AGENDA

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

Tuesday, October 27, 2020
6:30 PM
Oakley City Council Chambers, 3231 Main Street, Oakley, CA
BE ADVISED that this meeting will be live-streamed on the City's website at www.oakleyinfo.com. Due to the order of the County Health Officer, no one will be allowed to attend the meeting in person.

How to Participate:

Telephone: You may participate via telephone by calling (925) 809-9201 and using Conference ID#: 921207. Please call or text (925) 787-8454 with any difficulties with the call-in number or ID. The meeting host will call on you when it is your turn to speak. Please mute your phone until then.

E-mail: Public comments can be submitted until 5 p.m. the day of the meeting by completing an online comment form through the City's website, https://www.ci.oakley.ca.us/agendas-minutes-videos-archive/ . Comments will be distributed to the City Council via email and summarized in the meeting minutes. Please indicate on the comment form if you wish to speak during the meeting. Public comments are public records

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

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

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

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

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.

We provide social media options to stay connected to City Hall through Facebook, Twitter, Next Door and Instagram. Other opportunities to connect with City Hall include Engage In Oakley, Oakley OnDemand on the city's website; and by emailing info@ci.oakley.ca.us. Constant Contacts. Please contact us at (925) 625-7000 for additional information or at www.oakleyinfo.com.

If you have a physically challenging condition and require special accommodations, please call the City Clerk's office at (925) 625-7013.

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.

Members of the public may address the Council on items of interest that are within the City's jurisdiction. Public comment on items not listed on the agenda will be heard under the Public Comments section of the agenda. 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 blue speaker card available in the lobby and submit it to the City Clerk prior to the agenda item being called. The Mayor will call you by name to the podium to hear your comments and you have up to 3 minutes to speak.

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 (Mayor Romick)

1.3 Update provided by Diablo Water District (Dan Muelrath, General Manager)

Powerpoint Presentation

2.PUBLIC COMMENTS

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

3.CONSENT CALENDAR

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

3.1 Approve Minutes from the Regular Joint City Council/City Council Acting as the Successor Agency to the Redevelopment Agency/Public Financing Authority Meeting held October 13, 2020 (Libby Vreonis, City Clerk)
Minutes 101320

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

3.3 Creation of an Ad-Hoc Subcommittee of the City Council Concerning East Contra Costa Fire Protection District (Derek Cole, City Attorney
Staff Report

4.PUBLIC HEARINGS

4.1 Cypress Square Master Sign Program (SP 01-20) – Request for approval of a Master Sign Program for the Cypress Square Shopping Center (Ken Strelo, Principal Planner)
Suggested Action: Staff Recommendation: 1) Open the Public Hearing, 2) Receive the Staff Report, 3) Receive Questions from the City Council, 4) Receive Comments from the Applicant, 5) Receive Public Testimony, 6) Close the Public Hearing, 7) Deliberate,

8) Summarize the Deliberation, and 9) Adopt the Resolution.
Staff Report
1. Vicinity Map
2. Public Hearing Notice
3. Cypress Square Shopping Center Master Sign Program
4. Proposed Resolution

5.REGULAR CALENDAR

5.1 Waive the First Reading and Introduce an Ordinance Adding Article 8 ("Shared Mobility Devices") to Chapter 2 ("Streets and Sidewalks") of Title 6 of the Oakley Municipal Code Relating to the Placement and Use of Shared Mobility Devices in the Public Right-of-Way (Libby Vreonis, City Clerk/Paralegal)
Staff Report
1. Draft Ordinance

5.2 Waive the First Reading and Introduce an Ordinance regarding Campaign Contributions Limitations, Campaign Signs and Candidates' Use of the City's Logo/Seal or Similar Reproduction (Libby Vreonis, City Clerk/Paralegal)
Staff Report
1. State of California Department of Transportation Statement of Responsibility for Temporary Political Signs
2. Option 2-Draft Ordinance
3. Option 3-Draft Ordinance
4. Option 4-Draft Ordinance

6.REPORTS

6.1 CITY MANAGER
(a) City Manager

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

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

(b) Requests for Future Agendas

7.WORK SESSIONS

8.CLOSED SESSION

8.1 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(d)(1)
City of Oakley v. Scelsi, et al.
Contra Costa Superior Court Case No. MSN16-1620

8.2 CONFERENCE WITH LEGAL COUSEL-ANTICIPATED LITIGATION
Initiation of Litigation Pursuant to Government Code Section 54956.9(d)(4)
One Potential Case.

8.3 CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION
Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(d)(2)
One Potential Case.

8.4 Report Out of Closed Session (Derek Cole, City Attorney)

9.ADJOURN

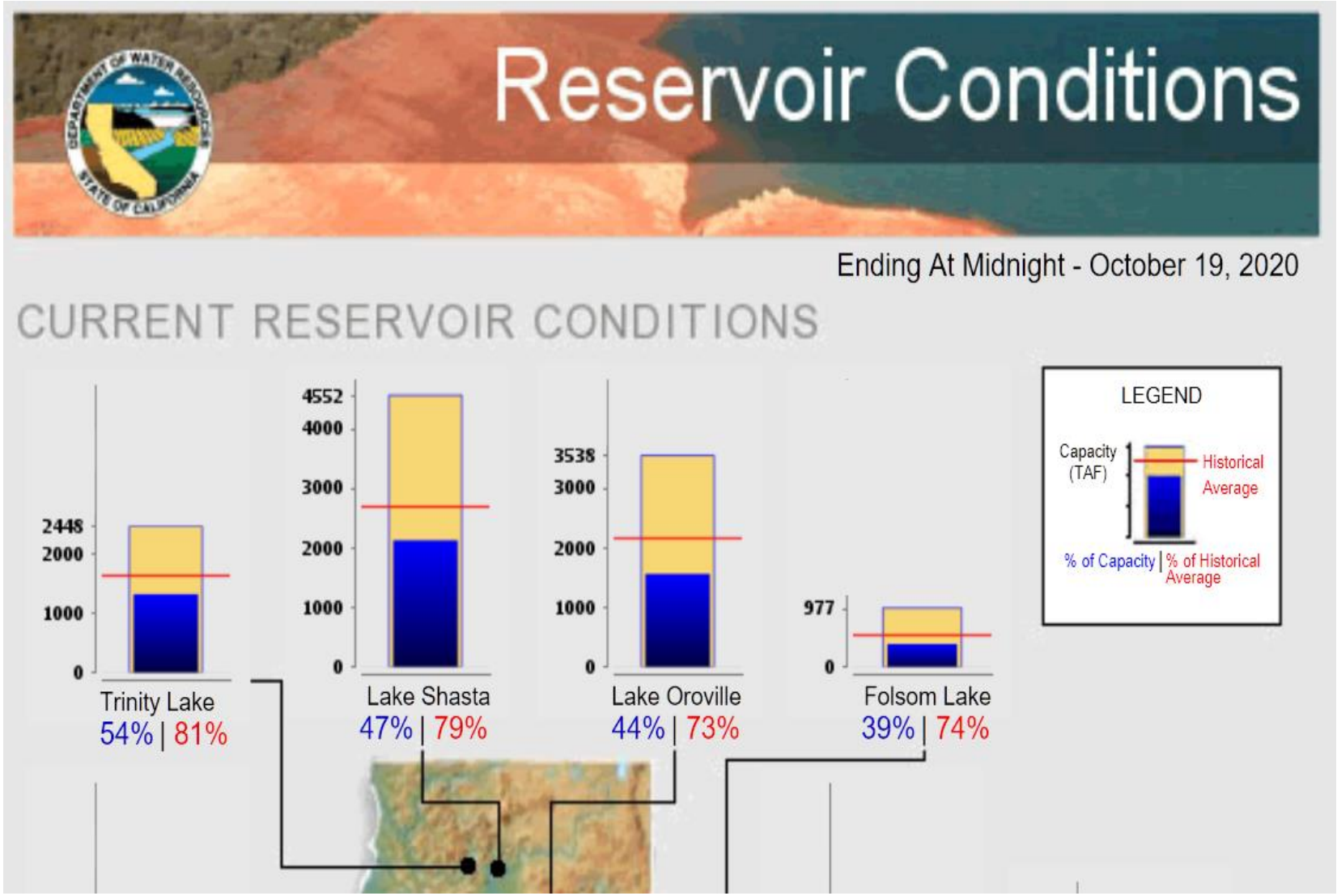
Diablo Water District Annual Update

October 27, 2020

Dan Muelrath

General Manager

2020 Current Water Supply Conditions



Local Groundwater

- DWD owns/operates 2 production wells
  - 20% of water supply
- Groundwater levels are normal for end of summer pumping season
- DWD is the Groundwater Sustainability Agency whose service area includes the City of Oakley
  - Currently working on Groundwater Sustainability Plan
  - Completion of plan: January 2022

EAST CONTRA COSTA SUBBASIN
Groundwater Sustainability Plan

Planning for the Future

- 2020 Facilities Plan - complete
  - Identifies facilities needed through City buildout
- 2020 Urban Water Management Plan – in progress
  - Identifies total water demands and supplies needed
  - 25+ year time horizon
- 2022 Groundwater Sustainability Plan – in progress
  - Determines how to manage the East Contra Costa Subbasin

Fiscal Sustainability

- Impacts of COVID-19
  - Higher delinquency rate
  - Significantly higher in spring
- Single largest cost increase per year is the expense to purchase water from Contra Costa Water District. Anticipating a $300,000 increase in 2021.
- Diablo Water District water rates are the lowest municipal rates in East County

Projects for FY 2020/21

- Joint recycled water feasibility study with Ironhouse
- Relocation of 24” water main for train station
- Implementation of electronic work orders
- Leak detection of entire distribution system
- New corporation yard
- New finance and billing software
  - Launched August
  - Major issues have been resolved
  - Credit card processing fees being renegotiated and District to consider reabsorbing the fees

Billing

Current Billing Period
Day 15 of Current Billing Period

Estimated Bill-To-Date
$40.02

Meter Last Reported
10/20/2020 - 03:00 AM
Read: 104495.00

You used **1.59 HCF** this week, which cost **$5.81** (**$6.58** less than last week's total) ↓

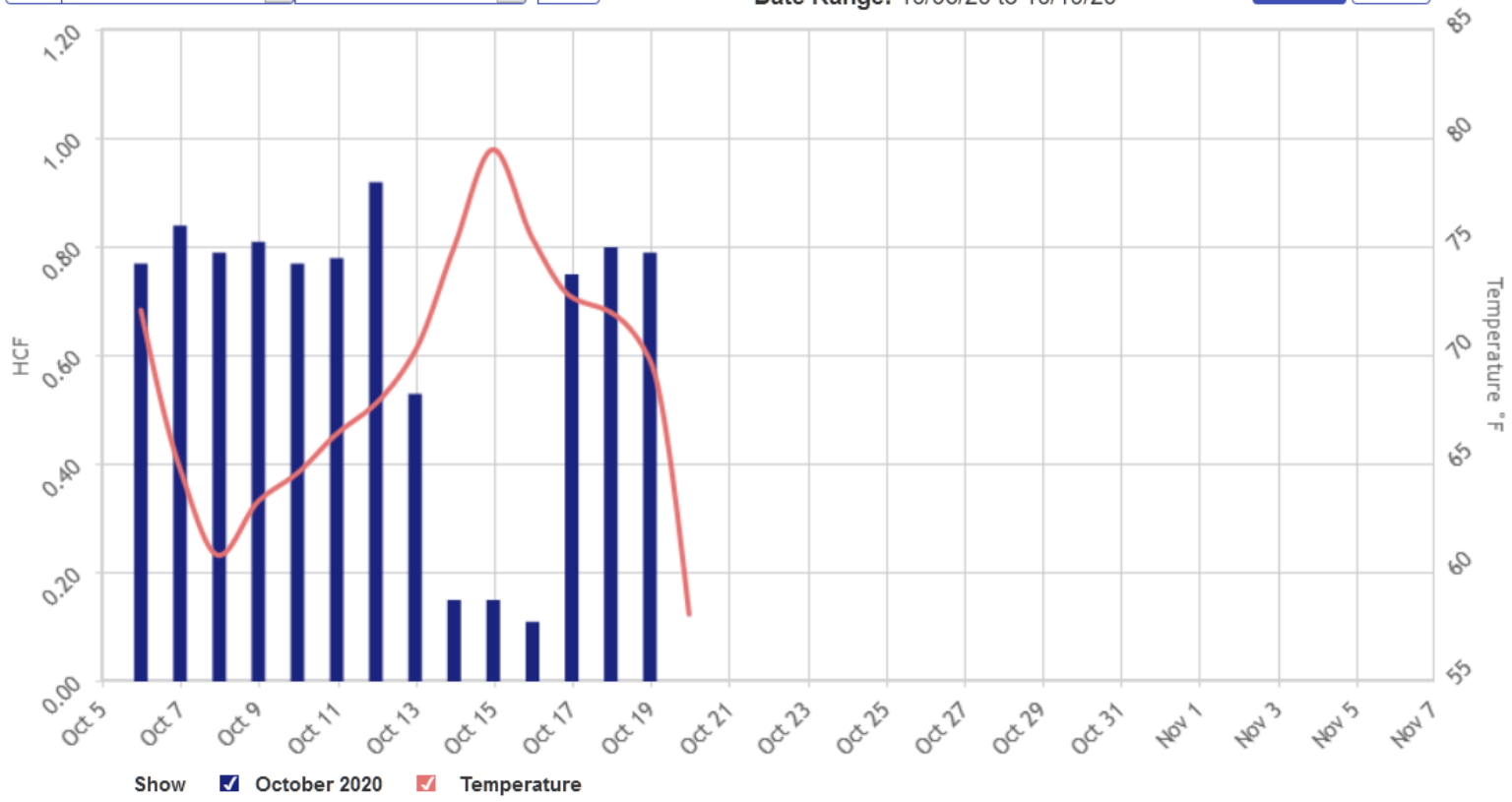
	This Week: 10/18 - 10/24	Last Week: 10/11 - 10/17
Cost	$5.81	$12.39
Usage	1.59 HCF	3.39 HCF

Daily | Hourly | Custom

< Oct 2020 Go

Unbilled Consumption
Date Range: 10/06/20 to 10/19/20

Usage | Cost



Show ☑ October 2020 ☑ Temperature

Billing

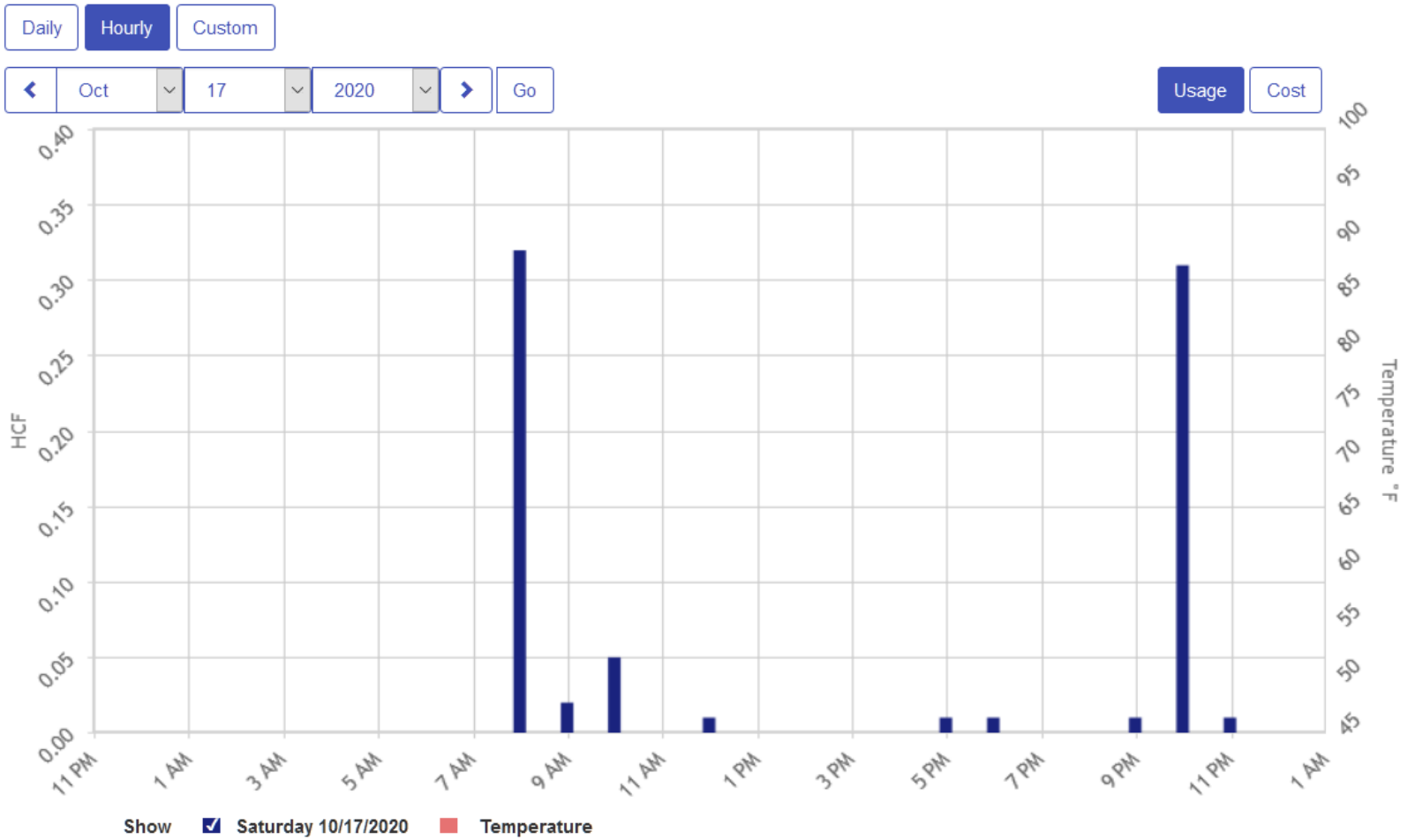
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Cost	$5.81	$12.39
Usage	1.59 HCF	3.39 HCF



Manage Alerts

example@domain.com

Off **Email**

[redacted]

On **Text** *Note: Standard message and data rates may apply.*

On **Leak Alerts**

Receive alert if consumption indicates abnormal usage or potential leak.

On **Billing Threshold Alerts**

Receive alert if estimated billing amount exceeds

$ 5

Your average bill for the last 12 months was $58.37. Your highest bill in the last 12 months was $105.52.

Off **Consumption Threshold Alerts**

Please notify me if my **daily** usage exceeds

Off **Water (HCF)** 0.45

Average daily use = 0.45 HCF

Please notify me if my **monthly** usage exceeds

Off **Water (HCF)** 13.64

Average monthly use = 13.64 HCF

Building Community Partnerships

- Working with Rotary Club of Oakley
  - Senior Center Landscape Project
- Looking for Additional Future projects/partnerships

Questions

Dan Muelrath

dmuelrath@diablowater.org

Minutes of the Joint Meeting of the Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority held October 13, 2020

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 Kevin Romick was present and called the meeting to order at 6:36 p.m. in the Oakley City Council Chambers located at 3231 Main Street, Oakley, California. There was a slight delay in the meeting start time due to technical difficulties with video livestreaming. In addition to Mayor Romick, Vice Mayor Sue Higgins was present. Councilmembers Claire Alaura, Michael Krieg and Randy Pope joined remotely via teleconference.

1.2 Pledge of Allegiance to the Flag (Mayor Romick)

Mayor Romick led the Pledge of Allegiance to the Flag.

1.3 Presentation by Contra Costa County Flood Control regarding Marsh Creek

Brian Balbas, Chief Engineer for the Contra Costa County Flood District, along with his team, including, Alison Knapp, Tim Jensen and Michelle Cordis, presented on the current beaver dam located near Marsh Creek Park. They explained through a hydraulic analysis, they have determined the presence of the dam has caused obstruction which has raised the water level resulting in approximately 400 feet of Marsh Creek not meeting current regulations. They mentioned they are working with Fish & Wildlife and want to work with the City of Oakley to mitigate impacts to wildlife and habitat, and also reduce the risk of flooding.

Mayor Romick requested they explain who is responsible for what. He inquired if the City is responsible for the park, if County Flood Control is responsible for Marsh Creek and if East Bay Regional Park District is responsible for the trail.

Mr. Balbas confirmed a License Agreement entered into between the City and County in January 2020 outlines the responsibilities of each agency and the specific areas of responsibility.

Vice Mayor Higgins inquired at what point the dam impedes flow.

Mr. Balbas responded there is no specific number they examine; they analyze a variety of factors to determine non-compliance with regulations.

Councilmember Krieg inquired if preventative measures would be used similar to those used in Martinez.

Mr. Jensen explained that a pipe called a “beaver deceiver” is used because beavers do not detect it is there and it causes less obstruction in the dam; however, he is not certain if it would be successful here like it was in Martinez.

Sarah Puckett, American Rivers’ environmental consultant, shared positive impacts of beavers and the unfortunate incident of beavers being killed when they were not causing a problem. She explained this is their natural habitat and they are beneficial to the watershed and creek restoration.

Mayor Romick thanked Ms. Puckett and County staff.

1.4 Proclamation declaring October “California Farmer and Farmworker Month"

On behalf of the City Council, Mayor Romick read the proclamation into the record.

2) PUBLIC COMMENTS

Oakley Library Manager Andrea Freyler provided a brief update regarding programs and resources currently available through the Library, including online programs, make and take kits, science kits and services provided at the Senior Center every other Friday. She indicated that the Oakley Library does not have a specific timeline for reopening. She announced she has accepted a temporary position with the Brentwood Library and the County is actively seeking someone to fill the position in Oakley.

Mayor Romick congratulated her.

Greg Enholm, Secretary and Ward 5 Representative for the Contra Costa Community College District Governing Board, announced that the Board is scheduled to approve Dr. Brian Reece as the District’s new Chancellor tomorrow and requested an opportunity to introduce Dr. Reece at a City Council meeting after November 1.

3) CONSENT CALENDAR

3.1 Approve the Minutes from the Regular Joint City Council / City Council Acting as the Successor Agency to the Redevelopment Agency/Public Financing Authority Meeting held September 8, 2020 (Libby Vreonis, City Clerk)

3.2 Approve the Minutes from the Special Meeting of the Oakley City Council, Community Dialogue Meeting, held September 15, 2020 (Libby Vreonis, City Clerk)

3.3 Award of a Construction Contract to R&R Pacific Construction Inc. for the construction of the Delta De Anza and Marsh Creek Trail Connection Safety Improvements Project, Capital Improvement Project Number 239 (Kevin Rohani, P.E., Public Works Director/City Engineer)

3.4 Ratify Election: Adopt Ordinance No. 13-20 Authorizing the Levy of a Special Tax on Parcels of Land within Tax Area Zone 177 within the Oakley Special Police Tax Area for Police Protection Services for the Acacia project (APNs 033-030-001 and 033-030-027) (Kevin Rohani, P.E., Public Works Director/City Engineer)

3.5 Annexation No. 6 (Acacia – 5360 Main Street) to the City of Oakley Community Facilities District No. 2018-1 (Fire Protection Services) (Kevin Rohani, P.E., Public Works Director/City Engineer)

3.6 Annexation No. 25 (Acacia – 5360 Main Street) to the City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services) (Kevin Rohani, P.E., Public Works Director/City Engineer)

3.7 Acceptance of work associated with the Fiscal Year 2019/2020 Street Repair and Resurfacing Project - Capital Improvement Project Number 237 (Kevin Rohani, P.E., Public Works Director/City Engineer)

3.8 Approval of Subdivision Improvement Agreement and Final Map for The Vines Subdivision 9507 (Located at 2371 Oakley Road) (Kevin Rohani, P.E. Public Works Director/City Engineer)

3.9 Agreement with Bellecci & Associates, Inc. for Engineering Services associated with the East Cypress Road Precise Alignment Plan (Kevin Rohani P.E., Public Works Director/City Engineer)

3.10 Approval of Subdivision Improvement Agreement, Subdivision Assessment and Annexation Authorization Deferral Agreement, and Final Map for Acacia Subdivision 9498 located at 5360 Main Street (Kevin Rohani, P.E., Public Works Director/City Engineer)

3.11 Acceptance of Subdivision Improvements Associated with Doyle Road/Hill Avenue Minor Subdivision 17-976 located at 3351 Doyle Road (Kevin Rohani, P.E., Public Works Director/City Engineer)

3.12 Creating Zone 179 within the Oakley Special Police Tax Area consisting of the Baldocchi project located at the southeast corner of Cypress Rd and Sellers Ave (APNs 032-010-002 and 032-010-012) (Kevin Rohani, P.E., Public Works Director/City Engineer)

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

4) PUBLIC HEARINGS

4.1 Cypress Estates Design Review (DR 04-20) – Request for Design Review approval of architectural plans for 30 single-family residential lots consisting of 12 one-story and 18 two-story homes within the Cypress Estates Subdivision 8728 (Ken Strelo, Principal Planner)

Principal Planner Ken Strelo presented the staff report.

Councilmember Alaura inquired if neighbors were noticed and what area in distance was noticed with the tentative map and final map.

Mr. Strelo responded that in previous years (2005 and 2009), the requirement was 300 feet for notices so his recollection is that was the area in distance noticed and now it is 500 feet for notices so that is the area that was noticed for this public hearing. He commented that he is not aware that notices are required for final map approval as public hearings are not held for final map approval.

Councilmember Alaura inquired if anyone expressed any objections upon receiving notice.

Mr. Strelo responded that he believes there were comments in years past regarding where one and two story homes should be placed and staff reviewed the conditions to ensure there were no conflicts and finding none, changes were made to their placement.

Councilmember Krieg inquired if the City is examining the placement of two-story homes above what is required by the City's design guidelines in response to concerns that have been shared regarding too many two-story homes.

Mr. Strelo explained that the design guidelines require 20% of homes in a project to be one-story homes and this project provides 40% of homes as one-story homes.

Mayor Romick opened the public hearing.

Eileen Hollis submitted comments via email to Mr. Strelo in advance of the meeting. Mayor Romick announced her comments will be made part of the meeting record.

Mayor Romick closed the public hearing.

Vice Mayor Higgins inquired if it is possible to reroute traffic so it is not going through Oak Forest Avenue.

Mr. Strelo responded that he believes the question was raised in a public comment that was addressed with the Public Works Director and also forwarded to the developer. He explained that he was told that the truck traffic will be routed from Empire to Main to either Fuschia or a section of Oak Forest Avenue onto Mallord; it will not be routed down Cypress.

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

4.2 Resolution Approving a Fee Study Regarding a Fire-Facilities Fee; Introduction and Waiver of First Reading of an Ordinance Amending Chapter 9.2 of the Oakley Municipal Code Concerning the Fire-Facilities Impact Fee; and Resolution Authorizing the City Manager to Execute an Administration Agreement with the East Contra Costa County Fire Protection District concerning the Fire-Facilities Fee (Derek Cole, City Attorney)

City Attorney Derek Cole mentioned this item was continued from the September 8, 2020 Council meeting in which it was agendized as a public hearing item. He shared that the items are not available tonight for action. He explained there is a commercial fee increase which staff has been discussing with the Fire District since a work session was held at the City Council's August meeting, and since Monday when the staff report was

written, a lot has changed. He further explained that the District sent a demand letter to the City and the intent was to bring the item back to the Council on October 27, 2020; however, the demand letter, along with a letter from a builder sent this afternoon, and another letter from the District, need to be reviewed and further discussion needs to occur before the items is ready for consideration. He requested the item be continued to a future date to allow time to address issues of concern with the District and to bring the item back in a time as reasonable as possible. He mentioned a new public hearing notice will be prepared when the item is ready for the Council's review.

Mayor Romick inquired if the letter from Discovery Builders also included a lawsuit.

Mr. Cole explained that the letter mentioned the threat of a lawsuit against the City of Brentwood on the same fee resolution approved in July as proposed by Oakley; however, he is not aware that it has been filed. He commented he believes the statute of limitations expires in November to file a lawsuit.

Mayor Romick inquired if the City of Oakley adopts the fee study if it will also be part of a lawsuit.

Mr. Cole responded that it could be reasonably anticipated if Oakley adopts the same fee study and a new fee structure for the fire facilities fee given Discovery Builders is likely to file a lawsuit against the City of Brentwood regarding the same fee study. He explained that in Brentwood the District signed an administration agreement which provides indemnity to Brentwood as part of the overall package; however, Oakley does not have that same overall package and agreement at this time.

Councilmember Alaura commented she believes staff needs more time, but there is some urgency, and she would like to have at least an update on the agenda for the October 27 meeting and now pause until end of year or after first of the year.

Mr. Cole explained that the practical constraint with having something in place for October 27 would be difficult because staff reports are due Monday which provides little time to discuss the issues and draft items. He suggested staff can provide an update under City Manager Reports to report progress at the October 27 meeting.

Councilmember Alaura commented she appreciates that an update can be provided on October 27 and that she feels there is urgency to have the issues resolved. She requested the item on the agenda by November 10.

Councilmember Krieg commented that he agrees with Councilmember Alaura. He moved to continue the item indefinitely until such time as the City Manager and City Attorney can bring back the item on an agenda as an action item and until then, a report will be on the agenda so that the City Council may ask questions and provide direction to staff to move quickly.

Mr. Cole asked if there are any public comments before the motion is made.

Mayor Romick announced no public comments were submitted.

Councilmember Krieg commented that he may have jumped the gun. The motion died for lack of a second to the motion.

Councilmember Pope inquired if the threat of a lawsuit should be discussed in closed session.

Mr. Cole explained that this is a hybrid matter as staff needs direction in open session from the Council how to proceed with the fee resolution and fee agreement items, but a particular item will need to be addressed in closed session.

Councilmember Pope commented he is in favor of tabling or continuing the public hearing, but he wants updates in closed session. He expressed he is upset with the District for its unprofessional behavior of airing and litigating the issues through social media and doesn't want the City to do the same. He added that once the updates have been provided and the Council sees progress is being made, then it can be called for as a public hearing item.

Councilmember Alaura commented that she sees the point Councilmember Pope is making to provide the Council updates of work being done; however, she believes the update should be public on the fee study as the District has already made the issue public, but any items required to be discussed in closed session should be done accordingly.

Mr. Cole commented that the litigation matter is concerning the 2018 Station # 55 Agreement and must be addressed in closed session and related items cannot be discussed during closed session; however, updates on the fee resolution and fee administration agreement can be made publicly.

Mayor Romick opened the public hearing.

Vince Wells, President of Fire Fighters Local 1230, representing fire fighters of East Contra Costa Fire Protection District, commented he is aware of the issues and he is disappointed of efforts of the City Council to minimize any funds to the District for fire services, including Mayor Romick who sat on the Fire Board. He mentioned if the City Council is dedicated to fire as a priority, these things would not be questioned.

George Fuller submitted an online comment to speak on items 8.1, 8.2 and 8.3. He requested to speak at this time instead. He commended the Fire District on its action and shared that he wrote an article in relation to this topic on his website. He expressed the demand letter was long overdue as fire safety is first priority. He commented that the City has spent money on a train station, a 300-car parking lot and Recreation Center, but did not allocate funds for fire which needs to be prioritized for our children's safety at schools and public safety.

Mayor Romick closed the public hearing.

It was moved by Mayor Romick and seconded by Vice Mayor Higgins to continue the item to a date uncertain and direct staff to provide updates at every Council meeting in open and/or closed session as appropriate until issues are resolved with the District and potential lawsuit (from Discovery Builders).

Vice Mayor Higgins commented that fire safety is number one and the City is stuck in between a rock and a hard place because the City is supporting fire but also getting hit by a Mack truck at the same time.

Councilmember Krieg commented that the City Council is walking a narrow line to request money from developers to pay for infrastructure; if the City expects too much, the developers sue or stop coming to Oakley. He explained that the City receives very little sales tax and the City's infrastructure comes through development. He mentioned the City is in between the developers and District and the City Council and staff need time to think this through slowly and carefully.

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

5) REGULAR CALENDAR

None.

6) REPORTS

6.1 CITY MANAGER
(a) City Manager

None.

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

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

Vice Mayor Higgins reported she attended the League of California Cities' online conference and business meeting where she voted "no" on the proposed resolution as written because there was too much open for interpretation. She mentioned there were not enough voting delegates in attendance online to have a quorum.

Councilmember Alaura reported she was asked to be a moderator for the "Because We Can" 2020 event which covered diversity, inclusion and better work environments of which ideas relate to the virtual community meeting held by the City Council on September 15. She mentioned You, Me, We=Oakley! virtual events will be held to bring the community together. She also reported she attended a special meeting of Diablo Water District; the topic of discussion was a new corporation yard which will have office space for field employees, a training area and shop area. She mentioned it should be coming to the City Council for design review in November or December and possibly will include solar.

Councilmember Krieg reported he attended the Delta Protection Commission meeting and there were no action items. He mentioned the Army Corps of Engineers will take the lead on the EIR for the twin tunnels project and a draft EIR should be available in August 2021. He also reported that he attended a virtual meeting of the Contra Costa Mosquito

& Vector Control District and it is facing some staffing issues due to employees tending to child care and distance learning matters during COVID. He shared that during Labor Day weekend there was treatment of mosquitoes in Brentwood parks which was difficult to accomplish with fogging trucks because of the air quality. He mentioned there have been two cases of West Nile virus, one of which was in Brentwood, but the area is still below the five year average for the virus.

Mayor Romick reported that the Contra Costa Transportation Authority Executive Director is retiring and a sub-committee has been formed to look for his replacement. He also reported that Reclamation District 2137 is overseeing the Dutch Slough Restoration Project and dirt has been moved, native vegetation is being restored (plants planted earlier this year have taken hold) and grading on the levee on the south end of the project is almost complete. He mentioned agreements regarding access and responsibility among agencies will be forthcoming.

(b) Requests for Future Agendas

None.

7) WORK SESSIONS

7.1 Work Session Regarding Shared Mobility Devices (docked and dockless scooters and bikes) (Libby Vreonis, City Clerk/Paralegal)

City Clerk/Paralegal Libby Vreonis presented the staff report.

Vice Mayor Higgins commented she is thinking of shared mobility devices and COVID and wondering how that would be safe. She mentioned trails would be a great place to ride e-bikes, but there are not a lot of other places to ride them safely. She also mentioned she does not believe that Oakley has the foot traffic to have devices, but she also doesn't want companies to be able to drop them in the City.

Councilmember Alaura expressed concern regarding the sanitation of shared mobility devices during COVID. She inquired if any measures are being taken to ensure ridership safety.

Mrs. Vreonis responded that she does not have specific data, but as the devices remain in operation in many cities, she believes there are safety measures in place.

Councilmember Alaura commented that she has used scooters and bikes in large downtown walkable areas and Oakley's downtown is not quite as large to accommodate the devices. She mentioned there are many trails which people can ride their own devices. She also mentioned she doesn't feel there is demand at this time, but perhaps in the future when there is a train station the item could be reconsidered for commuters. She commented she wants to ensure companies cannot just drop them in Oakley without having to work with the City regarding regulations and safety.

Councilmember Krieg commented when it was brought up months ago, the concern was with the train station coming, he did not want the issues that were occurring in urban cities with the devices such as devices being dropped in cities, regulation and safety; it is

much easier to have rules in place rather than trying to fix an issue after it has happened. He mentioned he is less concerned with them being dropped with recent state legislation enacted, but he would like to have something in place to prevent devices from being dropped and deployed without the Council having the opportunity to review.

Councilmember Pope commented it is an exciting and emerging innovative technology and he doesn't want to stifle that technology with future transportation coming in Oakley. He mentioned he would like to see a framework for the opportunity for a pilot program to ensure a nuisance is not created and public safety is adhered to.

Mayor Romick agreed with Councilmember Pope's comments, but indicated it may be premature as Oakley's infrastructure is not equipped to handle such devices. He suggested first putting an ordinance similar to La Habra's ordinance in place to ensure devices are not dropped in the City at this time.

Mrs. Vreonis thanked the City Council for its direction and mentioned an ordinance will be brought back to the Council soon for its consideration.

8) CLOSED SESSION

8.1 CONFERENCE WITH LEGAL COUNSEL
Initiation of Litigation Pursuant to Government Code Section 54956.9(b)
One potential case

The City Council authorized the filing of a Health and Safety Code Receivership against the legal owners of 519 3rd Street. It was moved by Mayor Romick and seconded by Vice Mayor Higgins to approve the action. Motion was unanimous and so ordered.

8.2 CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION
Pursuant to Government Code Section 54956.9(b)
One potential case.

The City Council gave direction to the City Attorney. There was no other reportable action.

8.3 Report Out of Closed Session (Derek Cole, City Attorney)

Supra.

9) ADJOURN

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

Respectively Submitted,

Libby Vreonis
City Clerk

OAKLEY
CALIFORNIA

MEMORANDUM

Office of the City Attorney

Date:	October 14, 2020
To:	Mayor and Members of City Council
Cc:	Bryan Montgomery, City Manager
From:	Derek P. Cole, City Attorney
Subject:	Closed Session Report-Out Memo

FOR CONSIDERATION AT THE CITY COUNCIL MEETING OF OCTOBER 27, 2020

Background and Analysis

The City Council considered the following closed session items at its meeting held October 13, 2020:

CONFERENCE WITH LEGAL COUNSEL
Initiation of Litigation Pursuant to Government Code Section 54956.9(b)
One potential case

The City Council authorized the filing of a Health and Safety Code Receivership against the legal owners of 519 3rd Street. It was moved by Mayor Romick and seconded by Vice Mayor Higgins to approve the action. Motion was unanimous and so ordered.

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION
Pursuant to Government Code Section 54956.9(b)
One potential case

The City Council gave direction to the City Attorney. There was no other reportable action.

Fiscal Impact

None.

Recommendation

Receive and file this report.

Attachments

None.

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: October 19, 2020

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

FROM: Derek P. Cole, City Attorney

SUBJECT: **Creation of Ad-Hoc Subcommittee of the City Council Concerning East Contra Costa Fire Protection District**

Introduction

In recent weeks, issues concerning the financing of East Contra Costa Fire Protection District ("District") capital and operating costs have arisen. It is recommended that the Council consider creating an ad-hoc subcommittee of two members to serve as representatives to the District concerning these and other matters.

Discussion

As the Council is aware, issues have arisen concerning District financial matters and include disputes that have been expressed about the Station 55 Agreement, adoption of updated impact fees, and implementation of community facilities district for fire operation costs. The District and City have exchanged correspondence recently concerning their respective positions as to these disputes. The staffs and counsels for both agencies have been regularly discussing these issues in recent weeks. Staff and I believe the effectiveness of these discussions would be enhanced by the appointment of two Council members to serve as the City Council's representatives. If the Council agrees, Staff proposes the appointments be considered at your December 8, 2020 meeting, when committee assignments are made following the seating of the new City Council.

Fiscal Impact

There is no fiscal impact associated with the matters discussed in this Staff Report.

Staff Recommendation

Staff recommends the City Council give direction to propose the appointment of two members of the Council to serve as representatives to the East Contra Costa Fire Protection District at the Council's December 8, 2020 regular meeting.

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: October 27, 2020

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

FROM: Kenneth W. Strelo, Principal Planner

SUBJECT: **Cypress Square Master Sign Program (SP 01-20) – Request for approval of a Master Sign Program for the Cypress Square Shopping Center**

Summary

This is an application by Bob Garrison of Cypress Square – S & R Associates ("Applicant") requesting approval of a Master Sign Program (SP 01-20) for the Cypress Square Shopping Center located at 2005-2199 Main Street, and anchored by Raley's grocery store ("Project"). The Master Sign Program excludes 2015 and 2185 Main Street, currently occupied by Taco Bell and Jack in the Box, respectively. The project site is zoned C (General Commercial) District: APN 037-110-026.

Staff Recommendation

Staff recommends the City Council adopt the resolution approving Cypress Square Master Sign Program (SP 01-20), as conditioned.

Background and Project Description

General Plan and Zoning

The General Plan Land Use Designation for the project site is Commercial (CO) as depicted in the Oakley 2020 General Plan Figure 2-2 (Land Use Diagram). The site is zoned C (General Commercial) District.

Sign Ordinance

Regulations for commercial signage are found in Chapter 5 of Title 9 of the Oakley Municipal Code ("OMC") (Regulations of Signs and Outdoor Advertising). Master Sign Program regulations are specifically found in OMC Section 9.5.124 (City Council Sign Permits). The City Council is the decision-making body with authority to approve or deny an application for a Master Sign Program. OMC Section 9.5.116 (Sign Permits) provides the general standards for approval when analyzing and deciding on the application.

Proposed Master Sign Program (MSP)

The proposed Cypress Square MSP states its purpose as "creating a continuity of quality and aesthetics throughout the Cypress Square Shopping Center for the mutual benefit of all tenants and to comply with the regulations of the City of Oakley." The MSP covers all tenant spaces within the entire shopping center with the exception of the two stand-alone quick serve restaurant franchises of Taco Bell and Jack in the Box. General Requirements can be found in Section II of the MSP. These basically require landlord approval, minor variations from the MSP with landlord and City approval, compliance with the sign ordinance for all matters not otherwise covered by the MSP, and the requirement to return exterior surfaces back to good condition upon removal of any sign. Other main sections of the MSP include: Requirements of Manufacturer; General Specifications; General Construction Requirements; and Tenant Identification Signs.

The Tenant Identification Signs section includes the bulk of what is reviewed for compliance with the Sign Ordinance. The MSP requires tenant signs of all tenants 10,000 sf. and over in floor area to be individually illuminated channel letters with wording limited to the store name or goods and services being offered. Corporate logos and trade style are permitted with approval, and the signage must either be centered on the frontage or sign area in most cases.

Major tenants are allowed three square feet of signage per lineal feet of building frontage, and minor tenants are allowed two square feet of signage per lineal feet of building frontage. Both have limits on the maximum height and width of the sign fascia may be occupied by signage. Stacked copy is permitted but still subject to the total allowable height.

The MSP also covers:

- Lighting and colors. Registered trademark colors are allowed;
- Logos. Allowed to be internally illuminated or not, and up to 60" in height for major tenants and up to 24" in height for minor tenants. Logos would be calculated into the total allowable sign area for any tenant;
- Minor signs. Credit card decals and info or hours of operations;
- Window signage. Allowed per the sign ordinance; and
- Illuminated signs. Required to be turned off at closing time or later with landlord's approval.

Environmental Review

This project is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines [Section 15061(b)(3)] because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Analysis

The proposed sign designs in the MSP are consistent with City's Sign Code. The bullet list below includes the criteria in which a MSP should be analyzed. Staff has provided a brief explanation of how the MSP complies with each one.

- The sign should be visually compatible with the structure on and neighborhood in which it is located: In general, a MSP ensures that each sign within the shopping center will share certain consistencies.
- The placement of the sign is not unsafe for pedestrian, bicyclists, or motorists: Wall signs do not pose this threat and any hanging signs will be a minimum distance above the ground.
- The sign is of professional quality and is clear and legible: All signs will be of standard professional quality.
- The size of the sign and letters allow for people to read it safely and conveniently: Signs are sized appropriately for both the major and minor tenants to allow for legibility.
- The sign does not unnecessarily impair visibility of other signs: Not applicable in this situation. This would normally relate to a freestanding sign blocking another sign.
- The sign complies with the standards and purpose of the zoning ordinance.

Findings

Complete draft findings are included in the attached resolution.

Recommendation

Staff recommends the City Council adopt the resolution approving Cypress Square Master Sign Program (SP 01-20), as conditioned.

Attachments

1. Vicinity Map
2. Public Hearing Notice
3. Cypress Square Shopping Center Master Sign Program
4. Proposed Resolution

Vicinity Map

Cypress Square Master Sign Program (SP 01-20)
2005 – 2199 Main Street, Oakley, CA 94561
APN 037-110-026





City of Oakley
3231 Main Street
Oakley, CA 94561
www.oakleyinfo.com

Due to safety precautions related to Covid-19, this meeting will be phone-in only.
Changes in "How to Review" are found below.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **October 27, 2020** 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 phone-in Public Hearing ~~at the Council Chambers located at 3231 Main Street, Oakley, CA 94561~~ for the purposes of considering an item for a **Master Sign Program.**

Project Name: Cypress Square Master Sign Program (SP 01-20).

Project Location: 2005-2199 Main Street, Oakley, CA 94561. APN 037-110-026.

Applicant: Cypress Square – S & R Associates, 1800 Willow Pass Ct., Concord, CA 94520. Attn: Bob Garrison; (925) 629-6200; bgarrison@spprop.com

Request: This is a public hearing on an application by Bob Garrison of Cypress Square - S & R Associates ("Applicant") requesting approval of a Master Sign Program (SP 01-20) for the Cypress Square Shopping Center located at 2005-2199 Main Street, and anchored by Raley's grocery store ("Project"). The Master Sign Program excludes 2015 and 2185 Main Street, currently occupied by Taco Bell and Jack in the Box, respectively. The project site is zoned C (General Commercial) District: APN 037-110-026.

How to Review: The Staff Report and its attachments will be available for public review, on or before October 23, 2020 online at www.ci.oakley.ca.us/agendas-minutes-videos-archive/ by navigating to the October 27, 2020 agenda and clicking the project title link. Interested persons are invited to submit written comments prior to 5:00 P.M. the day of the hearing to Ken Strelo, Principal Planner strelo@ci.oakley.ca.us. Those wishing to listen in and/or participate in the meeting may do so by calling: (925) 809-9201 and using ID# 921207. Callers are asked to mute phones unless speaking.

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.

CITY OF OAKLEY
Planning Division
09/24/2020
RECEIVED

Cypress Square Master Sign Program (SP 01-20)
2005 – 2199 Main Street

Approved by City Council Resolution No. _____

I. PURPOSE

This Program has been established for the purpose of creating a continuity of quality and aesthetics throughout the Cypress Square Shopping Center for the mutual benefit of all tenants and to comply with the regulations of the City of Oakley. It outlines the type, size, location, colors, installation, character, and illumination of all tenant signage. Conformance to the criteria will be strictly enforced, and the Landlord, at the tenant's expense, may remove any nonconforming or unapproved signs from the Center. This Master Sign Program shall apply to all of the Cypress Square Shopping Center with the exception of 2015 and 2185 Main St. (currently occupied by Taco Bell and Jack in the Box).

II. GENERAL REQUIREMENTS

All signs are subject to the following limitations and regulations:

A. All signs shall be reviewed by the Landlord for the conformance with this Master Sign Program and for the overall design, colors and materials. Tenant is responsible for the correctness of installation and conformance of the work with the approvals by both the Landlord and the City.

B. Tenant shall be responsible for the fulfillment of all requirements and specifications provided by the Sign Program and all other applicable codes and ordinances of the City of Oakley. All signs shall be constructed and installed at the tenant's expense.

C. All permits required by the City of Oakley and associated fees shall be obtained and paid for by the tenant or tenant's representative.

D. Each tenant shall submit to the Landlord for the approval two (2) copies of detailed scaled shop drawings indicating the location, size, color, layout, design, illumination, material and method of installation. The tenant shall submit to Landlord material and/or color samples for review. Tenants should not begin fabrication until all approvals are obtained.

E. Landlord reserves the right to refuse acceptance of any design for aesthetic compliance to the theme of the Cypress Square Shopping Center as interpreted by the Landlord.

F. Minor variations shall be permitted if approved by the Landlord and the City of Oakley.

G. Tenant shall be responsible for the installation and maintenance of the tenant signage in a first-class condition. Should tenant fail to maintain its sign(s) in a first-class condition, Landlord shall give Tenant written notice to effect said maintenance or repair. Should Tenant fail to comply with written notice within ten (10) days of receipt of notice, Landlord shall have the right to remedy the matter and charge the Tenant all cost associated with repair and/or maintenance including Landlord's administrative costs.

H. Except as provided herein, no advertising placards, banners, pennants, names, insignia, trademarks, or other descriptive materials, shall be affixed by tenant or maintained upon the exterior glass panes (inside or outside surface) and supports of the windows and doors, or upon the exterior walls of the building.

I. Grand opening, promotional or temporary signs shall comply with the City of Oakley Sign Ordinance and shall be approved by Landlord prior to installation. Such signs shall not be permanent and must be removed immediately upon Landlord's request or within the time limits permitted by the City of Oakley Sign Ordinance, whichever comes first.

J. Tenant shall be responsible for all electrical connections required to provide power to tenant's sign(s), including, without limitation, conduit, junction boxes, timers, relays and wiring. All electrical connections and power for Tenant's signage shall be powered by Tenant's electrical service.

K. When signs are removed for any reason, tenant shall leave the surface on which it was mounted in good condition. Without limitation, tenant shall be specifically required to fill in, in a permanent and professional manner, any holes in the fascia panel caused by removal of the sign and conduit; and pay for any waterproofing, and resurfacing of wall that is necessary to repair said work, tenant shall be responsible for the re-painting of canopies and/or building walls to remove damage and discoloration, and return the wall surface to its original state (or equal condition). Colors shall match existing adjacent areas and re-painting shall include that area from control joint to control joint regardless of additional tenant signage.

L. Existing Tenants with signage that is not in conformance with this Master Retail Sign Program shall be considered non-conforming and shall be brought into conformance within 5 years of implementation of this Master Retail Sign Program.

III. REQUIREMENTS OF MANUFACTURER (SIGN-CONTRACTOR)

A. All sign contractors must be fully licensed, and must provide the Landlord with certificate of insurance in compliance with Landlord's requirements, as described in Exhibit B, prior to commencing any work on the property.

B. All signs and their installation shall comply with all applicable building codes and this Program. Only the name, good and service shall be depicted on the sign.

C. All manufacturers and installers are advised that prior to final acceptance, an authorized representative of the Landlord may inspect each unit for conformance. Any signs, before or after installation, found no to be in conformance will be rejected and removed immediately by the tenant or tenant's contractor.

D. No substitutes from approved signage will be accepted by the Landlord whatsoever unless so indicated in specifications and approved in writing by both the Landlord and the City of Oakley.

E. Shop drawings are required, prior to start of any work, detailing all specifications and methods of construction and must be approved by the Landlord and submitted to the City of Oakley's building department for approval.

F. Sign contractor shall comply with Landlord's insurance requirements as described in Exhibit B.

G. Sign contractor shall repair any damage to existing improvements caused by its work. The Landlord shall be notified of any damage to the building or site, in which case the Landlord will determine how such damages are repaired. Tenant shall be responsible to pay for any damage caused by its contractor.

H. Tenant shall be fully responsible to coordinate operations of sign contractor and shall ensure that work does not interfere with operations of the shopping center.

IV. GENERAL SPECIFICATIONS

The following section outlines the acceptable scope of work, quality standards and materials for Cypress Square.

A. Conformance to the guidelines for signs at Cypress Square will be strictly enforced. Any non-conforming or unapproved signs are strictly forbidden.

B. Flashing, blinking, moving, animated, or audible effects are prohibited.

C. Tethered balloons and inflatable signs are prohibited unless approved pursuant to a temporary sign permit under the City of Oakley Municipal Code.

D. Any signs on a parked vehicle parked for a duration of time, which indicates its use for the purpose of advertising a particular tenant, service or product are prohibited.

E. Signs that are movable or transportable and are placed in vehicular or pedestrian traffic areas are prohibited.

F. No exposed lamps will be permitted.

G. Painted lettering will not be permitted.

H. Hand-made signs are prohibited.

I. All bolts, fastenings, clips, conduits, etc., shall be stainless steel or non-corrosive. Where externally mounted, all items shall be painted to match the exterior color of the surfaces mounted thereon.

J. All signs over eight (8) square feet in area shall have affixed in a conspicuous place thereon, the following information:

1. The date of installation.

2. The sign permit number.

3. The voltage and UL approval of any electrical apparatus used in connection therein.

V. GENERAL CONSTRUCTION REQUIREMENTS

A. Installation / Removal

1. All contractors for installation, removal or service must be fully licensed and comply with Landlord’s insurance requirements as described in Exhibit B prior to commencing any work.

2. All penetrations of any building structure or surface required for sign installation shall be neatly sealed and continuously maintained in watertight condition.

3. All methods of attachment shall comply with the final signage shop drawings.

B. Electrical and Illumination

1. All fabrication and installation shall comply with the Underwriter's Laboratories requirements and applicable codes. All components shall bear the U.L. label indicating approval and be manufactures and installed by a U. L. certified shop.

2. All conductors, transformer, ballasts and other equipment shall be concealed.

3. The illumination of all sign components shall be uniform in intensity over all the illuminated surfaces. No noticeable "hot spots" or "shadows" will be allowed.

4. Illumination and electric specifications must appear on all shop drawings.

VI. TENANT IDENTIFICATION SIGN

A. Tenant Signs

Signs shall be installed on building façade as reflected in this Master Sign Program and as approved by the Landlord and the City of Oakley for identification of tenants.

1. All new tenant signs shall be individually illuminated channel letters. Letter style shall be tenant's choice subject to Landlord approval. All letters must be served by electrical from behind exterior wall. Transformers must be located inside building, above ceilings or in letters self-contained.

2. The wording of the signs shall be limited to the store name or goods and services being offered.

3. The use of corporate logos and trade style shall be permitted (subject to the Landlord's approval).

4. Tenant signage must be centered within tenant's frontage unless there is an architectural building feature that interferes with such placement, in which case tenant must propose alternate location that the Landlord must approve.

B. Lighting and Colors

1. Each letter or numeral shall be internally illuminated and shall be faced with Plexiglas or similar material. Letter faces shall be a minimum 3/16” acrylic trimmed with 3/4" trim-cap around the perimeter of the letter. Returns of individual letter shall be 5” deep.

2. The color of the letter faces shall be approved by the Landlord and the City of Oakley Planning Department.

3. Registered trademark colors are allowed.

C. Logos

1. Logos are permitted and may or may not be internally lighted. Logos may or may not be in-line with signage text name business. If logo is in-line with text name, then size of logo cannot exceed 60” in height for major tenants or 24” in height for minor tenants, and it will be part of the maximum allowable sign area. The Landlord may allow alternate business identification logo elsewhere on exterior of building so long as it does not interfere with windows, doors or other building architectural elements. If the logo sign is illuminated, then the tenant must provide power and lighting in a manner consistent with the Landlord’s requirements to ensure that electrical work is not exposed on the exterior of the building.

D. Building Signage

1. Major tenants shall be allowed three (3) square feet of sign per total linear foot of frontage. Except as provided elsewhere, the maximum height shall be 50% of the fascia height or 60”, whichever is less, and the maximum length is 75% of frontage. The tenant may have signs on more than one frontage. The signs shall be aluminum channel letters with LED illumination on ½” stand off U.L. approved.

2. As described in Exhibit A, Minor tenants shall be allowed two (2) square feet of sign area per linear foot of frontage, with a maximum height 24” or 80% of the fascia height and a maximum length of 75% of frontage. Tenants with two frontages may have signs on both frontages. The signs shall be aluminum channel letters with LED illumination on ½” stand-off U.L. approved.

3. Major or minor tenants may have stacked copy, but the stacked copy cannot exceed the applicable maximum height.

E. Minor Sign

1. Each tenant shall be permitted to place upon each entrance door or sidelight of its premises white lettering, not to exceed two (2) inches in height, indicating hours of business operation, not to exceed an area of 288 square inches.

2. Tenant may display honored credit card decals on entry door only.

3. Tenant addresses are to be fabricated and installed above entrance door using 6” high Helvetica style numerals using Scotchcal vinyl or equal. Color shall be white.

4. Tenant shall be permitted to display illuminated sign cabinets suspended from the ceiling unobtrusively as possible using stainless steel suspension cables. The signs shall be centered in the window. The sign cabinet shall be limited to a 12” height shall not exceed 25% of the window or glazing width. There shall be a maximum of two (2) such signs per frontage.

5. Window signage shall comply with Chapter 9.5 of the Oakley Municipal Code and shall not be included in the maximum square footage calculations described in VI.D.

F. Exceptions

1. Any changes from this Master Sign Program must be submitted to the Landlord and the City of Oakley for review.

2. All applications for exceptions from this sign program must be accompanied by color renderings and samples and detailed shop drawings.

G. Hours of Operation

1. Illumination of all tenant signs must be turned off at closing time, or later with Landlord’s approval.

H. City of Oakley

1. The City of Oakley has approved this program for this project to the extent that location of signage and size and type of signage are acceptable to the City as an overall design concept for the project. The City requires that each tenant acquire a separate building permit for installation of the tenant’s signage. This requires that the tenant completes a sign permit application and pay the required

processing fee to the City of Oakley. The City will review the application, and requires documents to show design of signage, for design conformance with this program and the City Sign Ordinance. The City will issue an official sign permit to the tenant's sign company that typically handles the permit process on behalf of the tenant.

2. With respect to the City's sign regulations and requirements, as referenced throughout this document, please note the following:

   a. This document was approved by City of Oakley as a guideline to having consistent signage in the Cypress Square Shopping Center project. The City's approval of this document means that the City generally agrees with the provisions described herein as they relate to the Cypress Square project itself and the City's Sign Ordinance. The guidelines herein take precedence over the City's Sign Ordinance with respect to type, size color, content and placement of signs. The tenant is responsible to acquire and conform to the relevant portions of the City's Sign Ordinance.

   b. Despite this document, however, both the City and the Landlord must review and approve individual tenant signage for design and for issuance of a permit. The City is required to review each sign and issue a permit for each sign regardless of the guidelines contained in this Sign Program.

   c. Tenants should be aware that the process of having signs designed, reviewed by the Landlord and the City, fabricated and installed takes time, and such processes should be started by the Tenant as early as possible. Failure to obtain approvals of signs does not affect or negate the tenant's obligation to perform under the lease.

Exhibit A

MINOR TENANT SIGN CRITERIA OPTIONS



Exhibit B

CERTIFICATE OF LIABILITY INSURANCE	ISSUE DATE (MM/DD/YY)

PRODUCER	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON T CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND EXTEND OR ALTER THE COVERAGE AFFC BY	
(NAME OF AGENT)	INSURER(S) AFFORDING COVERAGE	NA
CODE	INSURER A:	
INSURED	INSURER B:	
(NAME OF SUBCONTRACTOR)	INSURER C:	
	INSURER D:	
	INSURER E:	

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR TI POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM CONDITION OF ANY CONTRACT OR OTHER DOCUMENT \ RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES, LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAI CLAIMS.

INSR LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFF (MM/DD/YY/)	POLICY EXP (MM/DD/YY)	LIMITS	
	GENERAL LIABILITY				EACH OCCURRENCE	$1,00
	X COMMERCIAL GENERAL LIABILITY				DAMAGE TO RENTED PREMISES (Each occurrence)	$1,00
	CLAIM X OCCUR				M EXP (Any one person)	$5,00
	X OWNERS & CONTRACTORS PROT.				PI NAL & ADV INJURY	$1,00
	X GENERAL AGGREGATE LIMITS APPLY PER PROJECT				G AGGREGATE	$2,00
					PI JCTS-COP/OPS AGG	$2,00
	AUTOMOBILE LIABILITY				COMBINED SINGLE LIMIT	$1,00
	X ANY AUTO					
	X ALL OWNED AUTOS				BODILY INJURY (PER PERSON)	
	SCHEDULED AUTOS					
	X HIRED AUTOS				PROPERTY DAMAGE	
	X NON-OWNED AUTOS					
	GARAGE LIABILITY					
	UMBRELLA LIAB	*(EXCESS LIABILITY COVERAGE MAY BE USED IN COMBINATION WITH PRIMARY LIMITS TO MEET THE REQUIREMENTS OF OUR COMPANY)*			EACH OCCURRENCE	$2,00
	EXCESS LIABILITY				AGGREGATE	$2,00
	WORKER'S COMPENSATION AND EMPLOYER'S LIABILITY	*MUST PROVIDE WAIVER FORM OR PROVIDE VERIFICATION OF EXEMPTION*			STATUTORY	
					(EACH ACCIDENT)	$1,00
					(DISEASE – POLICY LIMIT)	$1,00
					(DISEASE-EACH EMPLOYEE)	$1,00
	OTHER	*PROFESSIONAL LIABILITY IF APPLICABLE*			*$1,000* PER CLAIM *$1,000* PER AGGR.	

SAMPLE

DESCRIPTION OF OPERATIONS/VEHICLES/RESTRICTIONS/SPECIAL ITEMS:

SIERRA PACIFIC PROPERTIES, INC., AND THEIR ALLIED ENTITIES ARE INCLUDED AS ADDITIONAL INSUREDS UNDER T POLICY. WITH RESPECT TO THE LIABILITY OF ANY SUCH ADDITIONAL INSURED ARISING OUT OF YOUR WORK FOR TI INSURED BY YOU OR FOR YOU, THIS INSURANCE IS PRIMARY AII CALIFORNIA OPERATIONS

CERTIFICATE HOLDER	CANCELLATION
Sierra Pacific Properties, Inc. & all its allied entities **1800 Willow Pass Court** **Concord, CA 94520**	SHOULD ANY OF THE ABOVE POLICIES BE CANCELLED BEFORE THE EXPIRATIO DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAIL TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KI UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

EXHIBIT B – Continued

Policy Number:

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – OWNERS, LESSEES OR CONTRACTORS (FORM C)

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SAMPLE

SCHEDULE

Name of Person or Organization:
SIERRA PACIFIC PROPERTIES, INC. AND ALL ITS ALLIED ENTITIES, PLEASANT HILL PLAZA ASSOCIATES AND PARK CENTER PARTNERSHIP

(If no entry appears above, information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement.)

WHO IS AN INSURED (SECTION II) is amended to include as an insured the person or organization shown in the Schedule, but only with respect to liability arising out of "your work" for that insured by or for you.

To the extent required under contract, this policy will apply as primary insurance to additional insureds scheduled above, and other insurance which may be available to such additional insureds will be non-contributory.

All other terms and conditions of this policy remain unchanged.

CYPRESS SQUARE SHOPPING CENTER

OAKLEY, CALIFORNIA

CAROL LANE

STATE HIGHWAY #4 / MA

ENTER
EXIT

2107
2105
2103
2101
MT. MIKE'S
2083-2085
2081

RALEY'S SUPERMARKET

GOODWILL

2039
2037-2035
2033
2031
2029
2027
2025
2021

2005A
2005B
2005C

2049
2051
2053
2055
2059
UPS STORE
2069
2067
2065

TACO BELL

NOT A PART

JACK IN THE BOX

NOT A PART

EXIT
ENTER

2197-2199
BANK OF THE WEST

Examples of existing can signs and new channel letter signs that will be required



Old style signs



"Major Tenant Signage"



New Sign Old Sign



Old style signs



Old style signs



New Style Signage



New Style Signage



Existing Monument Sign



RESOLUTION NO. XX-20

A RESOLUTION OF THE CITY OF OAKLEY CITY COUNCIL MAKING FINDINGS AND APPROVING A MASTER SIGN PROGRAM FOR THE PROJECT KNOWN AS "CYPRESS SQUARE MASTER SIGN PROGRAM (SP 01-20)" LOCATED AT 2005 – 2199 MAIN STREET; APN 037-110-026

FINDINGS

WHEREAS, on March 2, 2020, Bob Garrison of Cypress Square – S & R Associates ("Applicant") filed an application requesting approval of a Master Sign Program (SP 01-20) for the Cypress Square Shopping Center located at 2005 - 2199 Main Street, and anchored by Raley's grocery store ("Project"). The Master Sign Program excludes 2015 and 2185 Main Street, currently occupied by Taco Bell and Jack in the Box, respectively. The project site is zoned C (General Commercial) District: APN 037-110-026; and

WHEREAS, the Applicant's Plans include the narrative Master Sign Program, its exhibits, and a rough site plan of the shopping center ("Plans"); and

WHEREAS, on April 1, 2020 the project application was deemed complete per Government Code section 65920 et. seq; and

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

WHEREAS, the proposal for approval of a Master Sign Program is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines [Section 15061(b)(3)] because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; and

WHEREAS, on or before October 16, 2020, the Notice of Public Hearing for the project 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. The notice was also mailed out to all owners of property within a 500-foot radius of the project's boundaries, interested agencies, and to parties requesting such notice; and

WHEREAS, on October 27, 2020, the City Council opened the public hearing and received a report from City Staff, oral and written testimony from the Applicant and public, and deliberated on the project. At the conclusion of its deliberations, the City Council took a vote and adopted this resolution to approve the project, as revised by the City Council during its deliberations; and

WHEREAS, if any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of these Findings, or their

application to other actions related to the Project, shall continue in full force and effect unless amended or modified by the City; and

WHEREAS, these Findings are based on the City's General Plan, the City's Sign Ordinance, and the information submitted to the City Council at its October 27, 2020 meeting, both written and oral, including oral information provided by the Applicant, as reflected in the minutes of such meetings, together with the documents contained in the file for the Project (hereafter the "Record").

A. Regarding the application requesting approval of a Master Sign Program for "Cypress Square Master Sign Program (SP 01-20)", the City Council finds that:

1. The sign will be visually compatible with the structure on and neighborhood in which it is located in that the Master Sign Program ("MSP") requires that each sign within the shopping center will share certain consistencies, which are also modeled after the City's Sign Ordinance;

2. The placement of the signs will not be unsafe for pedestrian, bicyclists, or motorists in that the MSP addresses installation of wall/building and hanging pedestrian signs, which will require building permits, to ensure secure fastening and ground clearance;

3. All signs will be of standard professional quality;

4. The size of the signs and letters will allow for people to read them safely and conveniently in that the signs are sized appropriately for both the major and minor tenants to allow for legibility;

5. The signs will not impair visibility of other signs in that there are no freestanding signs proposed with potential to block view of other signs.

6. All signs covered in the MSP comply with the standards and purpose of the zoning ordinance.

B. 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 City Council approves the Applicant's request for approval of the project titled, "Cypress Square Master Sign Program (SP 01-20)," subject to the following Conditions of Approval:

Conditions of Approval

Applicant shall comply with the requirements of the Oakley Municipal Code. Any exceptions must be stipulated in these Conditions of Approval. Conditions of Approval are based on the plans date stamped received by the Planning Division on September

24, 2020 and made a part of the City Council's meeting packet for October 27, 2020, as well as additional information acquired since that time and made a part of the project file.

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

Planning Department Conditions

General:

1. This Design Review is approved, as shown on the plans, date stamped by the Planning Division on September 24, 2020, and as conditioned herein.

2. This Master Sign Program (SP 01-20) shall be effectuated immediately upon adoption of this resolution, and all proposed signs covered by the Master Sign Program ("MSP") shall still require a building permit prior to installation unless otherwise exempt. Planning approval is also still required.

3. Any signs proposed within the shopping center either for the exempt addresses (2015 and 2185 Main Street) or as a sign type not covered in the MSP, shall still attempt to meet the designs and standards of the MSP, while also complying with any applicable designs and standards of the City's Sign Ordinance.

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

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

Advisory Notes:

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

A. The Applicant/owner should be aware of the expiration dates and renewing requirements prior to requesting building or grading permits.

B. The project will require a grading permit pursuant to the Ordinance Code.

C. Applicant shall comply with the requirements of Ironhouse Sanitary District.

D. The Applicant shall comply with the requirements of the Diablo Water District.

E. Comply with the requirements of the East Contra Costa Fire Protection District.

F. Comply with the requirements of the Building Inspection Division. Building permits are required prior to the construction of most structures.

G. This project may be subject to the requirements of the Department of Fish and Game. It is the Applicant's responsibility to notify the Department of Fish and Game, P.O. Box 47, Yountville, California 94599, of any proposed construction within this development that may affect any fish and wildlife resources, per the Fish and Game Code.

H. This project may be subject to the requirements of the Army Corps of Engineers. It is the Applicant's responsibility to notify the appropriate district of the Corps of Engineers to determine if a permit is required, and if it can be obtained.

I. The Applicant shall obtain an encroachment permit for construction within existing City rights of way.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the October 27, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

_____
Kevin Romick, Mayor

ATTEST:

_____ _____
Libby Vreonis, City Clerk Date

STAFF REPORT

DATE: October 27, 2020

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

FROM: Libby Vreonis, City Clerk/Paralegal

SUBJECT: **Waive the First Reading and Introduce an Ordinance Adding Article 8 ("Shared Mobility Devices") to Chapter 2 ("Streets and Sidewalks") of Title 6 of the Oakley Municipal Code Relating to the Placement and Use of Shared Mobility Devices in the Public Right-of-Way**

Background and Analysis

A work session was held during the Oakley City Council meeting on October 13, 2020, to discuss shared mobility devices. The City Council discussed that ridership demands may not yet be ripe for Oakley; however, allowing shared mobility devices in the future, perhaps first under a pilot program, to connect commuters to larger transportation resources (i.e., train station) using such innovation, may be considered by the Council at that time. Until then, the City Council provided direction to staff to draft an ordinance similar to the City of La Habra sample ordinance shared during the work session to ensure devices are not dropped by device service providers in Oakley without approval and regulation for public safety at this time.

Fiscal Impact

None.

Staff Recommendation

Waive the first reading and introduce the ordinance.

Attachments

1. Draft ordinance

ORDINANCE NO. ___-20

AN ORDINANCE OF THE OAKLEY CITY COUNCIL ADDING ARTICLE 8 ("SHARED MOBILITY DEVICES") TO CHAPTER 2 ("STREETS AND SIDEWALKS") OF TITLE 6 OF THE OAKLEY MUNICIPAL CODE RELATING TO THE PLACEMENT AND USE OF SHARED MOBILITY DEVICES IN THE PUBLIC RIGHT-OF-WAY

WHEREAS, Dockless electric scooters and bicycles, available to be rented on demand from unstaffed locations, have arrived for public use in many cities suddenly and unexpectedly, and have since proliferated rapidly. These shared mobility devices are unregulated, and are frequently abandoned by users in streets, sidewalks, and other public places throughout the cities where they are present, creating serious safety concerns, especially for a city's most vulnerable pedestrians; and

WHEREAS, the City Council finds that this ordinance will protect the health and safety of the public from the hazards posed by the unregulated operation of shared mobility devices within the City; and

WHEREAS, the City of Oakley, California, pursuant to the provisions of the California Environmental Quality Act ("CEQA") (Cal. Pub. Res, § 21000) and State CEQA guidelines (14 CCR 15000), has determined that this ordinance is exempt pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations.

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

Section 1. The City Council finds that all the facts, findings, and conclusions set forth above in this Ordinance are true and correct.

Section 2. Article 8 ("Shared Mobility Devices") to Chapter 2 of Title 6 is hereby added to the Oakley Municipal Code as follows:

"Article 8 SHARED MOBILITY DEVICES

6.2.802 Purpose.

The purpose of this chapter is to prohibit shared mobility devices from being placed in the public right-of-way or on public property, operated in the public right-of-way or on public property, or offered for use anywhere in the City, so as to allow for adequate pedestrian traffic flow and to promote public safety.

6.2.804 Definition.

For purposes of this chapter, "shared mobility device" means any wheeled device, other than an automobile or motorcycle, that is powered by a motor; is accessed via an on-demand portal, whether a smartphone application, membership card, or similar method; is operated by a private entity that owns, manages, and maintains devices for

shared use by members of the public; and is available to members of the public in unstaffed, self-service locations, except for those locations which are designated by the City.

6.2.806 General Requirements.

A. It is unlawful to park, leave standing, leave lying, abandon, or otherwise place a shared mobility device in a public right-of-way or on public property anywhere within the City.

B. It is unlawful to operate a shared mobility device in a public right-of-way or on public property anywhere within the City.

C. It is unlawful to provide or offer for use a shared mobility device anywhere within the City.

6.2.808 Violations.

Violations of this Article may be punishable as set forth in Chapter 5 of Title 1 of this code and by any other means provided by law."

Section 3. Severability.

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

Section 4. Effective Date and Publication.

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.

The Foregoing Ordinance No. __-20 was introduced with the reading waived at a regular meeting of the City Council of the City of Oakley on the ____ day of October, 2020. The Ordinance was adopted with the second reading waived at a regular meeting of the City Council of the City of Oakley on the ___ day of November, 2020, and ordered passed to print by the following vote, to wit:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

_____
Kevin Romick, Mayor

ATTEST:

_____ _____
Libby Vreonis, City Clerk Date

OAKLEY
CALIFORNIA

STAFF REPORT

DATE: October 27, 2020

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

FROM: Libby Vreonis, City Clerk/Paralegal

SUBJECT: **Waive the First Reading and Introduce an Ordinance regarding Campaign Contributions Limitations, Campaign Signs and Candidates' Use of the City's Logo/Seal or Similar Reproduction**

Background and Analysis

AB 571 (Campaign Contribution Limitations)

Assembly Bill 571, effective January 2021, will amend certain sections of the Government Code and Elections Code to provide a default campaign contribution limitation for cities (currently no more than $4,700 from an individual per election year[1]) that have not already enacted a campaign contribution limitation. This is the same individual contribution limit for the State Assembly and Senate. The bill also allows candidates to carry over campaign expenditures if related to a subsequent election for the same office and the bill does not apply to contributions a candidate makes with personal funds to his or her own campaign. The bill authorizes cities to impose a limitation that is different from the limitation imposed by this bill. If a limit other than the enacted state limit is desired, this may be an appropriate time to implement such ordinance.

Reasons for enacting campaign contribution limitations are set forth in the Bill text[2], including the following: California is among the minority of states without campaign contribution limitations for city offices, most California cities have not independently imposed campaign contribution limitations, candidates in cities that have not imposed campaign contribution limitations often receive contributions that exceed limitations for a state Senate campaign even though the population of most cities is lower than the average Senate district, and candidates sometimes receive 40% or more of their total campaign funds from a single contributor in cities without campaign contribution

[1] This amount is adjusted by the Fair Political Practices Commission in January of odd-numbered years to reflect increases or decreases in the CPI, rounded to the nearest $100.
[2] AB 571, Section 1(a-e)

limitations, creating risk and perception that candidates will act on behalf of the contributor rather than on behalf of residents.

As mentioned in the Bill text, most cities have not independently imposed campaign contribution limitations. In Contra Costa County less than a handful of cities have imposed such limitations, including Concord and Pleasant Hill. Concord has set monetary contributions in any election cycle or special election cycle by persons not to exceed $1,000 and monetary contributions by political committees not to exceed $1,500. It has a provision that in-kind contributions (non-monetary contributions) cannot cause the total amount contributed (monetary and non-monetary) to the candidate to exceed $2,000 by a person or $5,000 by a political committee. Pleasant Hill has adopted similar provisions with amounts set for monetary contributions by persons not to exceed $500 and monetary contributions by political committees not to exceed $1,000. It also has a provision that in-kind contributions cannot cause the total amount contributed (monetary and non-monetary) to the candidate to exceed $1,000 by a person or $2,000 by a political committee. The population of Concord is approximately 130,500 and the population of Pleasant Hill is approximately 35,200. Oakley's population is approximately 45,000 in comparison. The Council could consider these provisions should it prefer to adopt an ordinance for campaign contribution limitations.

Miscellaneous Campaign Matters

Campaign Signs

Campaign signs are regulated by the state through the Department of Transportation Division of Traffic Operations pursuant to Section 5405.3 of the Outdoor Advertising Act. Some of its requirements are that campaign signs cannot be placed within the right-of-way of any highway, must be visible within 660 feet from the edge of the right-of-way of a classified "Landscaped freeway", and must be placed no sooner than 90 days prior to an election and removed within 10 days after an election. A completed Statement of Responsibility (Attachment 1) must be filed with the Department certifying a person who will be responsible for removing the sign.

Campaign signs are regulated locally by the City pursuant to the Oakley Municipal Code. Campaign signs are not allowed in the public right-of-way or on any City-owned property and must be removed within 10 days after an election. Election materials provided to local candidates include this information and also recommend that great care should be taken to avoid sign placement that would block the view of vehicles, primarily at street intersections.

The Council could consider an ordinance provision to prohibit the placement of campaign signs no sooner than 90 days prior to an election in alignment with state law. Campaign signs are currently defined as "temporary signs" within the Oakley Municipal Code which means the intent is to display them for a short period of time; however, a specific period of time prior to the election is not specified in the Code. Such ordinance provision would provide clarification.

Each election, Code Enforcement finds campaign signs either placed in the public right-of-way or not removed within 10 days after the election. As candidates make expenditures for campaign signs and some may wish to reuse the signs for future elections, the Council could consider an ordinance provision requiring candidates for any election, candidacy or ballot measure to complete a similar Statement of Responsibility for the City. This would ensure Code Enforcement staff has contact information on file for the person responsible for removing signs that are not placed properly or forgotten signs post-election.

City Logo/Seal

The City's logo/seal is professionally designed for the City's use. Elections Code §18304 makes it a misdemeanor for any person to use a city seal in any campaign literature or mass mailing of over 200 hundred substantially similar pieces of mail with the intent to deceive voters, but does not include a form letter or other mail sent in response to an unsolicited request, letter or inquiry. The Council may wish to consider adopting an ordinance provision prohibiting use of the City's current or previous logo/seal, any similar reproduction of the City's current or previous logo/seal, and any substantive portion of the City's current or previous logo/seal, as its use may provide the appearance that the City is endorsing a candidate.

Effective Date of Ordinance Provisions

The ordinance provisions suggested within this report would not impact the current general municipal election to be held November 3, 2020. If the first reading is waived and the ordinance is introduced this evening, the ordinance would be presented to the Council at its next meeting to be held November 10, 2020 for adoption and would be effective 30 days thereafter.

Fiscal Impact

None.

Staff Recommendation

Staff recommends the City Council take no action and accept the default campaign contribution limitation effective January 1, 2021, or waive the first reading and introduce an ordinance establishing a campaign contribution limitation as to specific amounts and/or campaign provisions as mentioned in this report.

Proposed options include:

1) No action required: Do not enact any ordinance provisions; thereby accepting the state default campaign contribution limitation effective January 1, 2021 and making no changes to address campaign signs and city logo/seal provisions as provided in this report; or

2) Accept the state default campaign contribution limitation effective January 1, 2021 (no action required) and waive the first reading and introduce an ordinance addressing only campaign signs and city logo/seal provisions as provided in this report; or

3) Waive the first reading and introduce an ordinance establishing specific amounts for the campaign contribution limitation and make no changes to address campaign signs and city logo/seal provisions as provided in this report; or

4) Waive the first reading and introduce an ordinance establishing specific amounts for the campaign contribution limitation and address campaign sign and city logo/seal provisions as provided in this report.

Attachments

1. State of California Department of Transportation Statement of Responsibility for Temporary Political Signs
2. Option 2-Draft Ordinance
3. Option 3-Draft Ordinance
4. Option 4-Draft Ordinance

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION

STATEMENT OF RESPONSIBILITY FOR TEMPORARY POLITICAL SIGNS

ODA-0027 (REV 10/2019)

Election Date: _____ March _____ November Other: _____

Candidate's Name: _____

Office sought or Proposition Number: _____

County where sign(s) will be placed: _____

Number of signs to be placed: _____

RESPONSIBLE PARTY:

Name: _____

Address: _____

_____

Phone Number (Include Area Code): _____

Email (Optional): _____

The undersigned hereby accepts responsibility for the removal of Temporary Political Signs placed pursuant to Section 5405.3 of the Outdoor Advertising Act for the above candidate or proposition.

It is understood and agreed that any Temporary Political Signs placed sooner than ninety (90) days prior to the election and/or not removed within ten (10) days after the election, may be removed by the Department and the responsible party will be billed for any associated removal costs.

_____ _____

Signature of Responsible Party Date

Mail Statement of Responsibility to:

Department of Transportation
Division of Traffic Operations
Outdoor Advertising Program
P.O. Box 942874, MS-36
Sacramento, CA 94274-0001
Email: ODA@dot.ca.gov

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For alternate format information, contact the Forms Management Unit at (916) 445-1233, TTY 711, or write to Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

ORDINANCE NO. ___-20

AN ORDINANCE OF THE OAKLEY CITY COUNCIL ADDING SECTIONS 2.7.004 AND 2.7.006 TO CHAPTER 7 OF TITLE 2 OF THE OAKLEY MUNICIPAL CODE PROHIBITING CANDIDATES' USE OF THE CITY'S LOGO/SEAL OR SIMILAR REPRODUCTION, AND ADDING SECTIONS 9.5.112(a)(14)(b) and 9.5.112(a)(14)(c) REGARDING PLACEMENT OF POLITICAL SIGNS PRIOR TO ELECTIONS AND REQUIRING A STATEMENT OF RESPONSIBILITY FOR REMOVAL OF CAMPAIGN, CANDIDACY OR BALLOT MEASURE SIGNS

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

Section 1. Chapter 7 of Title 2 of the Oakley Municipal Code is hereby amended to add Sections 2.7.004 and 2.7.006 to read as follows:

"2.7.004 Candidates' Use of City Logo/Seal Prohibited.

Candidates' use of the City of Oakley's current or previous logo or seal, use of any similar or like-kind reproduction of the City of Oakley's current or previous logo or seal, or use of any substantive portion of the City of Oakley's current or previous logo or seal thereof is prohibited.

2.7.006 Violations.

Violations of Section 2.7.004 may be punishable as set forth in Chapter 5 of Title 1 of this Code or by any other means of law."

Section 2. Chapter 5 of Title 9 of the Oakley Municipal Code is hereby amended to add subsections 9.5.112(a)(14)(b) and 9.5.112(a)(14)(c) to read as follows:

"b. Temporary signs allowing elections, candidacies or ballot measures shall be placed no sooner than ninety (90) days prior to an election.

c. A Statement of Responsibility on a form provided by the City must be completed by any candidate for a general municipal election or any election, candidacy or ballot measure prior to the placement of any temporary sign advertising or representing such election, candidacy or ballot measure. At minimum, the form shall name the responsible party for removal of such temporary signs, provide contact information for the responsible party and be signed by the responsible party."

Section 3. Severability.

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

Section 4. California Environmental Quality Act ("CEQA") finding.

This ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), Review for Exemption, because it can be seen with certainty that this ordinance will not have a significant effect on the environment; therefore it is not subject to CEQA.

Section 5. Effective Date and Publication.

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

The foregoing ordinance was adopted with the reading waived at a regular meeting of the Oakley City Council on _____, 2020 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

_____
Kevin Romick, Mayor

ATTEST:

_____ _____
Libby Vreonis, City Clerk Date

ORDINANCE NO. ___-20

AN ORDINANCE OF THE OAKLEY CITY COUNCIL ADDING SECTIONS 2.7.004 AND 2.7.006 TO CHAPTER 7 OF TITLE 2 OF THE OAKLEY MUNICIPAL CODE RELATING TO CAMPAIGN CONTRIBUTION LIMITATIONS

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

Section 1. Chapter 7 of Title 2 of the Oakley Municipal Code is hereby amended to add Sections 2.7.004 and 2.7.006 to read as follows:

"2.7.004 Campaign Contribution Limitations.

a. Purpose. The purpose of this section is to prevent improper influence over elected officials and to prevent the appearance of such improper influence.
b. Monetary Contributions by Persons. In any election cycle or special election cycle, no person shall make and no candidate or campaign treasurer shall accept any monetary contribution which would cause the total amount of monetary contributions contributed by such person to that candidate or to any committees controlled by that candidate to exceed the following amount:
    1. By a person: $500.00
    2. By a political committee: $1,000.00
c. In-kind Contributions. In any election cycle or special election cycle, no candidate or campaign treasurer shall accept any in-kind contribution (non-monetary goods and services) which would cause the total amount contributed (monetary and non-monetary) to that candidate or committees controlled by that candidate to exceed the following amount:
    1. By a person: $1,000.00
    2. By a political committee: $2,000.00
d. Candidates may carry over campaign expenditures if related to a subsequent election for the same office.
e. This section does not apply to contributions a candidate makes with personal funds to his or her own campaign.

2.7.006 Violations.

Violations of Section 2.7.004 may be punishable as set forth in Chapter 5 of Title 1 of this Code."

Section 2. Severability.

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

Section 3. California Environmental Quality Act ("CEQA") finding.

This ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), Review for Exemption, because it can be seen with certainty that this ordinance will not have a significant effect on the environment; therefore it is not subject to CEQA.

Section 4. Effective Date and Publication.

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

The foregoing ordinance was adopted with the reading waived at a regular meeting of the Oakley City Council on _____, 2020 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

_____
Kevin Romick, Mayor

ATTEST:

_____ _____
Libby Vreonis, City Clerk Date

ORDINANCE NO. ___-20

AN ORDINANCE OF THE OAKLEY CITY COUNCIL ADDING SECTIONS 2.7.004 THROUGH 2.7.008 TO CHAPTER 7 OF TITLE 2 OF THE OAKLEY MUNICIPAL CODE RELATING TO CAMPAIGN CONTRIBUTION LIMITATIONS AND PROHIBITING CANDIDATES' USE OF THE CITY'S LOGO/SEAL OR SIMILAR REPRODUCTION, AND ADDING SECTIONS 9.5.112(a)(14)(b) and 9.5.112(a)(14)(c) REGARDING PLACEMENT OF POLITICAL SIGNS PRIOR TO ELECTIONS AND REQUIRING A STATEMENT OF RESPONSIBILITY FOR REMOVAL OF CAMPAIGN, CANDIDACY OR BALLOT MEASURE SIGNS

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

Section 1. Chapter 7 of Title 2 of the Oakley Municipal Code is hereby amended to add Sections 2.7.004 through 2.7.008 to read as follows:

"2.7.004 Campaign Contribution Limitations.

a. Purpose. The purpose of this section is to prevent improper influence over elected officials and to prevent the appearance of such improper influence.
b. Monetary Contributions by Persons. In any election cycle or special election cycle, no person shall make and no candidate or campaign treasurer shall accept any monetary contribution which would cause the total amount of monetary contributions contributed by such person to that candidate or to any committees controlled by that candidate to exceed the following amount:
    1. By a person: $500.00
    2. By a political committee: $1,000.00
c. In-kind Contributions. In any election cycle or special election cycle, no candidate or campaign treasurer shall accept any in-kind contribution (non-monetary goods and services) which would cause the total amount contributed (monetary and non-monetary) to that candidate or committees controlled by that candidate to exceed the following amount:
    1. By a person: $1,000.00
    2. By a political committee: $2,000.00
d. Candidates may carry over campaign expenditures if related to a subsequent election for the same office.
e. This section does not apply to contributions a candidate makes with personal funds to his or her own campaign.

2.7.006 Candidates' Use of City Logo/Seal Prohibited.

Candidates' use of the City of Oakley's current or previous logo or seal, use of any similar or like-kind reproduction of the City of Oakley's current or previous logo or

seal, or use of any substantive portion of the City of Oakley's current or previous logo or seal thereof is prohibited.

2.7.008 Violations.

Violations of Section 2.7.004 may be punishable as set forth in Chapter 5 of Title 1 of this Code or by any other means of law."

Section 2. Chapter 5 of Title 9 of the Oakley Municipal Code is hereby amended to add subsections 9.5.112(a)(14)(b) and 9.5.112(a)(14)(c) to read as follows:

"b. Temporary signs allowing elections, candidacies or ballot measures shall be placed no sooner than ninety (90) days prior to an election.

c. A Statement of Responsibility on a form provided by the City must be completed by any candidate for a general municipal election or any election, candidacy or ballot measure prior to the placement of any temporary sign advertising or representing such election, candidacy or ballot measure. At minimum, the form shall name the responsible party for removal of such temporary signs, provide contact information for the responsible party and be signed by the responsible party."

Section 3. Severability.

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

Section 4. California Environmental Quality Act ("CEQA") finding.

This ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), Review for Exemption, because it can be seen with certainty that this ordinance will not have a significant effect on the environment; therefore it is not subject to CEQA.

Section 5. Effective Date and Publication.

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

The foregoing ordinance was adopted with the reading waived at a regular meeting of the Oakley City Council on _____, 2020 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

_____
Kevin Romick, Mayor

ATTEST:

_____ _____
Libby Vreonis, City Clerk Date