

**Minutes of the Regular Joint Meeting of the Oakley City
Council/Oakley City Council Acting as the Successor Agency to the
Oakley Redevelopment Agency/Oakley Public Financing Authority
held June 14, 2022**

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 Randy Pope called the meeting to order at 6:32 p.m. in the Oakley City Council Chambers located at 3231 Main Street, Oakley, California. Vice Mayor Aaron Meadows and Councilmembers Anissa Williams, George Fuller and Sue Higgins were also present.

1.2 Pledge of Allegiance to the Flag

The Pledge of Allegiance was led by Kimberly (Cadette Girl Scout, Troop 33784) and Samantha (Daisy Girl Scout, Troop 33787).

1.3 Update from Fire Chief Brian Helmick, East Contra Costa Fire Protection District

East Contra Costa Fire Protection District Fire Chief Brian Helmick provided a PowerPoint presentation, including information regarding the District's transition to Contra Costa Fire Protection District.

Councilmember Fuller commended Chief Helmick for his selfless leadership, for assessing and acknowledging fire protection has been insufficient, and leaving aside his own gain for the benefit of the community to find resolution.

Mayor Pope and Vice-Mayor Meadows congratulated Chief Helmick on his accomplishment.

Councilmember Higgins inquired if Chief Helmick will still be moving forward with the ISD project and inquired about 4th of July fireworks.

Chief Helmick confirmed the District is in the environmental report stage now and he hopes to report back within 6 months with an update. He reminded everyone fireworks are illegal in Contra Costa County, firework shows will be hosted by the cities of Antioch, Concord and Pittsburg on July 4th, they are collaborating with law enforcement, and they are able to take pictures without making contact of illegal fireworks and issue fines to property owners where illegal fireworks have been set off.

City Manager Joshua McMurray requested a brief pause while City Attorney Derek Cole joined the meeting via teleconference.

2) PUBLIC COMMENTS

Shelly Fitzgerald commented she did not speak on the zoning ordinance items at the last meeting and would like to address it now. She inquired why staff is resistant to bring an ordinance forth to protect residential properties in Oakley and shared she thinks it is to continue to cater to commercial property owners and developers who live in other cities that prioritize quality of life and residents over growth. She indicated staff has been contradictory in advising the Council and residents have had to spend time to research to show incompatibilities. She mentioned restricting four types of businesses will not severely compromise property owners but will provide protections and guide smarter growth. She mentioned a commercial property owner can always apply for a variance if a restriction is placed on its property. She mentioned this is the time to let developers know they are welcome to bring projects to the City within the City's guidelines and it is the time to decide if the City wants to have a thriving, attractive place to live, work and play.

Lisa Kirk, volunteer for Contra Costa Society of Prevention of Cruelty of Animals, shared what non-profit rescue groups do: they are based on volunteers and donation money and take care of spay/neuter of feral animals and they are responsible to take care of all local healthy cats/kittens because the animal shelter has shut down for healthy animals. She mentioned in 2020, the County cut non-mandated services cut and the County is requesting an increase from cities, but they are not providing non-mandated services that they previously provided. She indicated they cannot work with the County unless they share some of their resources; because their non-profit provides non-mandated services, they are being left out. She encouraged the Council to look at what services they will not be receiving from the County, but will be paying more for.

3) CONSENT CALENDAR

- 3.1 **Approve Minutes from the Regular Joint City Council/City Council Acting as the Successor Agency and Special Public Financing Authority Meeting held May 24, 2022 (Libby Vreonis, City Clerk)**
- 3.2 **Ratify Election: Adopt Ordinance No. 05-22 Authorizing the Levy of a Special Tax on Parcels of Land within Tax Area Zone 183 within the Oakley Special Police Tax Area for Police Protection Services for the 3350 Main Street project located at the northwest corner of Main Street and Norcross Lane (Kevin Rohani, P.E., Public Works Director/City Engineer)**
- 3.3 **Award of Construction Contract to R & R Pacific Construction, Inc. for the construction of Fiscal Year (FY) 2020/2021 Street Repair and Resurfacing Project – Capital Improvement Project (CIP) Number 246 (Kevin Rohani, P.E., Public Works Director/City Engineer)**
- 3.4 **Adopt a Resolution Calling the Regular General Municipal Election for November 8, 2022 to Elect One (1) Council Member From District 2 and One (1) Council Member from District 4; Requesting the Consolidation of Elections on November 8, 2022; Requesting the County Registrar of Voters to Perform Election Services in Connection with Said Consolidated Election; Setting Specifications of the Election**

Order; Authorizing the City to Reimburse the Contra Costa County Registrar of Voters for All Costs Associated with Consolidation of the Election; Setting the Word Limit for Statements of Candidacy; Establishing a Filing Fee; Directing the City Clerk to Publish a Notice of Election; Determining the Action Taken in the Event of a Tie; Directing the City Clerk to Forward this Resolution to the Registrar of Voters and the Board of Supervisors of Contra Costa County; and Confirming the Nomination Period (including when and where to obtain and file candidate papers), Hours of Operation of the polls, No Change in the City Boundary and that State Law is Followed for Campaign Contribution Limits (Libby Vreonis, City Clerk)

- 3.5 Adopt a Resolution Designating Election Officials for the November 8, 2022 General Municipal Election (Libby Vreonis, City Clerk)**
- 3.6 Award of Contract with H&R Plumbing and Drain Cleaning, Inc. for On-Call Storm Drain Inlet and Manhole Cleaning Services for FY 2022/23 and FY 2023/24 Kevin Rohani, P.E., Public Works Director/City Engineer)**
- 3.7 Award of Contract with Strike Doors, LLC for On-Call Electrical Gate Maintenance Services and Repairs for FY 2022/23 and FY 2023/24 (Kevin Rohani, P.E., Public Works Director/City Engineer)**
- 3.8 Approval of Subdivision Improvement Agreement and Final Map for Ranchettes at Neroly Subdivision 9284 (Located at the southeast corner of Oakley Road and Neroly Road) (Kevin Rohani, P.E., Public Works Director/City Engineer)**
- 3.9 Alternative Alignment for the Extension of Laurel Road from Teton Road to Sellers Avenue, CIP 273 (Kevin Rohani, P.E., Public Works Director/City Engineer)**
- 3.10 Award of Contract with Dillon Electric, Inc. for On-Call Electrical Maintenance Services and Repair for FY 2022/23 and FY 2023/24 (Kevin Rohani, P.E., Public Works Director/City Engineer)**
- 3.11 Annexation No. 31 (3350 Main Street) to the City of Oakley Community Facilities District No. 2015-2 (Parks, Streetlight, Landscape and Stormwater Services) (Kevin Rohani, P.E., Public Works Director/City Engineer)**
- 3.12 Annexation No. 8 (3350 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)**
- 3.13 Authorize the City Manager to secure the fill material needed from the Contra Costa Flood Control and Water Conservation District for the Burroughs project (Joshua McMurray, City Manager)**

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

4) PUBLIC HEARINGS

4.1 **Public Hearing to Consider Confirming the Diagrams and Assessments and Ordering the Levy and Collection of the Annual Assessments for Fiscal Year 2022-23 for the City of Oakley Street Lighting and Landscape Assessment District No. 1 (Kevin Rohani, P.E., Public Works Director/City Engineer)**

Public Works Director/City Engineer Kevin Rohani presented the staff report.

There being no questions by Councilmembers, Mayor Pope opened the public hearing and called for public comments. There being none, he closed the public hearing. He asked the City Clerk if any protests have been filed; she confirmed none were filed.

Councilmember Higgins expressed concern regarding the school parks.

Mr. Rohani explained staff is having an ongoing discussion with the school district to work toward an amenable agreement; in the meanwhile, school district invoices for parks have not been paid for over two years because work has not been done during that time; there is a lack of maintenance of the school parks and the school district has been unable to provide any back up information how it has arrived at the invoiced amounts. He indicated once the agreement is renegotiated and restructured, they can move on.

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

4.2 **Waive the Second Reading and Adopt an Ordinance Amending Title 7 (Building & Housing Regulations) Chapter 7.1.102 of the Oakley Municipal Code to adopt by reference the 2019 Edition of the California Fire Code, California Code of Regulations, Title 24, Part 9, as amended by Contra Costa Fire Protection District Ordinance 2019-37, including Findings (Brent Smith, Community Development Director)**

Community Development Director Brent Smith presented the staff report.

Councilmember Higgins inquired if he is asking the Council to approve Confire regulations before the City is officially part of Confire.

Mr. Smith explained that the ordinance goes into effect in 30 days so the timing works out and there is not much change for builders with the existing code that will be used until then.

Mayor Pope opened the public hearing and called for public comments. There being none, he closed the public hearing.

It was moved by Councilmember Fuller and seconded by Vice Mayor Meadows to waive the second reading and adopt the ordinance as presented. Motion was unanimous and so ordered. (5-0)

5) REGULAR CALENDAR

5.1 **Consideration of a Resolution Awarding American Rescue Plan Act (ARPA) State And Local Fiscal Recovery Fund Grants to Nonprofits Serving the Oakley Community (Felicia Escover, Assistant to the City Manager)**

Assistant to the City Manager Felicia Escover presented the staff report and PowerPoint presentation.

Councilmember Fuller commented that he understands that modifications can be made and resubmitted for approval.

Mr. McMurray indicated if applications may not have information the Council desires or if more information is needed, more information can be obtained and presented at a future meeting.

Public Comments

Pat Walsh, President of St. Vincent de Paul-St. Anthony Conference in Oakley, shared they provide person-to person service for people in need, their food pantry serves 320-360 people twice a month, they help keep 15-20 people in their homes by helping with their utility bill, rent or other support, and they increase stability in the community, decrease homelessness, and provide hope. He thanked the Council for its consideration of their proposal.

Robin Burton, President and Founder of No Paws Left Behind, commented they were denied grant funds and hopes the Council will reconsider them for a portion of reserves or in general. She explained there are many cats and development; it is hard to measure what they do. She explained Oakley is fast growing and no one wants feral cats with businesses and the future train station. She mentioned statistically, unaltered cats can produce 2 litters per year; at end of 9 years, 11 million cats are produced. She shared they currently have 43 feral cats taken in from the Oakley community, they work with local shelters to free up revenue there, they take cats off of the street, they are called when animal services can't respond, and they retrieve dead animals, all at no cost to the City.

Traci Cross, volunteer and Board Member with No Paws Left Behind, advocated to allocate funding to them. She addressed financial and fiscal responsibility, how they have taken on cost; and how many cats can be produced if not fixed. She also addressed community health and safety, mentioning that during Covid no one could get animals fixed because services were shut down. She shared she is a foster mom at her cost; they are requesting funds to help fix cats. She also addressed community collaboration; rescues are willing to help, and they would appreciate some reserves.

Julie Cook, Vice President of No Paws Left Behind, shared she is a larger foster of 350 cats last year at \$100 per cat which they have to fundraise for, including a yard sale at her home which she just received notice that she can no longer do, but it raised \$2-3k and all items were donated by the community. She shared she is helping an elderly woman in Oakley to get community feral cats fixed and released back into the community to reduce rodents. She expressed hope that the Council will allocate some funding to help this community.

Patti Esposito, member of No Paws Left Behind, currently fosters mama and kittens from a senior couple in Oakley that can no longer care for them. She shared if they cannot socialize the cats, they need to find a place for them; they have 5 properties willing to take cats in Oakley, a safe environment and they care for the feral cats which keeps rodent population down on their properties. She mentioned there are mental health benefits to cats and she has been involved in placing cats as emotional service animals. She pleaded to the Council to reconsider allocating whatever possible amount available and promised to spend funds wisely and frugally.

Lorena Campos, member of Friends of the Oakley Library, thanked the Council for considering their grant application. She commented their goals are in alignment with and found in the City's Strategic Plan. She shared they provide access to information, job and career resources, computer technology and services, business resources, educational support, and public services support for the community. She indicated they are enthusiastic to build their membership and engagement with the community and shared events they have and will participate in. She encouraged the Council to approve their application.

Liz Fuller, on behalf of the Friends of the Oakley Library, commented that the grant will allow quality programming for Oakley residents for 1 year, their book sale funding source dried up during COVID due to the Library's closure and then limited re-opening, and they hope grant funding will help with increasing membership, increasing sales of books that are donated, promoting the library, outreach for community support, and providing quality programs for all ages.

Lynda Green, a director for the Be Exceptional programs, shared they provide activities, sports and social events for students of all ages and abilities. She thanked the Council for its consideration of their grant application.

Elizabeth La Vasse, CEO of We Get It Foundation, shared they have served over 30,000 neurodivergent people, total family support matters, and they are grateful for the chance to help individuals. She shared scholarship information that the funding would be used toward. She thanked the Council for its consideration and support.

Daniel Trujillo with Newberry's BLOCK which benefits leagues offering children kindness, shared they hold fundraising events to provide scholarships for kids to play in their choice of sports, but with Covid, hosting events is a thing of past and raising money is scarce. He mentioned if granted funding, the City would be helping 33 kids to participate in sports. He shared there has been a spike in applications in employed families in need of assistance, not just cash aid/food stamp families. He shared sports can be life changing and thanked the Council for its consideration.

Juli Del Barba Favalora thanked the Council for considering the East Contra Costa Historical Society and its support of its services and programs. She explained "Oakley History Through Time" will have roll up banners with themes to provide education and information regarding Oakley's past and present.

Councilmember Fuller commented he appreciates all the work to put the grant applications together and the passion of the groups. He expressed three areas of concern: 1) Be Exceptional: He would like to see them resubmit their application with more specificity how it fits in with schools, training of staff, how they make selection with students and how they will be supervising them as the work can be rewarding but there are also some challenges; 2) Friends of the Oakley Library: He would like more specificity regarding authorships-how they are chosen

and how they impact Oakley residents, and he would like to see grant funding expand membership; and 3) legal immigration efforts: He doesn't disagree with the program; it is a small segment of community and it doesn't extend to the whole community for the intent of ARPA.

Councilmember Higgins commented she wants to give balance of funding to kitties as they are a huge issue near Teakwood, Freedom High School and Delta Vista.

Councilmember Williams thanked everyone who applied and indicated everyone was worthy of being financed and she would love to see this be ongoing. She expressed she would like to see some level of specificity before approving any applications, i.e., funding only goes to Oakley residents. She suggested there are other opportunities for non-profits to obtain funding, i.e., working events at the Concord Pavilion.

Mayor Pope inquired if the three applicants that were not chosen were asked if they would accept partial funding. He mentioned the group for the cats sound like they would and if they were next in line to be considered, he would support at least the remainder or more if there is consensus to increase the amount.

Mr. McMurray mentioned if the Council desires for funding to remain local it can express this in its motion and staff can include it in the agreements. He mentioned staff had not asked groups not chosen if they would accept partial funding; the Council approved \$180k, but it can allocate additional funds by separate action and approval during the July meeting.

Councilmember Higgins commented No Paws Left Behind is Oakley-based whereas the other two are in Brentwood and she would like to increase funding to No Paws for the full asking amount.

Mayor Pope agreed with specific requirements included to benefit Oakley residents and also to be verified in grant reporting.

Mr. McMurray indicated the Council can include it in its motion to ensure the agreements reflect that funding allocated serves Oakley residents and reports must show it was used in Oakley.

Councilmember Williams suggested funding toward marketing Oakley Veterans be included as well to generate as much interest as possible.

It was moved by Councilmember Fuller to approve funding for grant applications A, C, D E, F, H, I, J, K and Q. Motion died for lack of a second.

Vice Mayor Meadows indicated Councilmember Fuller commented on three applications and inquired if he is seeking more detail on these applications to come back in the future.

Councilmember Fuller requested more specificity for the Oakley Library and Be Exceptional grants and indicated immigration serves too small of a population that will not benefit all of Oakley.

It was moved by Councilmember Higgins to approve funding for all of Attachment A, including No Paws Left Behind for its complete requested amount, and for funds to be used in Oakley on Oakley and for additional help in advertising and promoting.

Mr. McMurray requested clarification of the motion for full or partial funding for No Paws Left Behind.

Councilmember Higgins clarified it is for full funding; the Council awards No Paws Left Behind the remainder of the current funding and directs staff to bring back an item to increase the amount to the difference between the awarded amount and asked amount.

The motion was seconded by Councilmember Williams.

Councilmember Fuller requested clarification what they are voting on.

Mr. McMurray clarified they are voting to approve the recommended list as presented in the staff report with the addition of G, providing the remainder of the balance to No Paws Left Behind, directing staff to bring an item back in July to allocate additional ARPA funds to make No Paws Left Behind full, and have staff include in all agreements that all funds must be spent in Oakley, on Oakley residents.

AYES: Higgins, Meadows, Pope, Williams. NOES: Fuller (4-1)

Mayor Pope called for a brief recess at 8:10 p.m. The City Council reconvened at 8:18 p.m.

5.2 Adopt a Resolution Approving Compensation and Benefits for General City Staff and Approving the Attached Salary Schedule Effective the First Full Pay Period in July of 2022 (Jeri Tejada, Human Resources Director)

Human Resources Director Jeri Tejada provided a PowerPoint presentation.

No public comments were submitted.

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

5.3 Discuss Position on Assembly Bill 1944 (AB 1944); Local Government: Open and Public Meetings and Provide Direction to Staff (Felicia Escover, Assistant to the City Manager)

Assistant to the City Manager Felicia Escover provided a PowerPoint presentation.

Councilmember Fuller requested clarification if the City would need to opt in for someone attending via teleconference out of state or if that would still be covered by existing law.

Ms. Escover explained that situation is not explicitly addressed in the bill and the Council must pass a resolution to opt in. She indicated the bill allows two Councilmembers to participate remotely as long as three Councilmembers are present here in person.

Councilmember Williams expressed support for it, inquired if every meeting must have a virtual option if they approve, and mentioned she believes a virtual option increases public participation.

Ms. Escover confirmed it would require every meeting to have a virtual option.

City Manager Joshua McMurray mentioned supporting this legislation doesn't mean they are opting in; it is a two-part process.

Mayor Pope added it still must be passed by two houses and signed by the Governor.

Councilmember Higgins inquired how many letters of support have been submitted by cities.

Ms. Escover explained CalCities supports it and the County and school associations have signed on, but no template letter exists yet so they would have to draft it and send to the Senate Committee.

Councilmember Fuller commented he is glad it has not been approved yet as it is not something that is broken in his opinion; therefore, it doesn't need to be fixed. He mentioned the experience with virtual participation at previous Council meetings was hellacious with phones going off and people shouting out of turn, and he is not in support of it.

Vice Mayor Meadows leaned toward supporting it and mentioned when they run for office, they commit to all responsibilities, including attending meetings, and when they make a commitment, they need to be here. He mentioned he understands where they attend meetings will not be published if this passes and it is only talking about home addresses, but their addresses are out there for other things and are not that secretive; their addresses can be found easily.

Mayor Pope partially supported it; he shared he likes the provision that if remoting from home, they don't have to allow any public member to join in from their home, but he is uncertain about allowing live streaming all the time whether a Councilmember is remoting in or not. He mentioned the spirit of the Brown Act is open and public meetings and remote participation is probably the way of future, but he supports part of it and the other parts he is torn.

Councilmember Higgins commented they are asking for a letter to keep the ball rolling to support it later on; if they don't support it now, they don't give the future Council the ability to opt-in which would be doing the City a disservice.

Mayor Pope suggested they could make the letter more specific, but the bills could be amended by the time the letter gets to them, but whatever the consensus of the Council is.

Vice Mayor Meadows commented they can choose just to monitor it for now.

Mayor Pope commented it could be some time until they see what amendments are and what the Governor is presented, but they may not have a chance before it hits the Governor's desk so he thinks they should get it on record whatever the consensus of the Council is.

Councilmember Williams supported it fully as the live feed option participation was far better; 80% population commutes and the live feed may be their only option. She shared they were all swayed by the small amount of people for kittens being here in person.

It was moved by Councilmember Williams and seconded by Councilmember Higgins to approve the letter of support as presented.

AYES: Higgins, Meadows, Pope, Williams. NOES: Fuller (4-1)

It was moved by Councilmember Fuller to move 205 funds (\$6.5 million) to a new fund for construction of the Oakley Library. The motion died for lack of a second.

Councilmember Fuller shared a video of Jennifer Keelan's account of climbing to the top of the U.S. Capitol steps at 8 years old to help pass the 1990 American with Disabilities Act (ADA). He expressed he is embarrassed that only \$50k has been allocated for \$100 million in ADA arrears when the City is spending \$6.5 million for the road and parking lot that was made possible by the City tearing down houses where disabled people resided and then used the money toward a parking lot. He indicated the City needs to start addressing ADA arrears.

It was moved by Vice Mayor Meadows and seconded by Councilmember Higgins to adopt the resolution. AYES: Higgins, Meadows, Pope, Williams. ABSTENTION: Fuller. (4-0-1)

Resolution 3:

It was moved by Councilmember Higgins and seconded by Councilmember Williams to adopt the resolution provided that the County promotes animal services more. Motion was unanimous and so ordered. (5-0)

6) REPORTS

6.1 CITY MANAGER (a) City Manager

City Manager Joshua McMurray announced Movie in the Park will be held June 18, Friday Night Bites will be held July 1 without a concert, and the Oakley Summer Fest will be held July 2 with music in the Civic Center Plaza; road closures from Vintage Parkway to O'Hara Avenue will occur for the event.

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

There were no reports from City Councilmembers.

(b) Requests for Future Agendas

Councilmember Fuller requested the City recognize Juneteenth with an event and suggested an ice cream social.

Councilmember Higgins noted the City is missing pride month and requested staff move forward in presenting to the Council a proclamation list for consideration.

Mayor Pope agreed with doing something to recognize Juneteenth and suggested adding it to the list of proclamations. He mentioned Recreation staff already has a number of other upcoming events planned this year, but they could look to the future to include something.

7) WORK SESSIONS

8) CLOSED SESSION

8.1 **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION**
(Pursuant to Government Code Section 54956.9(d)(1))
O'Hara Properties, LLC v. City of Oakley, City Council of the City of Oakley
Contra Costa Superior Court Case No. N22-0924

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

9) ADJOURN

There being no further business, the meeting was adjourned at 10:05 p.m.

Respectively Submitted,

Libby Vreonis
City Clerk



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

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