



# **AGENDA**

## **REGULAR JOINT MEETINGS**

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### **CLAYTON CITY COUNCIL and OAKHURST GEOLOGICAL HAZARD ABATEMENT DISTRICT (GHAD)**

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**TUESDAY, December 4, 2018**

**7:00 P.M.**

*Hoyer Hall, Clayton Community Library  
6125 Clayton Road, Clayton, CA 94517*

**Mayor:** Keith Haydon  
**Vice Mayor:** David T. Shuey

#### **Council Members**

Julie K. Pierce  
Jim Diaz  
Tuija Catalano

- A complete packet of information containing staff reports and exhibits related to each public item is available for public review in City Hall located at 6000 Heritage Trail and on the City's Website at least 72 hours prior to the Council meeting.
- Agendas are posted at: 1) City Hall, 6000 Heritage Trail; 2) Library, 6125 Clayton Road; 3) Ohm's Bulletin Board, 1028 Diablo Street, Clayton; and 4) City Website at [www.ci.clayton.ca.us](http://www.ci.clayton.ca.us)
- Any writings or documents provided to a majority of the City Council after distribution of the Agenda Packet and regarding any public item on this Agenda will be made available for public inspection in the City Clerk's office located at 6000 Heritage Trail during normal business hours.
- If you have a physical impairment that requires special accommodations to participate, please call the City Clerk's office at least 72 hours in advance of the meeting at (925) 673-7304.

# **\* CITY COUNCIL \***

**December 4, 2018**

1. **CALL TO ORDER AND ROLL CALL** – Mayor Haydon.

2. **PLEDGE OF ALLEGIANCE** – led by Mayor Haydon.

3. **CONSENT CALENDAR**

*Consent Calendar items are typically routine in nature and are considered for approval by one single motion of the City Council. Members of the Council, Audience, or Staff wishing an item removed from the Consent Calendar for purpose of public comment, question or further input may request so through the Mayor.*

(a) **Information Only** – No Action Requested.

1. Notification by Contra Costa Water District (CCWD) of its public hearing on January 2, 2019 to consider rate structure changes and an annual rate increase of up to 6%. ([View Here](#))

(b) Approve the minutes of the City Council's regular meeting of November 20, 2018. ([View Here](#))

(c) Approve the Financial Demands and Obligations of the City. ([View Here](#))

(d) Award of lowest-bid contract to West Coast Arborist in the amount of \$194,050 for the removal of seventeen (17) large Eucalyptus trees in open space/creek areas near Regency Drive/El Portal Drive, along a portion of the Cardinet Trail behind homes in the Rachel Ranch subdivision, and several trees on Lydia Lane near the park entry; and allocate \$10,000 from the Landscape Maintenance District reserve fund to gap-fund the necessary budgeted project. ([View Here](#))

(e) Adopt a Resolution certifying the results of canvass of returns in the November 2018 General Municipal Election and declaring Jeff Wan and Carl "CW" Wolfe elected to 4-year terms of public office on the City Council of the City of Clayton, California. ([View Here](#))

4. **RECOGNITIONS AND PRESENTATIONS**

(a) Certificates of Recognition to public school students for exemplifying the "Do the Right Thing" character trait of "Respect" during the month of October 2018. ([View Here](#))

5. **REMARKS BY OUTGOING CITY COUNCIL MEMBERS**

Mayor Keith Haydon and Vice Mayor David T. Shuey.

**6. OATHS OF OFFICE BY NEWLY-ELECTED CITY COUNCIL MEMBERS**

Jeff Wan and Carl "CW" Wolfe  
(City Clerk)

**7. ANNUAL REORGANIZATION OF CLAYTON CITY COUNCIL**

- (a) Election of Mayor by the City Council ([View Here](#))  
[Councilmember Pierce, as the tenured member of Council, to conduct the election]
- (b) Election of Vice Mayor by the City Council  
[Newly-elected Mayor to conduct the election]
- (c) Recognitions and remarks by new Mayor and Council Members.

**\* SOCIAL BREAK \***

**8. REPORTS**

- (a) Planning Commission – No meeting held.
- (b) Trails and Landscaping Committee – Meeting held on November 27, 2018.
- (c) City Manager/Staff
- (d) City Council - Reports from Council liaisons to Regional Committees,  
Commissions and Boards.
- (e) Other

**9. PUBLIC COMMENT ON NON - AGENDA ITEMS**

*Members of the public may address the City Council on items within the Council's jurisdiction, (which are not on the agenda) at this time. To facilitate the recordation of comments, it is requested each speaker complete a speaker card available on the Lobby table and submit it in advance to the City Clerk. To assure an orderly meeting and an equal opportunity for everyone, each speaker is limited to 3 minutes, enforced at the Mayor's discretion. When one's name is called or you are recognized by the Mayor as wishing to speak, the speaker should approach the public podium and adhere to the time limit. In accordance with State Law, no action may take place on any item not appearing on the posted agenda. The Council may respond to statements made or questions asked, or may at its discretion request Staff to report back at a future meeting concerning the matter.*

*Public comment and input on Public Hearing, Action Items and other Agenda Items will be allowed when each item is considered by the City Council.*

10. **PUBLIC HEARINGS** – None.

11. **ACTION ITEMS** – None.

12. **COUNCIL ITEMS** – limited to Council requests and directives for future meetings.

13. **CLOSED SESSION** – None.

14. **ADJOURNMENT**

The next regularly scheduled meeting of the City Council will be December 18, 2018.

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# Proposed 2019 Rate Structure Changes and Rate Adjustment

## Treated Water Customer Notification

Agenda Date: 12-04-2018

Agenda Item: 3a



CONTRA COSTA  
WATER DISTRICT

## We're Updating Our Rates for 2019

Dear Valued Water Customer,

Our commitment to providing water service to you goes beyond the operation of the vast and sophisticated infrastructure required to deliver safe, reliable, high-quality water to your home or business. We are also committed to providing this service at the lowest cost possible.

This year, in addition to the annual rate review, we're proposing changes to our rate structure. These changes are part of a periodic review to ensure all customers pay their fair share for the water services they receive. **The District's Board of Directors will consider these changes at a public hearing on January 2, 2019. Any changes will become effective February 1, 2019.** This notice explains the proposed changes and why they are necessary. Here is what you need to know:

- **Rate Structure Changes** – This is a comprehensive legal and financial evaluation process, as the rate structure establishes how costs are divided among 60,000+ customer accounts. The primary factors for determining the proposed updates were *fairness, affordability, understandability, and encouraging efficient water use while maintaining financial stability*. Updates to the rate structure do not increase revenue for the District.
- **Annual Rate Adjustment** – Annual rate reviews ensure that we are collecting enough revenue to operate and maintain your water system and deliver the high level of service you expect from us. For 2019, we are proposing a rate adjustment to generate up to a 6% revenue increase.

### What's in this notice?

Inside, we're separating the two proposals so customers can see how each change affects their water bill. The layout of this notice and the tools we're providing break down the changes on your water bill.

### We're here to help

Additional details are available on our website at [www.ccwater.com/rates](http://www.ccwater.com/rates), which also includes a rate estimator that displays how the proposed changes may affect your water bill. We also have several free water efficiency programs to help save water and money. As always, our knowledgeable customer service staff is available at 925-688-8044 for any questions you have.

Thank you for your time and support in helping us keep our system in good working condition to ensure delivery of high-quality water to customers every day.

Sincerely,

**Jerry Brown**  
General Manager



## Public Hearing

The District's Board of Directors will consider adoption of the proposed rate structure changes and rate adjustment at a public hearing.

The public hearing will be held Wednesday, January 2, 2019, at 6:30 p.m., at 1331 Concord Avenue, Concord, in the Board Room.

Customers may submit or provide comments on the proposed changes at any time. Written protests to the proposed rate changes must be submitted prior to the conclusion of the public hearing. If you wish to submit a written protest, please include identification of the affected property (by assessor's parcel number, street address, or account number). Only one protest per parcel will be counted. Please send or deliver written protests to: Contra Costa Water District, Attn: Rates, 1331 Concord Avenue, Concord, CA 94520 or deliver at the public hearing on January 2, 2019. Protests can also be submitted through the online form at [www.ccwater.com/rates](http://www.ccwater.com/rates).



# Proposed 2019 Rate Structure Changes and Rate Adjustment

To continue to fulfill our promises to you, we must continually ensure every mile of pipe and every treatment facility is in top working order and able to deliver vital and reliable services. That requires investing in maintenance, operations, skilled staff, and facility upgrades. To ensure the District can continue to make these necessary improvements, it is important to examine our water rates annually. This year, the District conducted the annual rate review along with an independent, comprehensive analysis of its treated and untreated water service to evaluate rate structure changes. Doing both at once is the most cost-effective and transparent approach.

**How do the changes impact my water bill?** Information below walks through both the proposed rate structure changes and the proposed rate adjustment separately, and then brings them together to show you the cumulative changes proposed. Additional information, including our online treated water rate estimator, is available at [www.ccwater.com/rates](http://www.ccwater.com/rates).

## 1 Proposed Rate Structure Changes

Your water bill is determined based on what it costs to serve water to your home or business. Due to state requirements, the changing water use trends driven by the recent drought, and our fiscal responsibility, we need to reassess our rate structure.

- We worked with an independent rates consultant to ensure proper allocation of costs among customers. Our proposed rate structure changes align water rates with the cost of your water service, nothing more.
- These structural changes only affect how rates and charges are allocated among customers; they do not result in additional funds for the District overall.
- With the proposed rate structure changes, some customers' bills will go down, while others will go up depending on their service.

### NOTABLE CHANGES UNDER THE RATE STRUCTURE

**Renaming Two Charges** – The Readiness to Serve (Svc/Demand) Charge now incorporates public fire protection and is called **Service Charge**. The Water Consumption Charge is now called **Usage Charge**.

**Resetting Zone Charges** – Pumping water to customers in higher elevations requires more energy. Zone charges will be reset so all customers pay their share of the energy cost required to deliver water to their home or business.

**Fire Protection Charges** – Fire protection for all customers is paramount and it is critical to maintain the larger facilities that provide that protection.

- *Public fire protection charges* are being incorporated into the daily service charge, rather than listing them as a separate charge. The charges have also been updated to more accurately reflect the cost of providing this important service at approximately 2¢ a day.
- *Private fire protection charges* have been updated to ensure that every customer with a private fire protection system pays a proportionate share. These additional private fire service lines are primarily for commercial and large public buildings.

**Elimination of the Excess Use Charge** – Due to changes in state law, we must remove the excess use charge, which increased the rate for customers who exceeded their budgeted water allocation.

**Backflow Prevention Maintenance Charges** – Customers with backflow prevention devices will see changes to their bill to reflect the cost of the necessary annual testing, repairs and periodic replacement of these devices. For private fire service, the flat rate charge for the backflow prevention device is replaced with a charge based on its size.

## 2 Proposed Rate Adjustment

Water rates pay for the transport and delivery of safe, high-quality, and reliable water to all District customers. Based on our annual review conducted with the rate structure evaluation, we are proposing a rate adjustment to generate up to a 6% revenue increase for 2019 to maintain your water service.

These adjustments are necessary to:

- Meet the increasing costs of operating and maintaining the system as well as treating and delivering water
- Continue repairing and replacing aging pipes and other facilities
- Account for new state mandates
- Fund employee salaries and benefits
- Rebuild financial reserves for the next drought

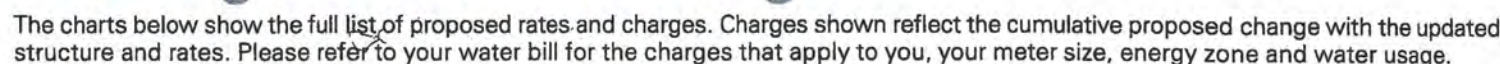
## Here to Help



Visit [www.ccwater.com/rates](http://www.ccwater.com/rates) to view the proposed changes. Use our **online treated water rate estimator** to see how the proposals will change what you pay for water service. Your account number is required for the estimator.

You may also reach our customer service staff at 925-688-8044 from 7:30 a.m. to 5:00 p.m., Monday through Friday.









CONTRA COSTA  
WATER DISTRICT

1331 Concord Avenue  
Concord, CA 94520

Presorted  
Standard  
U.S. Postage  
**PAID**  
Concord, CA  
Permit #530



## Proposed 2019 Rate Structure Changes and Rate Adjustment

### Treated Water Customer Notification

### What You Need to Know...

- Contra Costa Water District is proposing changes to our rate structure as well as a rate adjustment for 2019.
- For an average residential customer, these changes amount to a cumulative increase of **\$9.39 per bi-monthly billing cycle** starting February 1, 2019.
- Water flowing from the tap 24/7 will still be less than a penny per gallon.
- We remain committed to investing in your water system to ensure our customers continue to receive safe, high-quality water.
- We strive to provide exceptional service at affordable rates.

A public hearing will be held  
Wednesday, January 2, 2019, at 6:30 p.m.,  
at 1331 Concord Avenue, Concord, in the Board Room.

For detailed information about the proposed rate structure changes and the proposed rate adjustment, please call 925-688-8044 or visit [www.ccwater.com/rates](http://www.ccwater.com/rates).





**MINUTES**  
OF THE  
REGULAR MEETING  
CLAYTON CITY COUNCIL

TUESDAY, November 20, 2018

**Agenda Date:** 12-04-2018

**Agenda Item:** 3b

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:00 p.m. by "Mayor for the Day" Rhys Delaney (and by Mayor Haydon) in Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Haydon, Councilmembers Catalano, Diaz and Pierce. Councilmembers absent: Vice Mayor Shuey. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, Community Development Director Mindy Gentry, City Clerk Janet Calderon, and Finance Manager Kevin Mizuno.
  
2. **PLEDGE OF ALLEGIANCE** – led by "Mayor for the Day" Rhys Delaney.
  
3. **CONSENT CALENDAR**  

It was moved by Councilmember Pierce, seconded by Councilmember Catalano, to approve the Consent Calendar as submitted. (Passed; 4-0 vote).

  - (a) Information Only – No Action Requested
    1. Notification by Republic Services the residential and commercial solid waste/recycling collection and disposal services rates in Clayton will increase by 3.92% effective January 1, 2019 (ref. 90% of the annual October-October Bay Area Consumer Price Index (CPI) change of 4.36%, per the City's Franchise Agreement).
  - (b) Approved the minutes of the City Council's regular meeting of October 16, 2018.
  - (c) Approved the Financial Demands and Obligations of the City.
  - (d) Adopted Resolution No. 40-2018 approving the City's Measure J Congestion Management Plan (CMP) Compliance Checklist for CYs 2016 and 2017.
  - (e) Approved a CMAS-vetted low bid multi-year services contract with ECS Imaging, Inc., in the amount of \$48,275.90 to commence electronic records management software and scanning services of City records for archival and retrieval purposes.
  - (f) Approved the 1<sup>st</sup> Quarter City investment Report for the period ending September 30, 2018, and adopted Resolution No. 41-2018 amending the City's Investment Policy to authorize the investment of City monies in the California Asset Management Program (CAMP).
  - (g) Adopted Resolution No. 42-2018 approving the City's AB 1600 Annual Report for FY 2017-18 with the finding there remains a reasonable relationship between the current needs for the City's Development Impact Fees and the purposes for which they were originally levied and collected (per *California Government Code Section 66000 et. seq.*).

#### 4. **RECOGNITIONS AND PRESENTATIONS**

- (a) Recognition of Rhys Delaney, student at Mt. Diablo Elementary School, as "Clayton Mayor for the Day".

Mayor Haydon introduced Rhys Delaney as "Mayor for the Day" and presented him with a Certificate of Recognition declaring November 21, 2018 as "Rhys Delaney Day" in the City of Clayton.

#### 5. **REPORTS**

- (a) Planning Commission – Commissioner William Gall indicated the Commission's agenda at its meeting of November 13, 2018 included approval of a Site Plan Review Permit to allow an unpermitted previously partially constructed retaining wall located in the City's right-of-way at 199 Mountaire Parkway. This item was conditionally approved unanimously, 4-0.

Councilmember Pierce inquired if this item will be presented to the City Council, as it is a use permit granted by the Planning Commission, unless appealed by one of the neighbors. Councilmember Pierce noted this policy issue of private fences in public rights of way was presented to the City Council in 2017; Council directed a Use Permit be required and the applicant provide liability insurance holding the City harmless and possible recordation against the property so every future owner would also be required to provide the insurance.

City Manager Napper responded the insurance policy and indemnification are requirements but was uncertain if recordation was required as well. Community Development Director Gentry added an encroachment agreement does not require recordation however the Site Plan Review permit approved by the Planning Commission runs in perpetuity with the property as long as the wall is there.

- (b) Trails and Landscaping Committee – No meeting held.
- (c) City Manager/Staff

City Manager Napper advised the recent General Municipal Election is indeed over but unfortunately final results are not yet available from Contra Costa County Elections. At this point, out of the 8,017 registered voters in Clayton, 5,604 cast ballots have been counted, a 69.9% turnout which is a slightly lower turnout than normal for Clayton. The Contra Costa County Elections Office has indicated there are still ballots remaining to be counted throughout Contra Costa County.

There are two (2) Council seats available with highest votes in order for Mr. Jeff Wan, Mr. Carl "CW" Wolfe, Mr. David Shuey and Mr. Brian Buddell at this time. It is unknown how many ballots are left to be counted specifically for Clayton and he encouraged anyone who is interested to visit the Contra Costa County Elections website for updates. The regular City Council meeting scheduled for December 4 is typically its Reorganization Meeting however election results will need to be certified and accepted by the Contra Costa County Board of Supervisors who are scheduled to meet earlier that same day. Therefore, final election results for Clayton will be benched at the December 4th City Council meeting. For those candidates likely be seated, please be prepared for final results and bring family to that meeting, if you are interested. There will be cake and a short social break to welcome the new City Council members.



- (d) City Council - Reports from Council liaisons to Regional Committees, Commissions and Boards.

Councilmember Catalano attended the Clayton Community Library Foundation Board meeting, and the Clayton Audit Sub-committee meeting.

Councilmember Pierce attended several Metropolitan Transportation Commission meetings including special meetings regarding the Executive Director recruitment, the Committee to House Bay Area meeting, attended the 2018 Focus on the Future transportation conference, the Contra Costa County Mayors' Conference in Orinda, the California Association Councils of Government board meetings, several Association of Bay Area Governments meetings, the Contra Costa Transportation Authority meeting, and the Bay Area Regional Collaborative meeting.

Councilmember Diaz attended the Clayton Business and Community Association General Membership meeting, the Clayton Business and Community Association 10<sup>th</sup> Annual BBQ planning committee meeting, chaired the 25<sup>th</sup> Annual Chief Special Agents Association Law Enforcement Appreciation luncheon in Danville, the Contra Costa County Mayors' Conference in Orinda, attended several Election Night events throughout Contra Costa County, the Contra Costa Water District Board meeting, and the Clayton-Concord Veterans Day Ceremony, and the Clayton Business and Community Association downtown decorating event. Councilmember Diaz announced the Clayton Business and Community Association annual Art and Wine Festival is taking place April 28 and 29, 2019. Councilmember Diaz advised earlier this evening he attended a retirement event in Oakley for former Clayton Chief of Police, Mr. Chris Thorsen.

Mayor Haydon attended the Contra Costa County Mayors' Conference in Orinda, the County Connection Operations and Scheduling Subcommittee meeting, spoke at the Concord-Clayton VFW Veterans Day ceremony, the Clayton Business and Community Association Oktoberfest wrap-up meeting, spoke at a Blue Star Moms dedication at Olympic High School honoring two fallen heroes: PFC Scott G. Barnett and PFC Benjamin T. Zieske; the County Connection Board meeting, the Clayton Business and Community Association General Membership meeting, announced the Clayton Business and Community Association Annual BBQ Cook-off will be on July 13, 2019, and met earlier in the day with our student "Mayor for the Day" Rhys Delaney and his father Lawrence.

- (e) Other

## **6. PUBLIC COMMENT ON NON - AGENDA ITEMS**

Ann Stanaway, 1553 Haviland Place, expressed her concerns with the Westwood Property Owners Associations process in adopting new parking rules that threaten public safety under the leadership of Mayor Haydon, who is also President of the Board of Directors of the Westwood Property Owners Association. The members of that organization have proposed what amounts to back-door amendments to Westwood's Charter in violation of its obligations to public safety. The Westwood Property Owners Association was founded in 1984 with promises reiterated now in Article 3 of Westwood's Restated Declaration in 2015: "*Purpose and Power of the Association. The primary purposes include providing for and promoting safety while fair and interests of all owners of property and residents within the described property.*" The Westwood Property Owners Association has continued to give its directorship the power to enforce local ordinances, statutes and other governmental regulations referring to Section 10.2 of the

CC&R's, "Violation of Law. Any violation of a State, Municipal or local law Ordinance or regulation pertaining to the ownership occupation or use of any property within the project is hereby declared to be a violation of this declaration and subject to any and all of the enforcement procedures set forth herein." The new parking rules set for approval in thirty days seek to nullify Westwood Property Owners Association's promise to work in partnership with the City and lawful and responsible governments. Ms. Stanaway requested the City enforce the Fire Code as it will keep the streets clear for police, ambulance, fire and other emergency services when the need arises.

7. **PUBLIC HEARINGS** – None.

8. **ACTION ITEMS**

- (a) Presentation and approval of the City's audited Comprehensive Annual Financial Report (CAFR) for the Fiscal Year ending June 30, 2018 by Cropper Accountancy Corporation, an independent Certified Public Accountant firm.  
(Finance Manager; and Mr. John Cropper, CPA)

Finance Manager Kevin Mizuno provided a brief introduction advising the City is receiving an "unmodified/clean opinion" on its Comprehensive Annual Financial Report (CAFR) for the Fiscal Year ending June 30, 2018. The goal of the in-house prepared CAFR is fairly presented in all materials respects in accordance with Generally Accepted Accounting Principles (GAAP). The audit was performed by Cropper Accountancy Corporation, a qualified independent auditing firm, and prepared in Generally Accepted Government Auditing Standards (GAGAS) issued by the American Institute of Certified Public Accountants (AICPA) and well as the Comptroller General of the United States. A Certificate of Achievement for Excellence in Financial Reporting issued by the Government Finance Officers Association (GFOA) was awarded to the City the past two fiscal years; City management intends to submit the current year CAFR to the GFOA for the same award for hopefully a third consecutive year.

Finance Manager Mizuno summarized two areas of focus: GASB 75 pertains to the reporting of Other Post-Employment Benefits (OPEB) and was previously tracked by the City and reported in the government-wide financial statements as well as the footnotes in accordance with GASB 45 which is now superseded and replaced. Although it continues to be management's opinion the City does not have a real OPEB plan, which the statement was addressed as an unfunded liability, it has always been reported since the City does not have nor needs to have an irrevocable trust. Management is considering opening an irrevocable trust however at this time it has not been recommended due to the low-risk exposure. This new standard, like GASB 68, was previously issued for pensions ultimately resulted in a prior period adjustment to implement the standard to reduce the beginning net position of the government wide financial statements.

The second item noted is the status of the General Fund. Consistent with staff's predictions for Fiscal Year ending June 30, 2019, the CAFR reports reduction in General Fund Reserves approved by the City Council to address the non-operational and non-recurring projects using excess reserves reported in the three previous Fiscal Years of 2015, 2016 and 2017. Despite this planned reduction in General Fund excess reserves, after \$432,309.00 in expenditures for one-time uses the result is an operating surplus of \$181,500 for Fiscal Year 2018. Finance Manager Mizuno referred the City Council to Page 23 in the CAFR; the unused excess reserves approved by the City Council are \$281,930 as of June 30, 2018, reported as assigned as required by GASB 54. It also



reports unassigned reserves of the General Fund at \$5,302,751 as of June 30, 2018, approximately 1.5 times the size of the adopted Fiscal Year 2019 Operating Budget.

Finance Manager Mizuno introduced Mr. John Cropper, Audit Partner for Cropper Accountancy Corporation, to continue the audit presentation.

Mr. Cropper thanked the City Council for the opportunity to audit the City's financial records and performance and noted Mr. Bryce Rojas next to him who assisted as the senior lead on the analysis of Clayton's financial statements. Mr. Cropper presented a slideshow highlighting the audit results are an "unmodified audit opinion" with internal controls over financial reporting functioning well, with no material weaknesses, and no significant deficiencies identified. The Government Wide Net Position indicates City total assets are \$50.409 million with total liabilities of \$6.037 million, resulting in a net position of \$45.944 million. Mr. Cropper advised there was a net pension liability increase of \$488,000 to \$4.901 million; net OPEB liability increased by \$403,000 to \$545,000 due to implementation of GASB Statement No. 75.

Mr. Cropper explained the Statement on Auditing Standards (SAS) 114 auditors communication is a required letter, and the Statement on Auditing Standards (SAS) 115 letter communicates observations on internal control related matters and is often referred to as the "management letter." After review of the City's financial practices, his firm has issued no management letter for FY 2018 as there is no deficiency or weakness to note. With any audit there are always suggestions for improvement but his firm found nothing serious for the governing body to be informed of. Overall, Mr. Cropper noted the City Council should be very pleased with its financial status and accounting practices and the strength of the City's financial practices are displayed through its annual and total General Fund Reserve positions.

Councilmember Catalano requested further clarification as to why a management letter will not be produced by the auditors; in Clayton's case, is it really a positive statement by the auditors? Mr. Cropper confirmed it is a positive observation; typically, under the *Government Auditing Standards*, there is a requirement to issue a management letter if there is, for example, a journal entry made by the auditors that is material to the financial statements of the entity. If they recognize a risk, they then examine some of the internal controls that could reveal a material weakness that should be declared. Several significant deficiencies can add up a material misstatement. In Clayton, as a small city, there is typically present a struggle for segregation of financial duties; however, since Clayton cannot cure that segregation by employing more financial clerks due to limited resources and facility space, there is no need to make such a declaration as current financial practices are sufficient.

Mayor Haydon opened matter for public comments; no comments were offered.

**It was moved by Councilmember Pierce, seconded by Councilmember Catalano, to approve the CAFR of the City of Clayton for the Fiscal Year ending June 30, 2018. (Passed; 4-0 vote).**

- (b) Consider the adoption of Resolution No. 43-2018 delegating authority to a Council ad hoc committee approved by the City Council on a case-by-case basis (under Government Code Section 21152(C), 21156, and 21173) to make and certify determinations of City employee disability to the California Public Employees' Retirement System (CalPERS); and by separate Mayoral action, appoint an initial ad-hoc committee to review and make a determination on a pending application for industrial disability retirement.  
(City Manager)

City Manager Napper advised this item returns as indicated from the last Council meeting whereat staff brought forward a Resolution to resolve an inherent conflict between the legislative body of a contracting member of CalPERS to make determinations on disability retirements and industrial disability retirements, the latter only being offered to public safety members under contract. The conflict arises that in order for the legislative body to make those determinations on an application, there needs to be evidence presented and findings made on matters primarily medical or physical related; the conflict appears between a City Council sitting in a public setting making those determinations and that individual's right to privacy under HIPPA laws. State law does not allow a legislative body to adjourn into closed session to make this determination.

Typically, other CalPERS contracting agencies have resolved this public conflict by delegating the authority from the legislative body to their city manager. At the last meeting, Vice Mayor Shuey asked if a different process could be considered through establishing a Council ad-hoc committee working with the city manager but the ad-hoc committee would make the final determination on behalf of the City Council. Subject to several finesses on that suggested procedure, the Council ad-hoc committee would need to be appointed by the Mayor in a public meeting and the ad-hoc committee would then only be constituted for a particular industrial disability application; after determination the ad-hoc committee would dissolve because if it becomes an on-going sub-committee for such purposes its meetings are subject to public review and public meetings, which venue defeat the purpose of shielding HIPPA privacy rights.

The City Attorney and her office contacted CalPERS to inquire if such a process would be acceptable to CalPERS. CalPERS' response was that is a little unorthodox but it could live with it provided a Resolution is adopted each time that indicates the Mayor appointed an ad-hoc committee to rule on an industrial disability application or a disability retirement application when filed. Those two appointed ad-hoc committee members must sign their determination and accompanying the CalPERS filing with a letter from the Mayor indicating that in fact he/she appointed those two elected individuals to act in the Council's behalf.

City Manager Napper noted there are two options available for the City Council to consider: appoint a Council ad-hoc committee each time or designate its city manager to make application or certify determinations of City employee disability to CalPERS. If the City Council embraces the ad-hoc committee procedure, Mayor Haydon must make his appointments immediately as there is a pending industrial disability application that has been received.

Mayor Haydon inquired if action was delayed this evening, what would occur to the pending industrial disability application? Mr. Napper advised the City has until January 23, 2019 in which to inform CalPERS of the local agency's determination on whether to approve or deny the industrial disability application.

Mayor Haydon opened matter for public comments.

Ann Stanaway remarked it seems to her the HIPPA laws allow for the individual to waive their privacy rights, if they want to. She may be wrong and they may be mandated to maintain privacy but she thinks it is an individual's right to waive their rights and perhaps ask the individual if they would allow the hearings under a public setting. City Manager Napper advised he is unsure HIPPA laws allow that waiver to be acceptable and staff would need to consult further with the City Attorney on such a thought.



With no others wishing to comment, Mayor Haydon closed the matter for public comments.

Councilmember Pierce appreciates the opportunity to consider options; she trusts the City Manager to make wise decisions and does not think it is necessary for the City Council to get involved at this level; preferring adoption of the second Resolution delegating authority to the city manager.

Councilmember Diaz expressed support of delegating it to the city manager.

Councilmember Catalano added it seems these decisions have been made by the city manager for quite some time. City Manager Napper clarified since his employment with the City there has been three (3) Industrial Disability Retirements granted, done so at the City Council level since those time periods were prior to HIPPA laws that now make it difficult to do so in a public setting.

Mayor Haydon noted he reviewed the opinion and recommendations and agrees with the delegation of authority to the city manager as it is more efficient protecting the individual's privacy.

**It was moved by Councilmember Pierce, seconded by Councilmember Catalano, to adopt Resolution No. 43-2018 delegating authority to its City Manager under Government Code Section 21152(C), 21156, and 21173 to make and certify determination of City employee disability to the California Public Employee' Retirement System. (Passed; 4-0 vote).**

9. **COUNCIL ITEMS** – limited to requests and directives for future meetings.

10. **RECESS THE CITY COUNCIL MEETING** – Mayor Haydon.  
(until after the conclusion of the Clayton Financing Authority meeting)  
Mayor Haydon recessed the City Council meeting at 8:18 p.m.

11. **RECONVENE THE CITY COUNCIL MEETING** – Mayor Haydon.  
Mayor Haydon reconvened the City Council meeting at 8:20 p.m.

12. **CLOSED SESSIONS**

Mayor Haydon announced the City Council will adjourn into Closed Session for the following two noticed items (8:20 p.m.):

- (a) *Government Code Section 54957*  
Public Employee Annual Performance Evaluation  
Position Title: City Manager

The City Manager left the Closed Session meeting at 9:38 p.m.

- (b) *Government Code Section 54957.6*  
Conference with Labor Negotiators  
Agency-designated representatives: Mayor Haydon and Vice Mayor Shuey  
Unrepresented employee: City Manager

9:53 p.m. Report out of Closed Session

Mayor Haydon reported the City Council considered and discussed information, and provided policy direction to its labor negotiator. There is no public action to report.

13. **ADJOURNMENT**— on call by Mayor Haydon, the City Council adjourned its meeting at 9:54 p.m.

The next regularly scheduled meeting of the City Council is December 4, 2018.

# # # # #

Respectfully submitted,

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Janet Calderon, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL

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Keith Haydon, Mayor

# # # # #



Agenda Date: 12/04/18

Agenda Item: 3c

# STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Kevin Mizuno, FINANCE MANAGER

DATE: 12/04/18

SUBJECT: INVOICE SUMMARY

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Approved:   
Gary A. Napper  
City Manager

## RECOMMENDATION:

|                          |                    |                    |            |               |
|--------------------------|--------------------|--------------------|------------|---------------|
| Cash Requirements Report | -Accounts Payable- | Report dated:      | 11/30/2018 | \$ 131,745.76 |
| Cash Requirements Report | -Payroll, Taxes-   | Pay period ending: | 11/18/2018 | \$ 89,481.46  |
|                          |                    |                    |            |               |
|                          |                    |                    | Total      | \$ 221,227.22 |

### Attachments:

Cash Requirements reports, dated 11/30/18 (5 pages)

Paychex Cash Requirements, weeks 47 (2 pages)



# City of Clayton

## Cash Requirements Report

| Vendor Name  | Due Date  | Invoice Date | Invoice Number | Invoice Description                         | Invoice Balance    | Potential Discount | Discount Expires On | Net Amount Due     |
|--|-----------|--------------|----------------|---|--------------------|--------------------|---------------------|--------------------|
| <b>All City Management Services, Inc.</b>              |           |              |                |   |                    |                    |                     |                    |
| All City Management Services, Inc.                     | 12/4/2018 | 12/4/2018    | 57393          | School crossing guard svcs 10/21/18-11/3/18 | \$475.68           | \$0.00             |                     | \$475.68           |
| <i>Totals for All City Management Services, Inc.:</i>  |           |              |                |   | <u>\$475.68</u>    | <u>\$0.00</u>      |                     | <u>\$475.68</u>    |
| <b>American Asphalt</b>                                |           |              |                |   |                    |                    |                     |                    |
| American Asphalt                                       | 12/4/2018 | 12/4/2018    | CAP0281        | Deposit refund for Mt Willson Wy Driveways  | \$1,433.50         | \$0.00             |                     | \$1,433.50         |
| <i>Totals for American Asphalt:</i>                    |           |              |                |   | <u>\$1,433.50</u>  | <u>\$0.00</u>      |                     | <u>\$1,433.50</u>  |
| <b>American Fidelity Assurance Company</b>             |           |              |                |   |                    |                    |                     |                    |
| American Fidelity Assurance Company                    | 12/4/2018 | 12/4/2018    | B820306        | Supplemental insurance for November         | \$392.16           | \$0.00             |                     | \$392.16           |
| American Fidelity Assurance Company                    | 12/4/2018 | 12/4/2018    | 2024156        | FSA PPE 11/4/18                             | \$411.14           | \$0.00             |                     | \$411.14           |
| American Fidelity Assurance Company                    | 12/4/2018 | 12/4/2018    | 2024498        | FSA PPE 11/18/18                            | \$411.14           | \$0.00             |                     | \$411.14           |
| <i>Totals for American Fidelity Assurance Company:</i> |           |              |                |   | <u>\$1,214.44</u>  | <u>\$0.00</u>      |                     | <u>\$1,214.44</u>  |
| <b>AT&amp;T (CalNet3)</b>                              |           |              |                |   |                    |                    |                     |                    |
| AT&T (CalNet3)   | 12/4/2018 | 12/4/2018    | 12230295       | Phones 10/22/18-11/21/18                    | \$1,633.83         | \$0.00             |                     | \$1,633.83         |
| <i>Totals for AT&amp;T (CalNet3):</i>                  |           |              |                |   | <u>\$1,633.83</u>  | <u>\$0.00</u>      |                     | <u>\$1,633.83</u>  |
| <b>Bassam Atwal</b>                                    |           |              |                |   |                    |                    |                     |                    |
| Bassam Atwal   | 12/4/2018 | 12/4/2018    | PC-11/18       | PC stipend for November                     | \$120.00           | \$0.00             |                     | \$120.00           |
| <i>Totals for Bassam Atwal:</i>                        |           |              |                |   | <u>\$120.00</u>    | <u>\$0.00</u>      |                     | <u>\$120.00</u>    |
| <b>Bay Area Barricade Serv.</b>                        |           |              |                |   |                    |                    |                     |                    |
| Bay Area Barricade Serv.                               | 12/4/2018 | 12/4/2018    | 0359598-IN     | White marking paint                         | \$48.88            | \$0.00             |                     | \$48.88            |
| Bay Area Barricade Serv.                               | 12/4/2018 | 12/4/2018    | 0359307-IN     | Street sign "Tuyshtak Ct"                   | \$62.53            | \$0.00             |                     | \$62.53            |
| Bay Area Barricade Serv.                               | 12/4/2018 | 12/4/2018    | 0359632-IN     | Sand bags                                   | \$337.13           | \$0.00             |                     | \$337.13           |
| <i>Totals for Bay Area Barricade Serv.:</i>            |           |              |                |   | <u>\$448.54</u>    | <u>\$0.00</u>      |                     | <u>\$448.54</u>    |
| <b>Peter or Delia Bibeau</b>                           |           |              |                |   |                    |                    |                     |                    |
| Peter or Delia Bibeau                                  | 12/4/2018 | 12/4/2018    | 1052           | Deposit refund for 964 Oak Street           | \$165.83           | \$0.00             |                     | \$165.83           |
| <i>Totals for Peter or Delia Bibeau:</i>               |           |              |                |   | <u>\$165.83</u>    | <u>\$0.00</u>      |                     | <u>\$165.83</u>    |
| <b>CA Association of Code Enforcement</b>              |           |              |                |   |                    |                    |                     |                    |
| CA Association of Code Enforcement                     | 12/4/2018 | 12/4/2018    | 300009912      | Code enforcement dues for 2019              | \$95.00            | \$0.00             |                     | \$95.00            |
| <i>Totals for CA Association of Code Enforcement:</i>  |           |              |                |   | <u>\$95.00</u>     | <u>\$0.00</u>      |                     | <u>\$95.00</u>     |
| <b>CalPERS Health</b>                                  |           |              |                |   |                    |                    |                     |                    |
| CalPERS Health   | 12/4/2018 | 12/4/2018    | 15467010       | Medical for December                        | \$30,137.04        | \$0.00             |                     | \$30,137.04        |
| <i>Totals for CalPERS Health:</i>                      |           |              |                |   | <u>\$30,137.04</u> | <u>\$0.00</u>      |                     | <u>\$30,137.04</u> |
| <b>CalPERS Retirement</b>                              |           |              |                |   |                    |                    |                     |                    |
| CalPERS Retirement                                     | 12/4/2018 | 12/4/2018    | CC112418       | CC Retirement ending 11/24/18               | \$151.24           | \$0.00             |                     | \$151.24           |
| CalPERS Retirement                                     | 12/4/2018 | 12/4/2018    | 111818         | Retirement PPE 11/18/18                     | \$15,872.47        | \$0.00             |                     | \$15,872.47        |
| <i>Totals for CalPERS Retirement:</i>                  |           |              |                |   | <u>\$16,023.71</u> | <u>\$0.00</u>      |                     | <u>\$16,023.71</u> |
| <b>Anthony Chippero</b>                                |           |              |                |   |                    |                    |                     |                    |
| Anthony Chippero                                       | 12/4/2018 | 12/4/2018    | PC-11/18       | PC Stipend for November                     | \$120.00           | \$0.00             |                     | \$120.00           |

# City of Clayton Cash Requirements Report

| Vendor Name   | Due Date  | Invoice Date | Invoice Number | Invoice Description                    | Invoice Balance | Potential Discount | Discount Expires On | Net Amount Due |
|---|-----------|--------------|----------------|--|-----------------|--------------------|---------------------|----------------|
| <i>Totals for Anthony Chippero:</i>                                     |           |              |                |  | \$120.00        | \$0.00             |                     | \$120.00       |
| <b>City of Concord</b>  |           |              |                |  |                 |                    |                     |                |
| City of Concord   | 12/4/2018 | 12/4/2018    | 70988          | Live scans, PD                         | \$226.00        | \$0.00             |                     | \$226.00       |
| <i>Totals for City of Concord:</i>                                      |           |              |                |  | \$226.00        | \$0.00             |                     | \$226.00       |
| <b>Clean Street</b>   |           |              |                |  |                 |                    |                     |                |
| Clean Street  | 12/4/2018 | 12/4/2018    | 91036          | Street sweeping for July               | \$4,500.00      | \$0.00             |                     | \$4,500.00     |
| Clean Street  | 12/4/2018 | 12/4/2018    | 91339          | Street sweeping for August             | \$4,500.00      | \$0.00             |                     | \$4,500.00     |
| Clean Street  | 12/4/2018 | 12/4/2018    | 91674          | Street sweeping for September          | \$4,500.00      | \$0.00             |                     | \$4,500.00     |
| Clean Street  | 12/4/2018 | 12/4/2018    | 92032          | Street sweeping for October            | \$4,500.00      | \$0.00             |                     | \$4,500.00     |
| <i>Totals for Clean Street:</i>   |           |              |                |  | \$18,000.00     | \$0.00             |                     | \$18,000.00    |
| <b>Peter Cloven</b>   |           |              |                |  |                 |                    |                     |                |
| Peter Cloven  | 12/4/2018 | 12/4/2018    | PC-11/18       | PC Stipend for November                | \$120.00        | \$0.00             |                     | \$120.00       |
| <i>Totals for Peter Cloven:</i>   |           |              |                |  | \$120.00        | \$0.00             |                     | \$120.00       |
| <b>Contra Costa County Library Administration</b>                       |           |              |                |  |                 |                    |                     |                |
| Contra Costa County Library Administr                                   | 12/4/2018 | 12/4/2018    | Q1 FY19        | Additional library hours, Q1 FY 19     | \$3,205.76      | \$0.00             |                     | \$3,205.76     |
| <i>Totals for Contra Costa County Library Administration:</i>           |           |              |                |  | \$3,205.76      | \$0.00             |                     | \$3,205.76     |
| <b>Contra Costa County Office of the Sheriff (Training)</b>             |           |              |                |  |                 |                    |                     |                |
| Contra Costa County Office of the Sheri                                 | 12/4/2018 | 12/4/2018    | 18-22582       | Training, PD                           | \$53.00         | \$0.00             |                     | \$53.00        |
| <i>Totals for Contra Costa County Office of the Sheriff (Training):</i> |           |              |                |  | \$53.00         | \$0.00             |                     | \$53.00        |
| <b>Contra Costa County Public Works Dept</b>                            |           |              |                |  |                 |                    |                     |                |
| Contra Costa County Public Works Dept                                   | 12/4/2018 | 12/4/2018    | 702088         | Traffic signal maintenance for October | \$2,093.81      | \$0.00             |                     | \$2,093.81     |
| <i>Totals for Contra Costa County Public Works Dept:</i>                |           |              |                |  | \$2,093.81      | \$0.00             |                     | \$2,093.81     |
| <b>CR Fireline, Inc</b>   |           |              |                |  |                 |                    |                     |                |
| CR Fireline, Inc  | 12/4/2018 | 12/4/2018    | 112958         | EH Fire sprinkler inspection           | \$475.00        | \$0.00             |                     | \$475.00       |
| CR Fireline, Inc  | 12/4/2018 | 12/4/2018    | 112957         | Library Fire sprinkler inspection      | \$675.00        | \$0.00             |                     | \$675.00       |
| CR Fireline, Inc  | 12/4/2018 | 12/4/2018    | 112956         | CH Fire sprinkler inspection           | \$475.00        | \$0.00             |                     | \$475.00       |
| <i>Totals for CR Fireline, Inc:</i>                                     |           |              |                |  | \$1,625.00      | \$0.00             |                     | \$1,625.00     |
| <b>Dillon Electric Inc</b>  |           |              |                |  |                 |                    |                     |                |
| Dillon Electric Inc   | 12/4/2018 | 12/4/2018    | 3730           | CCP, lighting controls for restrooms   | \$650.00        | \$0.00             |                     | \$650.00       |
| Dillon Electric Inc   | 12/4/2018 | 12/4/2018    | 3796           | Street light maintenance 11/14/18      | \$550.54        | \$0.00             |                     | \$550.54       |
| Dillon Electric Inc   | 12/4/2018 | 12/4/2018    | 3728           | Electrical system repair, PD           | \$520.00        | \$0.00             |                     | \$520.00       |
| <i>Totals for Dillon Electric Inc:</i>                                  |           |              |                |  | \$1,720.54      | \$0.00             |                     | \$1,720.54     |
| <b>Ernie's Plumbing</b>   |           |              |                |  |                 |                    |                     |                |
| Ernie's Plumbing  | 12/4/2018 | 12/4/2018    | CAP0312        | Deposit refund for 5907 Wallace Dr     | \$486.50        | \$0.00             |                     | \$486.50       |
| <i>Totals for Ernie's Plumbing:</i>                                     |           |              |                |  | \$486.50        | \$0.00             |                     | \$486.50       |
| <b>William Gall</b>   |           |              |                |  |                 |                    |                     |                |
| William Gall  | 12/4/2018 | 12/4/2018    | PC-11/18       | PC Stipend for November                | \$120.00        | \$0.00             |                     | \$120.00       |

# City of Clayton Cash Requirements Report

| Vendor Name                                       | Due Date  | Invoice Date | Invoice Number | Invoice Description                       | Invoice Balance   | Potential Discount | Discount Expires On | Net Amount Due    |
|---|-----------|--------------|----------------|---|-------------------|--------------------|---------------------|-------------------|
| <i>Totals for William Gall:</i>                   |           |              |                |   | <u>\$120.00</u>   | <u>\$0.00</u>      |                     | <u>\$120.00</u>   |
| <b>Geoconsultants, Inc.</b>                       |           |              |                |   |                   |                    |                     |                   |
| Geoconsultants, Inc.                              | 12/4/2018 | 12/4/2018    | 18983          | Well monitoring for September             | \$1,546.50        | \$0.00             |                     | \$1,546.50        |
| Geoconsultants, Inc.                              | 12/4/2018 | 12/4/2018    | 18982          | Well monitoring for November              | \$1,546.50        | \$0.00             |                     | \$1,546.50        |
| Geoconsultants, Inc.                              | 12/4/2018 | 12/4/2018    | 18959          | Well monitoring for July                  | \$1,546.50        | \$0.00             |                     | \$1,546.50        |
| <i>Totals for Geoconsultants, Inc.:</i>           |           |              |                |   | <u>\$4,639.50</u> | <u>\$0.00</u>      |                     | <u>\$4,639.50</u> |
| <b>Globalstar LLC</b>                             |           |              |                |   |                   |                    |                     |                   |
| Globalstar LLC                                    | 12/4/2018 | 12/4/2018    | 9874636        | Sat phone 10/16/18/-11/15/18              | \$90.00           | \$0.00             |                     | \$90.00           |
| <i>Totals for Globalstar LLC:</i>                 |           |              |                |   | <u>\$90.00</u>    | <u>\$0.00</u>      |                     | <u>\$90.00</u>    |
| <b>Hammons Supply Company</b>                     |           |              |                |   |                   |                    |                     |                   |
| Hammons Supply Company                            | 12/4/2018 | 12/4/2018    | 1104192        | CCP Janitorial supplies                   | \$651.68          | \$0.00             |                     | \$651.68          |
| Hammons Supply Company                            | 12/4/2018 | 12/4/2018    | 1104200        | Library Janitorial supplies               | \$388.87          | \$0.00             |                     | \$388.87          |
| Hammons Supply Company                            | 12/4/2018 | 12/4/2018    | 1104191        | The Grove Janitorial supplies             | \$414.37          | \$0.00             |                     | \$414.37          |
| Hammons Supply Company                            | 12/4/2018 | 12/4/2018    | 1104199        | CH Janitorial supplies                    | \$1,124.33        | \$0.00             |                     | \$1,124.33        |
| <i>Totals for Hammons Supply Company:</i>         |           |              |                |   | <u>\$2,579.25</u> | <u>\$0.00</u>      |                     | <u>\$2,579.25</u> |
| <b>J&amp;R Floor Services</b>                     |           |              |                |   |                   |                    |                     |                   |
| J&R Floor Services                                | 12/4/2018 | 12/4/2018    | Eleven 2018    | Janitorial services for November          | \$4,910.00        | \$0.00             |                     | \$4,910.00        |
| <i>Totals for J&amp;R Floor Services:</i>         |           |              |                |   | <u>\$4,910.00</u> | <u>\$0.00</u>      |                     | <u>\$4,910.00</u> |
| <b>LarryLogic Productions</b>                     |           |              |                |   |                   |                    |                     |                   |
| LarryLogic Productions                            | 12/4/2018 | 12/4/2018    | 1774           | City Council meeting production 11/20/18  | \$360.00          | \$0.00             |                     | \$360.00          |
| <i>Totals for LarryLogic Productions:</i>         |           |              |                |   | <u>\$360.00</u>   | <u>\$0.00</u>      |                     | <u>\$360.00</u>   |
| <b>LEHR</b>                                       |           |              |                |   |                   |                    |                     |                   |
| LEHR  | 12/4/2018 | 12/4/2018    | S122139        | Computer accessories for patrol units (4) | \$401.65          | \$0.00             |                     | \$401.65          |
| <i>Totals for LEHR:</i>                           |           |              |                |   | <u>\$401.65</u>   | <u>\$0.00</u>      |                     | <u>\$401.65</u>   |
| <b>Marken Mechanical Services Inc</b>             |           |              |                |   |                   |                    |                     |                   |
| Marken Mechanical Services Inc                    | 12/4/2018 | 12/4/2018    | 6905           | Library HVAC maintenance for November     | \$527.17          | \$0.00             |                     | \$527.17          |
| Marken Mechanical Services Inc                    | 12/4/2018 | 12/4/2018    | 6906           | CH HVAC maintenance for November          | \$350.00          | \$0.00             |                     | \$350.00          |
| <i>Totals for Marken Mechanical Services Inc:</i> |           |              |                |   | <u>\$877.17</u>   | <u>\$0.00</u>      |                     | <u>\$877.17</u>   |
| <b>Paul Meyer</b>                                 |           |              |                |   |                   |                    |                     |                   |
| Paul Meyer  | 12/4/2018 | 12/4/2018    | CAP0214        | Deposit refund for 942 Kenston Dr         | \$1,880.69        | \$0.00             |                     | \$1,880.69        |
| <i>Totals for Paul Meyer:</i>                     |           |              |                |   | <u>\$1,880.69</u> | <u>\$0.00</u>      |                     | <u>\$1,880.69</u> |
| <b>Mr Rooter Plumbing</b>                         |           |              |                |   |                   |                    |                     |                   |
| Mr Rooter Plumbing                                | 12/4/2018 | 12/4/2018    | CAP0296        | Deposit refund for 820 Sauvignon Ct       | \$250.00          | \$0.00             |                     | \$250.00          |
| <i>Totals for Mr Rooter Plumbing:</i>             |           |              |                |   | <u>\$250.00</u>   | <u>\$0.00</u>      |                     | <u>\$250.00</u>   |
| <b>Pacific Telemanagement Svc</b>                 |           |              |                |   |                   |                    |                     |                   |
| Pacific Telemanagement Svc                        | 12/4/2018 | 12/4/2018    | 2006876        | Courtyard pay phone for December          | \$73.00           | \$0.00             |                     | \$73.00           |
| <i>Totals for Pacific Telemanagement Svc:</i>     |           |              |                |   | <u>\$73.00</u>    | <u>\$0.00</u>      |                     | <u>\$73.00</u>    |



# City of Clayton

## Cash Requirements Report

| Vendor Name                              | Due Date  | Invoice Date | Invoice Number | Invoice Description                                  | Invoice Balance    | Potential Discount | Discount Expires On | Net Amount Due     |
|--|-----------|--------------|----------------|--|--------------------|--------------------|---------------------|--------------------|
| <b>Paychex</b>                           |           |              |                |  |                    |                    |                     |                    |
| Paychex                                  | 12/4/2018 | 12/4/2018    | 2018111901     | Payroll fees PPE 11/18/18                            | \$188.86           | \$0.00             |                     | \$188.86           |
|  |           |              |                | <i>Totals for Paychex:</i>                           | <u>\$188.86</u>    | <u>\$0.00</u>      |                     | <u>\$188.86</u>    |
| <b>PG&amp;E</b>                          |           |              |                |  |                    |                    |                     |                    |
| PG&E                                     | 12/4/2018 | 12/4/2018    | 112018         | Energy 10/23/18-11/20/18                             | \$4,229.70         | \$0.00             |                     | \$4,229.70         |
| PG&E                                     | 12/4/2018 | 12/4/2018    | 112018         | Energy 10/16/18-11/14/18                             | \$18,622.66        | \$0.00             |                     | \$18,622.66        |
|  |           |              |                | <i>Totals for PG&amp;E:</i>                          | <u>\$22,852.36</u> | <u>\$0.00</u>      |                     | <u>\$22,852.36</u> |
| <b>Gregory Simkins</b>                   |           |              |                |  |                    |                    |                     |                    |
| Gregory Simkins                          | 12/4/2018 | 12/4/2018    | CAP0297        | Deposit refund for 5611 Mt Shasta Ct                 | \$1,867.50         | \$0.00             |                     | \$1,867.50         |
|  |           |              |                | <i>Totals for Gregory Simkins:</i>                   | <u>\$1,867.50</u>  | <u>\$0.00</u>      |                     | <u>\$1,867.50</u>  |
| <b>Stericycle Inc</b>                    |           |              |                |  |                    |                    |                     |                    |
| Stericycle Inc                           | 12/4/2018 | 12/4/2018    | 3004483380     | Medical waste disposal                               | \$106.18           | \$0.00             |                     | \$106.18           |
|  |           |              |                | <i>Totals for Stericycle Inc:</i>                    | <u>\$106.18</u>    | <u>\$0.00</u>      |                     | <u>\$106.18</u>    |
| <b>Swenson's Mobile Fleet Repair</b>     |           |              |                |  |                    |                    |                     |                    |
| Swenson's Mobile Fleet Repair            | 12/4/2018 | 12/4/2018    | I001089        | Service to 2011 F250                                 | \$98.87            | \$0.00             |                     | \$98.87            |
| Swenson's Mobile Fleet Repair            | 12/4/2018 | 12/4/2018    | I001090        | Service to 2006 Ranger                               | \$223.89           | \$0.00             |                     | \$223.89           |
|  |           |              |                | <i>Totals for Swenson's Mobile Fleet Repair:</i>     | <u>\$322.76</u>    | <u>\$0.00</u>      |                     | <u>\$322.76</u>    |
| <b>Trademark Pools</b>                   |           |              |                |  |                    |                    |                     |                    |
| Trademark Pools                          | 12/4/2018 | 12/4/2018    | CAP0310        | Deposit refund for 1206 Bridlewood Ct                | \$1,241.00         | \$0.00             |                     | \$1,241.00         |
|  |           |              |                | <i>Totals for Trademark Pools:</i>                   | <u>\$1,241.00</u>  | <u>\$0.00</u>      |                     | <u>\$1,241.00</u>  |
| <b>U S Healthworks Medical Group, PC</b> |           |              |                |  |                    |                    |                     |                    |
| U S Healthworks Medical Group, PC        | 12/4/2018 | 12/4/2018    | 3432929-CA     | Pre-employment exam, PD                              | \$443.00           | \$0.00             |                     | \$443.00           |
|  |           |              |                | <i>Totals for U S Healthworks Medical Group, PC:</i> | <u>\$443.00</u>    | <u>\$0.00</u>      |                     | <u>\$443.00</u>    |
| <b>United States Treasury</b>            |           |              |                |  |                    |                    |                     |                    |
| United States Treasury                   | 12/4/2018 | 12/4/2018    | CP1348         | Payroll tax shortage from provider conversion        | \$6.10             | \$0.00             |                     | \$6.10             |
|  |           |              |                | <i>Totals for United States Treasury:</i>            | <u>\$6.10</u>      | <u>\$0.00</u>      |                     | <u>\$6.10</u>      |
| <b>Verizon Wireless</b>                  |           |              |                |  |                    |                    |                     |                    |
| Verizon Wireless                         | 12/4/2018 | 12/4/2018    | 9817516437     | Cell phones 10/2-11/1/18                             | \$162.01           | \$0.00             |                     | \$162.01           |
|  |           |              |                | <i>Totals for Verizon Wireless:</i>                  | <u>\$162.01</u>    | <u>\$0.00</u>      |                     | <u>\$162.01</u>    |
| <b>Western Exterminator</b>              |           |              |                |  |                    |                    |                     |                    |
| Western Exterminator                     | 12/4/2018 | 12/4/2018    | 6479613        | Pest control for October                             | \$409.50           | \$0.00             |                     | \$409.50           |
|  |           |              |                | <i>Totals for Western Exterminator:</i>              | <u>\$409.50</u>    | <u>\$0.00</u>      |                     | <u>\$409.50</u>    |
| <b>Carl Wolfe</b>                        |           |              |                |  |                    |                    |                     |                    |
| Carl Wolfe                               | 12/4/2018 | 12/4/2018    | PC-11/18       | PC Stipend for November                              | \$120.00           | \$0.00             |                     | \$120.00           |
|  |           |              |                | <i>Totals for Carl Wolfe:</i>                        | <u>\$120.00</u>    | <u>\$0.00</u>      |                     | <u>\$120.00</u>    |

# City of Clayton

## Cash Requirements Report

| Vendor Name                | Due Date  | Invoice Date | Invoice Number | Invoice Description                     | Invoice Balance     | Potential Discount | Discount Expires On | Net Amount Due      |
|----------------------------|-----------|--------------|----------------|---|---------------------|--------------------|---------------------|---------------------|
| Workers.com                | 12/4/2018 | 12/4/2018    | 123489         | Seasonal workers week end 11/18/18      | \$3,143.28          | \$0.00             |                     | \$3,143.28          |
| Workers.com                | 12/4/2018 | 12/4/2018    | 123437         | Seasonal workers week end 11/11/18      | \$5,166.00          | \$0.00             |                     | \$5,166.00          |
|                            |           |              |                | <i>Totals for Workers.com:</i>          | <i>\$8,309.28</i>   | <i>\$0.00</i>      |                     | <i>\$8,309.28</i>   |
| <b>Zee Medical Company</b> |           |              |                |   |                     |                    |                     |                     |
| Zee Medical Company        | 12/4/2018 | 12/4/2018    | 724604049      | Organize, restock first aid cabinet, PW | \$137.77            | \$0.00             |                     | \$137.77            |
|                            |           |              |                | <i>Totals for Zee Medical Company:</i>  | <i>\$137.77</i>     | <i>\$0.00</i>      |                     | <i>\$137.77</i>     |
|                            |           |              |                | <b>GRAND TOTALS:</b>                    | <b>\$131,745.76</b> | <b>\$0.00</b>      |                     | <b>\$131,745.76</b> |

**CASH REQUIREMENTS**

(Prior to Processing)

**CASH REQUIRED FOR NEGOTIABLE CHECKS &/OR ELECTRONIC FUNDS TRANSFERS (EFT) FOR CHECK DATE 11/21/18: \$89,481.46****TRANSACTION SUMMARY****SUMMARY BY TRANSACTION TYPE -**

|   |                  |
|---|------------------|
| TOTAL ELECTRONIC FUNDS TRANSFER (EFT)                   | 87,558.37        |
| TOTAL NEGOTIABLE CHECKS                                 | 1,923.09         |
| CASH REQUIRED FOR NEGOTIABLE CHECKS &/OR EFT            | <b>89,481.46</b> |
| TOTAL REMAINING DEDUCTIONS / WITHHOLDINGS / LIABILITIES | 12,109.54        |
| CASH REQUIRED FOR CHECK DATE 11/21/18                   | 101,591.00       |

**TRANSACTION DETAIL****ELECTRONIC FUNDS TRANSFER** - Your financial institution will initiate transfer to Paychex at or after 12:01 A.M. on transaction date.

| <u>TRANS. DATE</u> | <u>BANK NAME</u>    | <u>ACCOUNT NUMBER</u> | <u>PRODUCT</u> | <u>DESCRIPTION</u>             |                  | <b>BANK DRAFT AMOUNTS<br/>&amp; OTHER TOTALS</b> |
|--------------------|---------------------|-----------------------|----------------|--------------------------------|------------------|--|
| 11/20/18           | BANK OF AMERICA, NA | xxxxxx4799            | Direct Deposit | Net Pay Allocations            | 68,110.01        |  |
| 11/20/18           | BANK OF AMERICA, NA | xxxxxx4799            | Direct Deposit | Deductions with Direct Deposit | 543.50           | <b>68,653.51</b>                                 |
| 11/20/18           | BANK OF AMERICA, NA | xxxxxx4799            | Readychex®     | Check Amounts                  | 219.79           | <b>219.79</b>                                    |
| 11/20/18           | BANK OF AMERICA, NA | xxxxxx4799            | Garnishment    | Employee Deductions            | 83.60            | <b>83.60</b>                                     |
|                    |                     |                       |                | <b>EFT FOR 11/20/18</b>        |                  | <b>68,956.90</b>                                 |
| 11/21/18           | BANK OF AMERICA, NA | xxxxxx4799            | Taxpay®        | Employee Withholdings          |                  |  |
|                    |                     |                       |                | Social Security                | 47.30            |  |
|                    |                     |                       |                | Medicare                       | 1,473.34         |  |
|                    |                     |                       |                | Fed Income Tax                 | 11,125.63        |  |
|                    |                     |                       |                | CA Income Tax                  | 4,492.33         |  |
|                    |                     |                       |                | <b>Total Withholdings</b>      | <b>17,138.60</b> |  |
|                    |                     |                       |                | Employer Liabilities           |                  |  |
|                    |                     |                       |                | Social Security                | 47.31            |  |
|                    |                     |                       |                | Medicare                       | 1,402.70         |  |
|                    |                     |                       |                | Fed Unemploy                   | 1.43             |  |
|                    |                     |                       |                | CA Unemploy                    | 11.19            |  |
|                    |                     |                       |                | CA Emp Train                   | 0.24             |  |
|                    |                     |                       |                | <b>Total Liabilities</b>       | <b>1,462.87</b>  | <b>18,601.47</b>                                 |
|                    |                     |                       |                | <b>EFT FOR 11/21/18</b>        |                  | <b>18,601.47</b>                                 |
|                    |                     |                       |                | <b>TOTAL EFT</b>               |                  | <b>87,558.37</b>                                 |



**CASH REQUIREMENTS**

(Prior to Processing)

**CASH REQUIRED FOR NEGOTIABLE CHECKS &/OR ELECTRONIC FUNDS TRANSFERS (EFT) FOR CHECK DATE 11/21/18: \$89,481.46****NEGOTIABLE CHECKS** - Check amounts will be debited when payees cash checks. Funds must be available on check date.

| <u>TRANS. DATE</u>             | <u>BANK NAME</u>    | <u>ACCOUNT NUMBER</u> | <u>PRODUCT</u> | <u>DESCRIPTION</u> |          | <u>TOTAL</u>    |
|--------------------------------|---------------------|-----------------------|----------------|--------------------|----------|-----------------|
| 11/21/18                       | BANK OF AMERICA, NA | xxxxxx4799            | Payroll        | Check Amounts      | 1,923.09 |                 |
| <b>TOTAL NEGOTIABLE CHECKS</b> |                     |                       |                |                    |          | <b>1,923.09</b> |

**REMAINING DEDUCTIONS / WITHHOLDINGS / LIABILITIES** - Paychex does not remit these funds. You must ensure accurate and timely payment of applicable items.

| <u>TRANS. DATE</u>   | <u>BANK NAME</u>                              | <u>ACCOUNT NUMBER</u> | <u>PRODUCT</u> | <u>DESCRIPTION</u>      |                  | <u>TOTAL</u>     |
|--|---|-----------------------|----------------|-------------------------|------------------|------------------|
| 11/21/18   | Refer to your records for account information |                       | Payroll        | Employee Deductions     |                  |                  |
|  |   |                       |                | 1959 Surv. Ben.         | 10.23            |                  |
|  |   |                       |                | 414h2 EE PD ER Cont.    | 77.60            |                  |
|  |   |                       |                | 414h2 Pretax            | 5,965.35         |                  |
|  |   |                       |                | DC ICMA Pretax          | 1,960.65         |                  |
|  |   |                       |                | FSA Dep Care Pretax     | 411.14           |                  |
|  |   |                       |                | Health Prem Pretax      | 2,768.49         |                  |
|  |   |                       |                | Nationwide Pretax       | 720.00           |                  |
|  |   |                       |                | Supp Ins Post Tax       | 89.57            |                  |
|  |   |                       |                | Supplemental Ins        | 106.51           |                  |
|  |   |                       |                | <b>Total Deductions</b> | <b>12,109.54</b> |                  |
| <b>TOTAL REMAINING DEDUCTIONS / WITHHOLDINGS / LIABILITIES</b> |   |                       |                |                         |                  | <b>12,109.54</b> |

**PAYCHEX WILL MAKE THESE TAX DEPOSIT(S) ON YOUR BEHALF** - This information serves as a record of payment.

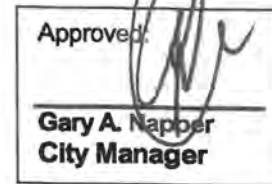
| <u>DUE DATE</u> | <u>PRODUCT</u> | <u>DESCRIPTION</u> |           |
|-----------------|----------------|--------------------|-----------|
| 11/28/18        | Taxpay®        | FED IT PMT Group   | 14,096.28 |
| 11/28/18        | Taxpay®        | CA IT PMT Group    | 4,492.33  |



Agenda Date: 12-04-201

Agenda Item: 3d

# STAFF REPORT



**TO:** HONORABLE MAYOR AND COUNCILMEMBERS

**FROM:** Asst. to the City Manager, Laura Hoffmeister 

**DATE:** December 4, 2018

**SUBJECT:** Award Contract for the removal of Seventeen Eucalyptus Trees in the City Open Space and Rights- of-Way to West Coast Arborist (WCA)

## RECOMMENDATION

Approve awarding a contract to remove seventeen (17) Eucalyptus trees in the City's open space and rights-of-way to West Coast Arborists (WCA), as the lowest bid received; and allocate \$10,000 from the Landscape Maintenance District (LMD) reserve fund to complete the project.

## BACKGROUND

There are Eucalyptus trees throughout the city located in the public landscape, open space, and the City's rights-of-way. These trees can grow to over 150 feet in height and limbs can become unstable with age and weather conditions. Dangerous branch drops from wind, rain in winter or heat during the summer months can occur. The trees that were identified to be removed are located close to private property lines and residential structures where limb drops or tree collapse could potentially cause property damage or personal injury. Over the last several years the City has received inquiries regarding safety of these trees.

The City has regularly had arborists inspect these trees with safety trimming as needed (typically about every 5 years). The last visual inspection suggested with the trees' heights, location and age it would be best to remove them rather than continuously inspect and trim. Eucalyptus trees are also a non-native invasive plant species. The stumps will be ground so as to provide mulch in the area. The removal of the trees would be funded from the Landscape Maintenance District as this project was previously reviewed and recommended by the TLC with the proposed budget which the City Council adopted in June 2018.

## LOCATION OF TREES

The trees proposed for removal are located in three different areas of the city.

The first location is on the west side of Lydia Lane, south of Lydia Lane Park, and has two Eucalyptus trees located along the rights-of-way trail. Several years ago two other Eucalyptus trees were removed from this location.

The second location is in the open space along the Cardinet Trail, near the end of Diablo Creek Court, with the trees located behind homes on Rachel Court. There have already been at least two trees removed in this location over the past several years due to falling limbs.

The third location is on the west and east side of Regency Drive near El Portal Drive, along the City open space and creek. There are two trees located on the west side of Regency Drive, and the other eleven on the east side of Regency Drive and behind the homes along Petar Court.

City staff conversed with several tree experts for advice on the condition of the trees in question and what action the City should take. They all agreed they should be removed because they are not a native tree, structurally not a sound tree, and a generally messy tree with bark, branch, and leaf fall.

If the City were to keep the trees it was estimated to cost between \$3,000 to \$4,000 per tree to have a tree specific sonic scan report done for each tree to ensure those kept do not have root rot or hollowed out tree trunks. The sonic scan inspection for all the trees would be \$54,000.00 to \$72,000.00. Any tree found to have issues from the sonic scan would be removed at a cost estimate of \$10,000 per tree. Any trees kept would need to be periodically inspected, scanned and safety pruned, estimated at \$6,500 to \$8,500 a tree which would be an ongoing cost every few years.

#### **AWARD OF CONTRACT**

The City received three (3) bids for the removal of the seventeen (17) Eucalyptus trees after contacting eight (8) companies. This project has three major challenges:

1) the large size of the trees, requiring special large size cranes and equipment; 2) difficult access to some of the locations; and 3) the high cost for disposal of the wood.

West Coast Arborists (WCA), as the lowest bid received, is recommended for contract award.

#### **FISCAL IMPACT**

The current FY 18-19 adopted budget has \$180,000 allocated for this project. The lowest bid at \$194,050 is slightly higher as the original estimate was two years old, and there are difficult site access issues at two of the locations. The bid also included stump grinding rather than chemical spraying to eliminate regrowth. Grinding is preferable as it allows the material to become natural on-site mulch for the habitat. The lowest bid from WCA for grinding is less than other companies' grinding cost and less than chemical treatment. This project was originally anticipated to be completed in June however retirement by the former Maintenance Supervisor resulted in other staff having to complete the bid process.

Staff recommends increasing the appropriation to \$195,000 and authorizing the use of \$10,000 in funds from the from the Landscape Maintenance District Reserve. The current FY unassigned amount of the LMD reserves is \$764,456.

#### **Attachments:**

1. Bid Comparisons
2. Location Diagrams



|   |                              |   |                        |
|---|------------------------------|---|------------------------|
| Landscape Maintenance District<br>Eucalyptus Tree Removal |                              |   |                        |
| adopted budget \$185,000                                  | Warner Bros (Ed-<br>Clayton) | <b>WCA - West Coast Arborist<br/>(Stockton/Santa Clara)</b> | Hamilton<br>(Martinez) |
| Lydia Lane - 2 trees                                      | \$ 21,000                    | \$ 21,800   | \$ 32,000              |
| grind   | \$ 2,200                     | \$ 750  | \$ 3,000               |
|   | \$ 23,200                    | \$ 22,550   | \$ 35,000              |
| Diablo Trail - 2 trees                                    | \$ 18,667                    | \$ 18,800   | \$ 35,000              |
| grind   | \$ 2,200                     | \$ 750  | \$ 3,500               |
|   | \$ 20,867                    | \$ 19,550   | \$ 38,500              |
| Regency Drive 13 trees                                    | \$ 178,950                   | \$ 148,200  | \$ 115,000             |
| grind   | 12,500                       | \$ 3,750  | 12,000                 |
|   | 191,450                      | \$ 151,950  | 127,000                |
| 17 Eucyptus Trees total                                   | \$ 235,517                   | \$ 194,050  | \$ 200,500             |



Lydia Lane and Behind Rachel Ranch Ct





Regency Drive – El Portal





Agenda Date: 12-04-2018

Agenda Item: 3e

Approved:

Gary A. Napper  
City Manager

# AGENDA REPORT

**TO:** HONORABLE MAYOR AND COUNCILMEMBERS

**FROM:** Janet Calderon, City Clerk

**DATE:** December 4, 2018

**SUBJECT:** Adopt a Resolution approving the results of canvass of returns in the November 2018 Clayton General Municipal Election declaring two Citizens elected to the City Council of Clayton, California for full four-year terms of office.

---

## **RECOMMENDATION**

By Consent Calendar minute motion, adopt a Resolution declaring the Contra Costa County Elections Office's results of canvass of returns in the November 2018 General Municipal Election has resulted in the following two citizens elected to the City Council of Clayton, California for full four-year terms of office:

Jeff Wan  
Carl "CW" Wolfe

## **BACKGROUND**

Since the 2018 General Election resulted in a larger and more complex ballot, and greater voter participation, the official canvassing process will be completed on December 3, 2018, within 30 days of the election, as required by Election Code 15372(a). The Contra Costa County Elections Department will have the Certification of the Official Results ready after 12:00 p.m. on December 3, with those results available for in-person pick-up by each city clerk. The final official canvas information will be benched at the Council dais for Council approval the evening of December 4.

The final Canvas of the 2018 Clayton Municipal Election is expected to be approved by the Contra Costa County Board of Supervisors at its meeting during the day of December 4, 2018.

## **FISCAL IMPACT**

None.

**RESOLUTION NO. -2018**

**A RESOLUTION APPROVING THE RESULTS OF CANVASS OF RETURNS IN  
THE 2018 CLAYTON GENERAL MUNICIPAL ELECTION AND DECLARING TWO  
CITIZENS ELECTED TO THE CITY COUNCIL OF THE CITY OF CLAYTON**

**THE CITY COUNCIL  
City of Clayton, California**

**WHEREAS**, a duly noticed Clayton General Municipal Election was held in the City of Clayton on November 6, 2018 for the purpose of voting for candidates for two (2) full-term offices of Council Member on the City Council of the City of Clayton; and

**WHEREAS**, following the canvass of returns by the Contra Costa County Clerk and receipt of his report by the City Clerk, the City Council met in a regular public meeting on December 4, 2018 to consider the canvassed returns of the election pursuant to and accordance with applicable provisions of the California Elections Code; and

**WHEREAS**, the City Council finds that there were seven precincts in the City of Clayton established for holding the November 2018 General Municipal Election; and

**WHEREAS**, the City Council finds that the number of ballots cast in the City of Clayton at the General Municipal Election as of November 28, 2018 is [6,047], a [75.43%] turnout; and

**WHEREAS**, the City Council finds that the names of the persons voted for and the number of votes given said persons in the Clayton General Municipal Election at each of the above noted precincts and by absentee ballot as candidates for the offices of Council Member on the Clayton City Council and the total votes cast for each candidate, are as set forth in the computer printout by the Contra Costa County Election Department, attached hereto as "Exhibit A" and incorporated herein by such reference.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of Clayton, California that the following candidates (listed in order of most votes) for the two available elected offices of Council Member of the City Council of the City of Clayton did receive the two highest number of votes as shown on "Exhibit A", and are herewith declared to be the two (2) Council Members duly elected to serve on the Clayton City Council for a four-year term of office and until the results of the November 2022 General Municipal election are canvassed and accepted:

Jeff Wan

Carl "CW" Wolfe

**PASSED, APPROVED AND ADOPTED** by the City Council of Clayton, California at a regular public meeting thereof held on the 4<sup>th</sup> day of December 2018 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

\_\_\_\_\_  
Keith Haydon, Mayor

ATTEST:

\_\_\_\_\_  
Janet Calderon, City Clerk



**“EXHIBIT A”**

**TO BE BENCHED**

**AT COUNCIL DAIS**

**AND AVAILABLE TO THE PUBLIC**

**ON**

**DECEMBER 4, 2018**

**\*NOTE: WAITING RELEASE OF ELECTION DATA BY COUNTY ELECTIONS OFFICE**

**DAELYN CHIPPERO**  
for  
"Doing the Right Thing"  
at  
Mt. Diablo Elementary School  
by exemplifying great "Respect"  
October 2018

Agenda Date: 12-04-2018

Agenda Item: 4a

**NATHAN STOJANOVICH**  
for  
"Doing the Right Thing"  
at  
Mt. Diablo Elementary School  
by exemplifying great "Respect"  
October 2018



**DANIEL AKL**  
for  
"Doing the Right Thing"  
at  
Diablo View Middle School  
by exemplifying great "Respect"  
October 2018

**SHELLY SUABOKSAN**  
for  
"Doing the Right Thing"  
at  
Diablo View Middle School  
by exemplifying great "Respect"  
October 2018

**ANALYSA ESPINOZA**

for

"Doing the Right Thing"

at

Clayton Valley Charter High School

by exemplifying great "Respect"

October 2018



**GABE MARTIN**  
for  
"Doing the Right Thing"  
at  
Clayton Valley Charter High School  
by exemplifying great "Respect"  
October 2018



Agenda Date: 12-04-2018

Agenda Item: 7a

# STAFF REPORT

Approved:   
Gary A. Napper  
City Manager

**TO: HONORABLE COUNCIL MEMBERS**  
**FROM: CITY MANAGER**  
**DATE: 04 DECEMBER 2018**  
**SUBJECT: NOMINATION AND ELECTION OF MAYOR AND VICE MAYOR**

## **RECOMMENDATION**

It is recommended the City Council elect its Mayor and Vice Mayor for the one-year term of office (2019) to commence the evening of 04 December 2018.

## **BACKGROUND**

Pursuant to Section F.4. – Mayor Selection, of the *Council Guidelines and Practices* (page 4, copy attached), the Mayorship and Vice Mayorship are one-year terms of office in the City of Clayton. The Clayton electorate does not directly elect its mayor or vice mayor. The election of its officers from within the membership of the City Council commences each year at the first regularly-scheduled Council meeting each December.

Mayor Keith Haydon and Vice Mayor David Shuey were elected to their current Council offices at a City Council regular public meeting held 05 December 2017. The following table lists those serving as mayor over the last eighteen (18) years:

|      |                |      |                 |
|------|----------------|------|-----------------|
| 2018 | Keith Haydon   | 2009 | Julie Pierce    |
| 2017 | Jim Diaz       | 2008 | Gregory Manning |
| 2016 | Howard Geller  | 2007 | William Walcutt |
| 2015 | David Shuey    | 2006 | David Shuey     |
| 2014 | Hank Stratford | 2005 | Gregory Manning |
| 2013 | Julie Pierce   | 2004 | Julie Pierce    |
| 2012 | Howard Geller  | 2003 | Pete Laurence   |
| 2011 | David Shuey    | 2002 | Gregory Manning |
| 2010 | Hank Stratford | 2001 | Julie Pierce    |

## **NOMINATION AND ELECTION PROCEDURES**

Pursuant to Chapter 2.04 – Council Meetings of the *Clayton Municipal Code*, our City uses the most recent version of *Robert's Rules of Order* to govern the conduct of City business meetings.

To assist in the procedure of nominating and selecting the next mayor and vice mayor at this meeting, the following rules\* have been extracted and summarized below:

1. In the absence of carryover officers this year, the nomination/election of the next Mayor is to be conducted by the most tenured member of the City Council, which will be Council Member Pierce. Once the new Mayor is elected, that member of City Council immediately presides and conducts the remainder of the business items on the agenda, including the City Council's election of its Vice Mayor to serve a 1-year term of office commencing the evening of 04 December 2018.
2. The method of nomination is an "open nomination" solely by and from within the membership of the presently-seated Clayton City Council. Nominations cannot be accepted from or of members of the public.
3. No "second" is required for a nomination, although sometimes one or more members will "second" a nomination to indicate endorsement.
4. In no event may any one member nominate more persons than there are offices to fill in the respective selection.
5. When it appears no one else wishes to make a nomination, the chair of the meeting asks one (1) final time if there are additional nominations. If there is no response, the chair then declares... *"the nomination for [Mayor or Vice Mayor, as applicable] is closed."*  
  
It is unnecessary to have a motion to officially close the nominations; yet, if such a motion is made, that motion then requires an affirmative 2/3rds vote of the Council present [4 of 5]. After nominations are closed, a majority vote is required to re-open it.
6. Nominees are voted on in the order in which they are nominated. As soon as one of the nominees receives a majority vote [in this case, 3 or more votes], the chair then declares that person elected to that respective office, and no vote is taken on the remaining nominee(s).

### **MAYOR SELECTION CRITERIA**

In accordance with the adopted *Council Guidelines and Procedures* [February 2007], the City Council established six (6) guidelines pertaining to the annual selection of its Mayor. Reference is made to the attachment of this Staff Report for review of those Guidelines.

### **FISCAL IMPACT**

No financial impact. The offices of Mayor and Vice Mayor receive the same monthly stipend as other members of the City Council.

Attachment: Page 4 of *Council Guidelines and Procedures* [1 pg.]

\*Reference: Chapter XIV - Nominations and Elections, *Robert's Rules of Order* [RONR, 10<sup>th</sup> Edition, pp. 418-430]



2. Staff in General.

- a. Council may make reasonable requests for information directly from Department Heads.
- b. An informal system of direct communication with staff is used but not abused by Council.
- c. Staff will inform Council immediately when an unusual event occurs that the public would be concerned about [e.g., major vehicular accidents; major police activities; areas cordoned off by police or fire, etc.].
- d. The Council and staff will not intentionally blind side each other in public; if there is an issue or a question a Council Member has regarding an agenda item, that Member will contact staff prior to the meeting.

E. COUNCIL RESPONSIBILITIES FOR KEEPING INFORMED

1. Read Commission minutes and staff reports to find out issues being addressed.
2. Read documents on planning items.
3. Read City Manager "goal updates" list for Council.
4. Do homework diligently and thoroughly.

F. MAYOR SELECTION

1. Election to Vice Mayor and Mayor requires supporting votes of three (3) Council Members, but in the interest of harmony unanimous consensus is to be sought and encouraged.
2. Any Council Member wanting or not wanting a role has a responsibility to tell all other Members.
3. As far as possible and until otherwise decided, Council Members will take turns as Mayor.
4. Mayorship will be a one-year term, commencing with the first meeting in December.
5. Selection of a Mayor is not a lock-step system. The Vice Mayor is generally expected to ascend to Mayor.
6. All Council Members are peers, and the Mayor and Vice Mayor serve at the pleasure of the Council.



**\* OAKHURST GEOLOGICAL HAZARD ABATEMENT DISTRICT \***  
**December 4, 2018**

**1. CALL TO ORDER AND ROLL CALL – Chair Catalano.**

**2. PUBLIC COMMENTS**

*Members of the public may address the District Board of Directors on items within the Board's jurisdiction, (which are not on the agenda) at this time. To facilitate the recordation of comments, it is requested each speaker complete a speaker card available on the Lobby table and submit it in advance to the Secretary. To assure an orderly meeting and an equal opportunity for everyone, each speaker is limited to 3 minutes, enforced at the Chair's discretion. When one's name is called or you are recognized by the Chair as wishing to speak, the speaker shall approach the public podium and adhere to the time limit. In accordance with State Law, no action may take place on any item not appearing on the posted agenda. The Board may respond to statements made or questions asked, or may at its discretion request Staff to report back at a future meeting concerning the matter.*

*Public comment and input on Public Hearing, Action Items and other Agenda Items will be allowed when each item is considered by the Board.*

**3. CONSENT CALENDAR**

*Consent Calendar items are typically routine in nature and are considered for approval by the Board with one single motion. Members of the Board, Audience, or Staff wishing an item removed from the Consent Calendar for purpose of public comment, question or input may request so through the Chair.*

- (a) Approve the Board of Directors' minutes for its regular meeting July 17, 2018.  
([View Here](#))

**4. ANNUAL REORGANIZATION OF THE BOARD OF DIRECTORS**

- (a) Nominations and election of Chair (Chair Catalano to conduct the election). ([View Here](#))  
(b) Nominations and election of Vice Chair (New Chair to conduct the election).

**5. PUBLIC HEARINGS - None.**

**6. ACTION ITEMS – None.**

**7. BOARD ITEMS – limited to requests and directives for future meetings.**

**8. ADJOURNMENT – the next meeting of the GHAD Board of Directors will be scheduled as needed.**

# # #

## MINUTES

### REGULAR MEETING

#### OAKHURST GEOLOGICAL HAZARD ABATEMENT DISTRICT (GHAD)

July 17, 2018

1. **CALL TO ORDER AND ROLL CALL** – the meeting was called to order at 9:33 p.m. by Chairperson Tuija Catalano. Board Members present: Chairperson Catalano, Vice Chair Diaz, Board Members Haydon, and Pierce. Board Members absent: Board Member Shuey. Staff present: City Manager Gary Napper, GHAD District Manager Scott Alman, General Legal Counsel Mala Subramanian, and Secretary Janet Brown.
2. **PUBLIC COMMENTS** – None.
3. **CONSENT CALENDAR** – It was moved by Board Member Pierce, seconded by Board Member Haydon, to approve the Consent Calendar as submitted. (Passed; 4-0 vote).
  - (a) Approved the Board of Directors' minutes for its regular meeting on June 19, 2018.
4. **PUBLIC HEARINGS**
  - (a) Public Hearing to consider the Geological Hazard Abatement District (GHAD) proposed real property tax assessments for Fiscal Year 2018-2019.

GHAD District Manager Scott Alman noted at the June 19 meeting the GHAD budget was approved. This evening was also set as the noticed public hearing to approve the real property levies. The adopted GHAD budget is a total of \$76,470 of which \$35,470 is proposed in operating costs; approximately \$51,000 in capital project expenditures this year and subsequent years. A consumer price index adjustment to the levy is added annually; this year it is a 3.22% increase for a grand total of \$1,283.00 over last year's total assessments. The two projects that are planned are to replace two slope inclinometers at Kelok Way (approximately \$35,000) and a new inclinometer on Pebble Beach Drive; however, due to access issues it is slightly more expensive at \$38,500.00.

Chairperson Catalano opened the Public Hearing to receive public comments.

Joe Beaty noted his submitted written comments and questions would be best be posed to the City Attorney and City Engineer as they are basic questions regarding the GHAD, tax assessments and Prop 218. He indicated he will communicate directly with them.

Chairperson Catalano closed the Public Hearing.

It was moved by Board Member Pierce, seconded by Board Member Haydon, to adopt GHAD Resolution No. 02-2018 ordering and authorizing the GHAD real property tax assessments for Fiscal Year 2018-19. (Passed; 4-0 vote).

5. ACTION ITEMS – None.

7. BOARD ITEMS – None.

8. ADJOURNMENT - on call by Chairperson Catalano the Board meeting adjourned at 9:37 p.m.

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Respectfully submitted,

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Janet Brown, Secretary

Approved by the Board of Directors  
Oakhurst Geological Hazard Abatement District

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Tuija Catalano, Chairperson

**Agenda Date:** 12-04-2018

**Agenda Item:** 4a GHAD

# GHAD REPORT

**TO: HONORABLE CHAIR AND BOARDMEMBERS**  
**FROM: GENERAL MANAGER**  
**DATE: DECEMBER 4, 2018**  
**SUBJECT: SELECTION OF CHAIR AND VICE CHAIR FOR 2019**

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## **RECOMMENDATION**

It is recommended the Board of Directors select a new Chair and Vice Chair for next year (2019).

## **BACKGROUND**

Similar to the Clayton City Council's annual reorganization, the Board of Directors of the Oakhurst Geological Hazard Abatement District (GHAD) annually changes its chair and vice chair.

Since its December 5, 2017 Board meeting, Board Member Tuija Catalano has served as Chair of GHAD with Board Member Jim Diaz serving as its Vice Chair. At this time, the Board should conduct the nomination and selection of its chair and vice chair to serve for the next twelve months. The election for Chair is to be conducted by the current GHAD Chair, Tuija Catalano. In recent years the following officials have served as officers of GHAD:

|      | <u>Chair</u>   | <u>Vice Chair</u> |
|------|----------------|-------------------|
| 2018 | Tuija Catalano | Jim Diaz          |
| 2017 | David Shuey    | Tuija Catalano    |
| 2016 | Keith Haydon   | Jim Diaz          |
| 2015 | Howard Geller  | Keith Haydon      |
| 2014 | Jim Diaz       | Howard Geller     |
| 2013 | David Shuey    | Jim Diaz          |
| 2012 | Hank Stratford | Joe Medrano       |
| 2011 | Hank Stratford | Joe Medrano       |
| 2010 | Howard Geller  | David Shuey       |
| 2009 | Hank Stratford | Howard Geller     |
| 2008 | Bill Walcutt   | Julie Pierce      |
| 2007 | Julie Pierce   | Gregg Manning     |
| 2006 | Bill Walcutt   | Gregg Manning     |
| 2005 | David Shuey    | Bill Walcutt      |
| 2004 | Bill Walcutt   | Gregg Manning     |
| 2003 | Bill Walcutt   | Julie Pierce      |

## **FISCAL IMPACT**

None. Board Members do not receive any stipend for their time and effort expended in these offices.