation of Local Funding

1. The City supports the protection of federal, state and local funding sources and new programs or projects that strengthen or increase revenue to the City of Oakley and the authorities that provide revenue to the City of Oakley. The City opposes any unfunded or inadequately funded mandates for which there is no guarantee of local reimbursement or offsetting benefits.

Preservation of Local Authority

2. The City supports local decision-making authority and legislation that enhances local control and opposes pre-emption of local control. The City was created by the residents to provide local self-government and to make decisions at the local level that best meet the needs of the community; Oakley has unique needs and characteristics that are best met by policies set by its local governing body. The City opposes statewide efforts to remove the ability to set policy at the local level and supports efforts that allow flexibility by the City to meet goals and mandates efficiently and effectively.

Staff recommends the City Council adopt the proposed resolution authorizing the City Manager or Mayor to send a letter of support or opposition to proposed legislation that meets any of the following criteria:

- A position has been taken by the League of California Cities, unless the City Council has taken a contrary position, and the proposed legislation could potentially impact or will impact the City of Oakley either directly or indirectly.
- A routine matter experienced in the normal course of City business.
- A position has been taken by an entity or organization to which the City is a member (for example, the Contra Costa Transportation Authority), so long as that position is not contrary to a previously approved City Council position or a position taken by the League of California Cities.
- The City Council has previously taken a position.

A copy of all letters of support or opposition will be sent to the City Council (for information only).

Consistency with the Oakley Strategic Plan 27+

This item is consistent with all of the Strategic Plan 27+ goals.

Fiscal Impact

Approval of this resolution will not have a direct fiscal impact on the current adopted budget, but would allow the City to send letters of support or opposition that could strengthen or increase future City revenues.

Staff Recommendation

Staff recommends the City Council adopt the proposed resolution authorizing the City Manager or Mayor to send a letter of support or opposition on behalf of the City regarding legislation that meet specified criteria.

Attachments

1. Resolution

RESOLUTION NO. XX-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY, AUTHORIZING THE CITY MANAGER OR MAYOR TO SIGN AND SEND LETTERS OF SUPPORT OR OPPOSITION TO LEGISLATION

WHEREAS, legislative issues frequently arise at the local, state and federal level that are directly relevant to or impact the provision of municipal services; and

WHEREAS, in general, the City does not address matters that are not pertinent to the City's local government services unless specifically considered by the City Council; and

WHEREAS, the City's advocacy position is based on two primary guiding principles: 1) the preservation of local funding; and 2) the preservation of local decision-making authority; and

WHEREAS, adoption of this resolution will streamline the advocacy process allowing staff to quickly prepare letters of support or opposition based on the two primary guiding principles, and the City's goals, objectives, policies and strategic plan; and

WHEREAS, .

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that the City Council of the City of Oakley does hereby authorize the City Manager or Mayor to sign and send letters of support or opposition to proposed legislation that meets any of the following criteria:

- A position has been taken by the League of California Cities, unless the City Council has taken a contrary position, and the proposed legislation could potentially impact or will impact the City of Oakley either directly or indirectly.

- A routine matter experienced in the normal course of City business.

- A position has been taken by an entity or organization to which the City is a member (for example, the Contra Costa Transportation Authority), so long as that position is not contrary to a previously approved City Council position or a position taken by the League of California Cities.

- The City Council has previously taken a position.

BE IT FURTHER RESOLVED AND ORDERED that the City Clerk is directed to provide a copy of all letters of support or opposition to the City Council for information only.

[Signatures on next page]

PASSED AND ADOPTED by the City Council of the City of Oakley this 8th day of August, 2023 by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

APPROVED:

_____
Aaron Meadows, Mayor

ATTEST:

_____
Libby Vreonis, City Clerk

_____
Date

Approved and Forwarded to the City Council

DATE: August 8, 2023

TO: City Council

FROM: Joshua McMurray, City Manager

SUBJECT: Adopt a Resolution (1) Declaring as exempt surplus property the real property located at 3080 Main Street (APN 037-200-011); (2) Authorizing the City Manager to Execute a Purchase and Sale Agreement with Kent A. Ipsen concerning this property; and (3) Finding the declaration of surplus property and authorization for sale are categorically exempt under the "class 12" exemption of the California Environmental Quality Act

Background and Analysis

The Mr. Pickle's business is housed within property the City owns. The City has owned the property since 2010, when the former Redevelopment Agency acquired the property at 3080 Main Street for the purposes of redeveloping the property with a new building that could be used for either retail or restaurant tenants. Since that time, there have been a total of two business's that have occupied the space, with the most current being Mr. Pickle's.

Mr. Pickle's assumed the lease from the prior tenant on January 15, 2015. On April 1, 2020, the City amended the lease to include several provisions as follows:

- Extended the term of the lease agreement by five (5) years, commencing on April 1, 2020 and extended for an additional five (5) years by mutual agreement of both parties in writing.
- Increased the monthly rent to $1,850 and allowed for an annual 3% escalation of the rent for the life of the lease.
- Explicitly stated that the Lessee would pay all CAM and possessory use tax to the County for the life of the lease.

As with any current lease associated with a property that is being sold to a new owner, the new owner of the property would have to assume and honor the previously agreed to lease agreement with Mr. Pickle's.

An appraisal was done in February of this year to determine the value of property using the income approach. The current lease for Mr. Pickles runs through 2025 with an option that allows both parties to mutually agree to extend to 2030. It was always the intent of the City to extend the lease which would ensure we have a quality tenant in the

building. With that extension, it was always presumed that the below market rate rent that the tenant is paying would remain below market until at least 2030, when the lease would have to be renegotiated. Because of the below market rate rent and the seven years that remain on the lease, the income approach yielded a value of $348,500. A condition of the sale will require the City and Mr. Pickle's to formally document that additional five year extension.

The City recently closed escrow on the Skipolini's building, the building directly west of the Mr. Pickle's building, and that property is no longer under City control. With that sale, the opportunity to sell the building at 3080 Main Street presented itself as the owner of the Skipolini's building now wants to purchase the 3080 Main Street property. Having one owner control the two properties is ideal from a property management standpoint.

It should be noted that the sale of this property involves "surplus exempt property," as that term is defined under Government Code section 54221(f)(1)(B), and is not subject to the requirements of the Surplus Land Act, because the Property (i) is less than 5,000 square feet in area; (ii) is not contiguous to publicly owned property used for open space or low- or moderate-income housing purposes; and (iii) is being sold to the owner of the contiguous 3070 Main Street/Skipolini's Property.

Although there is nothing in the current lease that requires the property to be sold, City Staff would like to sell the property and remove the City from being the property manager. It takes resources to manage this property, as well as others the City owns. In an effort to reduce the time our Economic Development Staff spends on managing the property, which can be used more efficiently in other areas, as well as generate some revenue for other priorities, this proposal accomplishes both of those goals.

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 Kent A. Ipsen. 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 for additional investment into the City and our Downtown.

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 $348,500 of gross revenue off of the sale of the City owned parcel and building.

Staff Recommendation

Staff recommends that the Council adopt the resolution approving the Purchase and Sale Agreement with Kent A. Ipsen for the sale of property located at 3080 Main Street (APN 037-200-011).

Attachments

Draft Purchase and Sale Agreement
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 TOUF LLC, a California limited liability company (or its assignee) ("Buyer"). The effective date of this Agreement is August 8, 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. Seller, as landlord, leases the Property to Byrnes Enterprise, LLC, dba Mr. Pickles Sandwich Shop, as tenant ("Tenant"), pursuant to that certain Lease Agreement, dated February 11, 2015, as amended by that certain Amendment to Lease Agreement, dated April 1, 2020 (as amended, the "Lease").

C. Buyer is the owner of the building located at 3070 Main Street that is directly adjacent to the Property. Buyer desires to purchase the Property from Seller.

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 3080 Main Street in Oakley, California, which is described in Exhibit "A", attached hereto, and which is developed with a commercial restaurant building, situated on Assessor's Parcel Number 037-200-011.

1.2 All of Seller's right, title and interest in and to (i) 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, including, without limitation, all of Seller's interests in, under and with respect to the Lease and any guarantees of other assurances (if any) related to Tenant's obligations thereunder (collectively, the "Appurtenances"); (ii) any improvements or fixtures upon the Real Property (collectively, the "Improvements"); (iii) all intangible property and rights, indemnities, claims, demands, actions or awards benefiting the Real Property, including, but not limited to, any causes of action, claims and warranties (collectively, the "Intangible Rights"). The Real Property, Appurtenances, Improvements and Intangible Rights are collectively referred to herein as the "Property".

2. Purchase Price. The purchase price for the Property shall be $348,500 ("Purchase Price").

3. Opening of Escrow; Deposit.

3.1 Escrow Agent. The parties shall open an escrow through Old Republic Title Company located at 1000 Burnett Avenue, Suite 400, Concord, CA; Attn: Debra Powell (debrap@ortc.com) ("Escrow Agent").

3.2 Deposit. Within five (5) calendar days of the opening of escrow, Buyer will deposit the sum of $1,000.00 into escrow as the deposit for this transaction ("Deposit"). The Deposit shall be credited against the Purchase Price at the Closing (as hereinafter defined). Escrow Agent shall hold the Deposit in an interest bearing account with interest accruing for the benefit of Buyer. The Deposit and all interest accrued thereon, if any, less the Independent Consideration (as hereinafter defined), while in Escrow shall be refundable to Buyer if this Agreement is terminated by Buyer (i) on or before the expiration of the Due Diligence Period for (as hereinafter defined) for any reason; (ii) due to a default by Seller; (iii) due to a failure of any of the Conditions Precedent (as hereinafter defined) or (iv) as otherwise provided in this Agreement.

3.3 Independent Consideration. One Hundred Dollars ($100.00) of the Deposit shall be released immediately from Escrow and paid to Seller as independent consideration for the rights extended to Buyer hereunder, including, without limitation, the right and option to terminate this Agreement as provided herein (the "Independent Consideration"). In all instances under this Agreement in which Buyer elects to terminate or is deemed to have terminated this Agreement and the Deposit is returned to Buyer, Seller shall retain the Independent Consideration when the Deposit is returned to Buyer. The parties hereto intend and agree that the amount of the Independent Consideration is sufficient consideration for the rights and options extended to Buyer hereunder and that it satisfies the threshold for sufficient consideration for such rights and options.

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 ("Title Policy") 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 Seller. If Buyer desires to obtain an ALTA extended coverage owner's policy of title insurance for the Title Policy, then Buyer shall be responsible, at Buyer's cost and expense, for satisfying any additional requirements that Escrow Holder's underwriter may require in connection with the issuance of such ALTA extended coverage.

5. Conditions to Closing. The following conditions are conditions precedent to Buyer's obligation to purchase the Property (the "Conditions Precedent"). If any of the conditions set forth in this Section 5 are not timely satisfied or waived by Buyer on or before the Closing, then Buyer may elect to terminate this Agreement by written notice thereof to Seller. Upon delivery of any such termination notice, this Agreement shall terminate and, except for any provisions that expressly survive the termination of this Agreement, the parties hereto shall have no further rights or obligations under this Agreement, and the Deposit, together will all interest earned thereon, and all other monies delivered to Escrow Agent shall be immediately returned to Buyer. In the event that Buyer does not provide such termination notice to Seller as provided

herein prior to the Closing, such condition precedent shall be deemed to have been satisfied, approved or waived, effective as of the Closing.

5.1 Buyer's Review and Approval of Title to the Property. Seller shall cause Title Company to deliver to Buyer a preliminary title report on the Property within five (5) 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 fifteen (15) days after the Effective Date, what exceptions to title, if any, will be accepted by Buyer. Seller shall have five (5) 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 five (5) 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 five (5)-day period, Buyer shall be deemed to have elected to terminate this Agreement. In the event this Agreement is cancelled pursuant to this 5.1, the Deposit, together with all interest earned thereon, and all other monies delivered to Escrow Holder by Buyer shall immediately be returned to Buyer, and except for any provisions that expressly survive the termination of this Agreement, the parties hereto shall have no further obligations hereunder. Notwithstanding the foregoing provisions, Seller, at its sole cost, on or prior to the Closing, shall cause to be eliminated all liens evidencing monetary encumbrances (other than liens for non-delinquent real estate taxes and assessments, and supplemental taxes and assessments). Failure of Buyer to object to such monetary encumbrances shall in no event be deemed a waiver of Buyer's right to require Seller to eliminate such monetary encumbrances at Closing.

5.2 Due Diligence Investigations. During that period which shall commence on the Effective Date and terminate at 5:00 p.m., Pacific Time, on the date that is twenty-five (25) days thereafter (the "Due Diligence Period"), Buyer, through its employees, agents and consultants, shall be entitled to enter the Real Property to conduct, at Buyer's sole cost and expense, a full inspection of the Property, including, without limitation, a physical inspection of the condition of the Real Property, an inspection and examination of the soils and the environmental condition of the Real Property, including, without limitation, a Phase I and Phase II (if required) Environmental Site Assessment of the Real Property, and an inspection of the condition of title to the Property. Not later than five (5) business days after the Effective Date, Seller shall furnish to Buyer, to the extent such materials are presently in Seller's possession or control, the following materials: (i) copies of all site plans and floor plans concerning the Property; (ii) any existing title insurance policies for the Property; (iii) the most recent existing survey of the Property; (iv) copies of any environmental, hydrology, toxic material or soil reports or environmental impact studies on the condition of the Property or any part thereof; (v) any existing appraisals; (vi) proof of existing liability insurance and commercial property insurance; (vii) copies of any existing appraisals; (viii) copies of the Lease (and any amendments thereto) and any other leases or other documents related to income sources in place with respect to the Property or the possession or use thereof; (ix) copies of any warranties or other agreements affecting possession of the Property or the improvements located thereon; (x) documentation of any Tenant discussions as they pertain to the Lease or the Property; and (xi) any other additional and available due diligence materials with respect to the Property (collectively, the "Due Diligence Materials"). Buyer shall promptly repair any damage caused to the Real Property as a result of Buyer's entry on the Real Property and shall restore the Real

Property after any such entry to the same material condition at the time immediately preceding such entry by Buyer. Buyer shall indemnify, defend and hold harmless Seller from and against any and all obligations, liabilities, claims, damages, costs, expenses and fees (including reasonable attorneys' and experts' fees and costs) arising from any entry, examinations, inspections, tests or restoration conducted by Buyer on the Real Property. Notwithstanding the foregoing, Buyer shall not be obligated to defend or indemnify Seller or to repair any damage caused in whole or part by any one or more of the following: (a) the discovery of hazardous materials; (b) a pre-existing condition in, on or about the Property; (c) the spread of hazardous materials already present on the Property despite the use of reasonable care; or (d) the negligence or willful misconduct of Seller or its agents.

5.3 Buyer's Approval of Condition of the Property; Right to Terminate. On or before the expiration of the Due Diligence Period, Buyer shall deliver notice to Seller specifying Buyer's approval or disapproval, in Buyer's sole and absolute discretion, based on its investigation of the Property, the Due Diligence Materials and the Preliminary Report. In the event that any of the conditions of the Property are unacceptable to Buyer for any reason, Buyer may deliver a written notice of disapproval electing to terminate this Agreement and, except as otherwise provided herein, the parties hereto shall have no further rights or obligations under this Agreement, and the Deposit, together with all interest earned thereon, less the Independent Consideration, shall be immediately returned to Buyer. Notwithstanding the foregoing, if at any time before the expiration of the Due Diligence Period, or after Buyer's approval of its due diligence investigations in accordance with this Section 5.4 (but prior to Closing), the Escrow Agent shall deliver to Buyer an amended Title Report, Buyer shall have until the later of (i) ten (10) business days from its receipt of such amended Title Report (and copies of any additional documents referred to therein as additional exceptions) or (ii) the expiration of the Due Diligence Period, to approve any additional matters referred to therein, and Buyer's disapproval of the same shall have the same effect as a written notice of disapproval delivered on or before the expiration of the Due Diligence Period.

5.4 Accuracy of Seller's Representations and Warranties. All representations and warranties made by Seller in this Agreement shall be true and correct on or as of the Closing Date as though made at that time.

5.5 Performance by Seller. Seller shall have performed, satisfied and complied with all covenants, agreements and conditions and delivered all documents required by this Agreement to be performed, complied with or delivered by Seller on or before the Closing Date.

5.6 Amendment of Lease. Seller shall have caused the Lease to be amended on terms acceptable to Buyer.

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 thirty (30) days of the opening of Escrow (the date of closing being hereinafter referred to as the "Closing Date").

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) A general bill of sale and assignment conveying title and interest to Seller's interest in the Property (other than the Real Property) to Buyer, substantially in the form attached hereto as Exhibit B;

(iii) An assignment and assumption of the Lease, substantially in the form attached hereto as Exhibit C;

(iv) An estoppel certificate from Tenant in a form satisfactory to Buyer addressing certain matters pertinent to the Lease, dated no earlier than thirty (30) days prior to the Closing Date;

(v) A fully executed amendment to the Lease in a form satisfactory to Buyer and such other documents as may be reasonably requested by Buyer with respect to the Lease or any obligations of Buyer, as landlord, thereunder;

(vi) Non-foreign certificates with respect to federal tax and California tax in form and substance reasonably satisfactory to Buyer;

(vii) A Natural Hazard Zone Disclosure Report; and

(viii) 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. Real property taxes and assessments on the Real Property shall be prorated as of the Closing Date (on the basis of actual days elapsed and a 360-day year) based upon the latest available bills. Buyer shall assume responsibility for all real estate taxes and assessments on the Property from the Closing Date forward. If any of the prorations or adjustments required under this Section 6.4(i) cannot be definitively calculated on the Closing Date, then they shall be estimated at the Closing and definitively calculated as soon as practicable after the Closing Date. As soon as the necessary information is available, Seller and Buyer shall conduct a post-Closing review to determine the accuracy of all prorations and adjustments. Within thirty (30) days after the completion of such determination, either party owing the other party a sum of money based on such subsequent

prorations, adjustments or post-Closing review shall pay said sum to the other party. The obligations of Seller and Buyer under this Section shall survive the Closing for one (1) year.

(ii) Closing Costs. Buyer shall pay 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; Default.

7.1 Seller Representations and Warranties. Seller hereby represents and warrants to Buyer as of the Effective Date and as of the Closing as follows:

(i) Seller has full power and authority and has taken all action necessary to execute this Agreement and to fulfill all its obligations hereunder and that this Agreement has been duly executed and delivered by Seller and constitutes the legal, valid and binding obligations of Seller in accordance with its terms.

(ii) Seller represents that the Property is free of contamination and hazardous materials. The Property is not in violation of any federal, state or local law, ordinance or regulation relating to hazardous substances, industrial hygiene or the environmental conditions on, under or about the Property including, but not limited to, soil and ground water condition.

(iii) To Seller's knowledge, there are no violations of any applicable law, ordinance, rule, regulation, or requirement of any governmental agency, body, or subdivision affecting or relating to the Property.

(iv) To Seller's knowledge, there is no suit, action, arbitration, legal, administrative or other proceeding or inquiry, pending or threatened against or relating to Seller which would affect Seller's ability to perform its obligations under this Agreement.

(v) To Seller's knowledge, there are no encumbrances or liens against the Property, including, but not limited to, actual or impending mechanics' liens against the Property, unexpired leases, options, mortgages or deeds of trust, other than those set forth in the Title Report

(vi) Except for Tenant under the Lease, no third party is entitled to occupancy of any portion of the Property. No third party is entitled to occupancy of any portion of the Property except for Tenant under the Lease. The Lease is in full force and effect in accordance with its terms, has not been modified or amended except as disclosed to Buyer, and no claim of default by any party thereto exists. Neither Tenant nor any third party has any right of first refusal, first offer or right to purchase all or a part of the Property which will not be waived in writing as of the Closing Date. All obligations of Seller under the Lease as of the Closing Date have been or will be fully performed. Seller has delivered all notices related to Tenant rent relief or deferral, Tenant force majeure claims, and any other Tenant notices regarding potential rent offsets or defenses under the Lease. No brokerage, finders or referral fees or similar commissions are or will become due and payable in connection with the Lease or

renewals thereof which will be binding upon Buyer and there are no (A) landlord contributions towards tenant improvements which have not been fully paid under the Lease or (B) tenant improvement work required to be completed by the Seller under the Lease which has not been fully completed.

(vii) Except as expressly provided herein, there is no agreement affecting or restricting the Property, including its usage and development, and Seller has not granted to any person or entity any ground lease, site control lease or similar agreement regarding the Property or any option to purchase or lease all or any portion of the Property or any right of first refusal or right of first offer to purchase or lease all or any portion of the Property, and no third parties have any such options or rights.

(viii) There are no pending or, to Seller's knowledge, threatened requests, applications or proceedings to alter or restrict the zoning or other use restrictions or any taking, condemnation or eminent domain proceedings applicable to the Property. The Property is a legal conforming use and the current and anticipated use of the Property complies with the zoning requirements for the Property.

(ix) Seller has disclosed to Buyer any and all known conditions with respect to the Property which are reasonably likely to have an adverse effect on the Property or may adversely affect the health or safety of any occupant of the Property.

7.2 Buyer Representations and Warranties. Buyer hereby represents and warrants to Seller as of the Effective Date and as of the Closing as follows:

(i) Buyer has full power and authority and has taken all action necessary to execute this Agreement and to fulfill all its obligations hereunder and this Agreement has been duly executed and delivered by Buyer and constitutes the legal, valid and binding obligations of Buyer in accordance with its terms.

(ii) To Buyer's knowledge, there is no suit, action, arbitration, legal, administrative or other proceeding or inquiry, pending or threatened against or relating to Buyer which would affect Buyer's ability to perform its obligations under this Agreement.

7.3 Breaches of Representations and Warranties; Indemnity. The foregoing representations and warranties shall survive the Closing for a period of two (2) years and shall not merge into the Grant Deed. Buyer's obligation to proceed with the Closing shall be conditioned upon the accuracies of the representations and warranties of Seller. If, prior to the Closing, Seller discloses to Buyer or Buyer otherwise discovers that the foregoing representations and warranties of Seller are inaccurate, Buyer shall have the right to terminate this Agreement by providing Seller with written notice within five (5) business days of its receipt of such disclosure, in which event the Deposit and all accrued interest thereon shall be promptly refunded to Buyer, and the parties hereto shall have no further obligation to each other except as otherwise provided herein. In the event that Buyer discovers after the Closing that any of the foregoing representations and warranties were false or misleading in any material respect when made, then Buyer shall be permitted to pursue any and all rights and remedies available to Buyer at law or in equity. Seller shall indemnify, defend (with counsel reasonably acceptable to Buyer), protect and hold harmless Buyer, and its members, managers, employees, agents, representatives, successors and assigns harmless from and against any claims, losses, damages, actions, causes of

action, assessments, liabilities, obligations, costs or expenses, including reasonable legal fees and expenses, as incurred, payable promptly upon written request, to the extent arising or resulting from (i) any inaccuracy of Seller's representations and warranties or breach or non-fulfillment covenants under this Agreement and/or (ii) the Property prior to the Closing, except to the extent directly resulting from Buyer's use or operation of the Property pursuant to the Lease Agreement.

7.4 DEFAULT BY BUYER; LIQUIDATED DAMAGES. If the Closing and the consummation of the transaction contemplated by this Agreement do not occur solely as a result of a default by Buyer, then Seller, as its full and complete liquidated damages and its sole and exclusive remedy for Buyer's default, shall be entitled to retain the Deposit. Seller agrees to waive all other remedies against Buyer, which Seller might otherwise have in law or at equity by reason of such default by Buyer; provided, however, the foregoing shall not limit those obligations of Buyer which expressly survive the termination of this Agreement as expressly provided hereunder. **THE PARTIES HAVE AGREED THAT SELLER'S ACTUAL DAMAGES, IN THE EVENT ESCROW FAILS TO CLOSE SOLELY DUE TO A DEFAULT BY BUYER, WOULD BE EXTREMELY DIFFICULT OR IMPRACTICABLE TO DETERMINE. THEREFORE, BY PLACING THEIR INITIALS BELOW, THE PARTIES ACKNOWLEDGE THAT THE AMOUNT OF THE DEPOSIT HAS BEEN AGREED UPON, AFTER NEGOTIATION, AS THE PARTIES' REASONABLE ESTIMATE OF SELLER'S DAMAGES AND AS SELLER'S EXCLUSIVE REMEDY AGAINST BUYER, AND THAT PAYMENT OF SUCH AMOUNT TO SELLER AS LIQUIDATED DAMAGES IS NOT INTENDED AS A FORFEITURE OR PENALTY WITHIN THE MEANING OF CALIFORNIA CIVIL CODE SECTION 3275 OR 3369, BUT INSTEAD, IS INTENDED TO CONSTITUTE LIQUIDATED DAMAGES TO SELLER PURSUANT TO SECTIONS 1671, 1676 AND 1677 OF THE CALIFORNIA CIVIL CODE.**

_____ _____

Seller's Initials Buyer's Initials

7.5 Default by Seller. If the transaction is not consummated as a result of a default (including a breach of any representation or warranty) by Seller, then Buyer may either (i) terminate this Agreement by delivery of notice of termination to Seller, whereupon the Deposit, together with all interest earned thereon, less the Independent Consideration, and all other monies delivered to Escrow Holder by Buyer shall be immediately returned to Buyer, Seller shall pay any title and/or escrow fees charged by the Escrow Holder in connection with canceling the Escrow, and, except for any indemnity or other provisions in this Agreement that specifically survive the Closing or the earlier termination of this Agreement, neither party shall have any further rights or obligations hereunder; or (ii) continue this Agreement and bring an action against Seller for specific performance of this Agreement, which action may include claims for damages.

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, except as expressly set forth in this Agreement,

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, except for the representations and warranties of Seller expressly set forth herein, 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. Subject to the representations and warranties of Seller set forth herein, 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 and Seller shall have no liability for any subsequently discovered defects, whether latent or patent.

9. Merger. Upon the closing, the Lease Agreement shall be deemed under the Doctrine of Merger to have terminated, and the Lease Agreement shall thereupon be of no further effect or binding on the Buyer or Seller.

10. Miscellaneous.

10.1 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:

Kent A. Ipsen
TOUF LLC
1535 Giammona Drive
Walnut Creek, CA 94596
kent@skipolinis.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.

10.2 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. This Agreement shall be freely assignable by Buyer to an entity that Buyer owns or controls, that Buyer is controlled by, or that is under common control with Buyer.

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

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

10.5 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.

10.6 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.

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

10.8 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.

10.9 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.

10.10 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. Any signature page hereto delivered electronically or by facsimile (including without limitation transmission by .pdf or other fixed image form) shall be binding to the same extent as an original signature page.

10.11 Risk of Loss; Condemnation. All risk of loss shall remain with Seller until Closing at which time it shall pass to Buyer. In the event that the Property, or any material portion thereof, is substantially destroyed or substantially damaged prior to the Closing, or in the event of the taking of all or any material portion of the Property by eminent domain proceedings, or the commencement of such proceedings prior to Closing, Buyer shall have the

right, at Buyer's option, to terminate this Agreement by delivering notice to Seller within five (5) business days after Buyer's discovery of such damage or condemnation action, in which case the Deposit, together with all interest earned thereon, and all other monies delivered to Escrow Holder by Buyer shall be immediately returned to Buyer and, except as otherwise provided herein, the parties shall have no further rights or obligations under this Agreement. If Buyer does not so terminate this Agreement, then Buyer shall proceed to close with no reduction in the Purchase Price, in which event upon the Closing, Seller shall assign to Buyer any insurance proceeds, compensation, awards, or other payments or relief resulting from such casualty or condemnation proceedings to the extent applicable or allocable to the Property. Seller shall deliver notice to Buyer of any material damage and/or condemnation proceedings affecting the Property within two (2) business days after Seller's discovery of such matter.

10.12 Cooperation with Exchange. In the event that at Closing, either party hereto is under contract with a "qualified intermediary" for the purpose of effecting a tax-deferred exchange in accordance with Section 1031 of the Code and the applicable regulations promulgated thereunder, the other party hereto shall reasonably cooperate with such exchange and perform any acts reasonably necessary to assist in such exchange; provided that (i) neither party hereunder shall be required to accept title to any property other than the Property, and (ii) neither party hereto shall be required to expend any additional amounts of money above those amounts required pursuant to this Agreement or extend the Closing Date. Each party hereto shall indemnify and hold the other party harmless from and against expenses, costs and damages of any kind (including reasonable attorneys' and experts' fees) suffered either by reason of the performance of, or failure to perform, any acts of cooperation necessitated by this Section 10.12.

[Signature page to follow]

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

SELLER:

CITY OF OAKLEY

Joshua McMurray
City Manager

BUYER:

TOUF LLC,
a California limited liability company

Kent A. Ipsen
Manager

APPROVED AS TO FORM:

By: _____
Derek Cole, City Attorney

EXHIBIT A

PROPERTY DESCRIPTION

EXHIBIT B

BILL OF SALE AND GENERAL ASSIGNMENT

This BILL OF SALE AND GENERAL ASSIGNMENT (this "Assignment") is made and entered into pursuant to that certain Purchase and Sale Agreement (the "Purchase Agreement"), dated as of August 8, 2023, by and between the City of Oakley, a California municipal corporation ("Seller"), and TOUF LLC, a California limited liability company ("Buyer"), with respect to Seller's conveyance of that certain real property located at 3080 Main Street in Oakley, California, situated on Assessor's Parcel Number 037-200-011, and as more particularly described in the Purchase Agreement (the "Real Property").

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Seller hereby exclusively sells, transfers, conveys and assigns to Buyer, all of Seller's right, title and interest in and to any and all (i) 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; (ii) any improvements or fixtures upon the Real Property; and (iii) all intangible property and rights, indemnities, claims, demands, actions or awards benefiting the Real Property, including, but not limited to, any causes of action, claims and warranties. Buyer hereby accepts such sale, transfer, conveyance and assignment and agrees to assume any obligations thereunder to the extent arising or accruing from and after the conveyance by Seller to Buyer of the Real Property (the "Closing").

This Assignment shall be conditioned upon and effective upon the conveyance of fee title to the Real Property from Seller to Buyer. The parties hereto shall cooperate, take such additional actions and execute, acknowledge where required, and deliver, such additional documents or instruments as may be reasonably necessary under the circumstances to effectuate the intent of the parties hereto pursuant to this Assignment. The Assignment shall be governed by and construed in accordance with the laws of the State of California. The terms hereof shall survive the Closing. This Assignment may be executed in multiple counterparts (including signed copies delivered to a party by electronic transmission), each of which shall be deemed an original, but all of which shall constitute one and the same instrument. Any signature page hereto delivered electronically or by facsimile (including without limitation transmission by .pdf or other fixed image form) shall be binding to the same extent as an original signature page.

[Signature page to follow]

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

SELLER:

CITY OF OAKLEY

Joshua McMurray
City Manager

APPROVED AS TO FORM:

By: _____
Derek Cole, City Attorney

BUYER:

TOUF LLC,
a California limited liability company

Kent A. Ipsen
Manager

EXHIBIT C

ASSIGNMENT AND ASSUMPTION OF LEASE

FOR VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, the City of Oakley, a California municipal corporation ("Assignor"), hereby assigns, transfers and conveys to TOUF LLC, a California limited liability company ("Assignee"), all right, title and interest of Assignor in and to that certain Lease Agreement, dated February 11, 2015, as amended by that certain Amendment to Lease Agreement, dated April 1, 2020 (as the same may be further amended, extended and/or renewed), by and between Assignor, as "Landlord," and Byrnes Enterprises, LLC, dba Mr. Pickles Sandwich Shop, as "Tenant," (the "Lease"), together with (i) the leased premises therein described; (ii) all improvements thereon and or appurtenances thereto; (iii) all of the rents, profits and monies due and to become due thereunder from and after [_____], 2023 (the "Closing"); and (iv) any and all of the Assignor's right, title and interest in and to any security deposit under the Lease.

The Lease applies to that certain real property more particularly and commonly known as 3080 Main Street in the City of Oakley, County of Contra Costa, State of California (the "Property"), and this Assignment is made concurrently with and as an incident to the conveyance by Assignor to Assignee of the Property.

Assignee hereby assumes and agrees to duly and punctually observe and perform the obligations of Assignor under the Lease and to be bound by the terms, covenants and agreements contained in the Lease arising from and after the Closing, except as otherwise provided in the Purchase and Sale Agreement, dated as of the date hereof, by and between Assignor and Assignee with respect to the purchase and sale of the Property (the "Purchase Agreement"). Assignor agrees to indemnify, defend and hold Assignee and its members, managers, employees, agents and representatives harmless for, from and against any and all claims, liabilities, losses and obligations to the extent arising under the Lease prior to the Closing and to the extent otherwise provided in the Purchase Agreement.

This Assignment and Assumption of Lease may be executed in counterparts and the signature and acknowledgement pages combined to form and constitute one instrument. All such counterpart signature pages have the same force and effect as though all of the signers had signed a single signature page.

[Signature page to follow]

IN WITNESS WHEREOF, the parties hereto have executed this Assignment and Assumption of Lease as of the date first above written.

ASSIGNOR:

CITY OF OAKLEY

Joshua McMurray
City Manager

ASSIGNEE:

TOUF LLC,
a California limited liability company

Kent A. Ipsen
Manager

APPROVED AS TO FORM:

By: _____
Derek Cole, City Attorney

RESOLUTION NO. XX-23

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY (1) DECLARING AS EXEMPT SURPLUS PROPERTY THE REAL PROPERTY LOCATED AT 3080 MAIN STREET (APN 037-200-011); (2) AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE AND SALE AGREEMENT WITH KENT A. IPSEN CONCERNING THIS PROPERTY; AND (3) FINDING THE DECLARATION OF SURPLUS PROPERTY AND AUTHORIZATION FOR SALE ARE CATEGORICALLY EXEMPT UNDER THE "CLASS 12" EXEMPTION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, the City is the owner in fee of the property located at 3080 Main Street, Assessor Parcel No. 037-200-011 ("Property"), which is currently occupied as a Mr. Pickle's sandwich restaurant; and

WHEREAS, the City and Kent A. Ipsen ("Buyer"), who owns the immediately adjacent property located at 3080 Main Street, currently occupied as a Skipolini's Restaurant, desire to enter into a purchase and sale agreement in which Buyer will purchase the Property from the City; and

WHEREAS, in accordance with Government Code section 50569, the City amends its most recently adopted Inventory of Surplus Property to include the Property as surplus property because the City Council finds that the Property is in excess of the City's foreseeable needs; and

WHEREAS, the sale of the Property involves "surplus exempt property," as that term is defined under Government Code section 54221(f)(1)(B), and is not subject to the requirements of the Surplus Land Act, because the Property (i) is less than 5,000 square feet in area; (ii) is not contiguous to publicly owned property used for open space or low- or moderate-income housing purposes; and (iii) is being sold to the owner of the contiguous 3070 Main Street/Skipolini's Property; and

WHEREAS, the City Council finds that the declaration of the Property as surplus and the sale of the Property are exempt under the "Class 12" Categorical Exemption of the California Environmental Quality Act (14 Cal. Code Regs., § 15312)

NOW, THEREFORE, 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 Kent A. Ipsen for the sale of property located at 3080 Main Street (APN 037-200-011), a copy of which is attached as Exhibit A.

The foregoing resolution was introduced at a regular meeting of the Oakley City held on the 8th day of August 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 Date

ATTEST:

_____
Libby Vreonis, City Clerk Date

DATE: July 31, 2023
TO: Joshua McMurray, City Manager
FROM: Derek Cole, City Attorney
SUBJECT: Report Regarding Recent Legislation Authorizing Increases in the Salaries of City Councilmembers

Approved and Forwarded to the City Council

Background and Analysis

This Staff Report provides a summary of Senate Bill 329 ("SB 329"), which pertains to the increase in pay and compliance procedures for general law city council members. This discussion is provided in response to the recent request of the Council that potential increases in councilmember salaries be considered.

Currently, councilmembers receive $456.75 a month for your services. This amount was set in accordance with existing law, and was last adjusted for an inflationary in 2014.

Summary

Signed by Governor Newsom on June 29, 2023, SB 329 increases the maximum amount of salary that can be approved by city ordinance based on different population thresholds. The last preceding federal census or a subsequent census shall determine the applicable population. The maximum rates are as follows (the tier for the City population is highlighted in **bold text**):

POPULATION	MAXIMUM *MONTHLY* SALARY
Up to 35,000	= $950
35,001 to 50,000	**= $1,275**
50,001 to 75,000	= $1,600
75,001 to 150,000	= $1,900
150,001 to 250,000	= $2,550
Over 250,000	= $3,200

Limitations on Salary Increases

Future automatic increases in salary are not allowed. However, SB 329 allows councilmember salaries to be increased beyond the specified maximums by

ordinance or an amendment to an ordinance. The increases shall not exceed the greater of the following two conditions:

1. 5% per calendar year since the last adjustment; or
2. An amount equal to inflation since January 1, 2024, based on the California Consumer Price Index (no more than 10% per calendar year)

Open Session Requirement

To comply with SB 329, the City Council must discuss the proposed ordinance to increase compensation in an open session with at least two regular meetings:

1. *First Meeting:* At the first meeting, present the proposed ordinance with findings demonstrating the need for increased compensation.
2. *Second Meeting:* At least seven days after the first meeting, hold a second meeting to consider adopting the ordinance.

Compensation Limitation

The compensation for councilmembers may also compensate councilmembers for their work on commissions, committees, boards, or similar bodies. This additional compensation may not exceed $150 per month per entity unless specifically authorized by another statute. Retirement, health and welfare, and federal social security benefits are not included in the salary rates.

As a note, a councilmember may waive any or all of the compensation. In addition, as stated in Government Code section 36516.5, any raise in councilmember salary can only be implemented if a councilmember begins a new term.

Effective Date

SB 329 will become effective on January 1, 2024.

Consistency with the Oakley Strategic Plan 27+

The proposed action is consistent with The City's Sustainable Organization Goal.

Fiscal Impact

If the City Council authorizes salary increases, there would be additional annual costs associated with councilmember salaries. The potential increases would depend on whether the Council authorizes salary increases and the amount of the increases authorized.

Staff Recommendation

Staff requests that the City Council provide direction as to whether it requests that this Office prepare a draft ordinance increasing councilmember salaries.

Attachments

None.