

MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL
TUESDAY, August 16, 2016

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:00 p.m. by Mayor Geller in Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Geller, Vice Mayor Diaz and Councilmembers Haydon, Pierce and Shuey. Councilmembers absent: None. Staff present: City Manager Gary Napper, Assistant City Attorney Katy Wisinski, City Clerk/HR Manager Janet Brown, City Engineer Rick Angrisani, Police Chief Chris Wenzel, Assistant to the City Manager Laura Hoffmeister, and Community Development Director Mindy Gentry.

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

3. **CONSENT CALENDAR**

It was moved by Councilmember Haydon, seconded by Councilmember Shuey, to approve the Consent Calendar as submitted. (Passed; 5-0 vote).

- (a) Approved the minutes of the regular meeting of July 19, 2016.
- (b) Approved Financial Demands and Obligations of the City.
- (c) Approved the City's Investment Portfolio Report for the 4th Quarter of FY 2015-16 ending June 30, 2016.
- (d) Approved the appointment of Vice Mayor Jim Diaz as Clayton's representative on the Contra Costa Transit Authority (CCCTA) Board of Directors.
- (e) Approved a Vehicle and Equipment Service Agreement with the City of Concord for non-exclusive maintenance and repair of certain City vehicles and equipment and authorize the City Manager to sign the Agreement on behalf of the City.
- (f) Approved modification to the FY 2016-2017 Budget deleting the one (1) Maintenance Leadworker permanent position in the City Budget in exchange for one (1) lower-compensated Maintenance Worker I position, and authorize the addition of one (1) permanent full-time Maintenance Worker I position in the Citywide Landscape Maintenance District.

4. **RECOGNITIONS AND PRESENTATIONS**

- (a) Proclamation declaring Wednesday, August 17, 2016 as "Wilbur Daly Day" in the City of Clayton honoring a Clayton Centenarian (100 years old).

Mayor Geller read and presented Mr. Daly with a Proclamation in celebration of honoring Clayton's first Centenarian. Mayor Geller shared a short story of meeting Mr. Daly in The Grove Park, which made him think of starting a recognition program honoring Clayton's Centenarians.

- (b) Proclamation declaring September 17- 23, 2016 as “Constitution Week.”

Mayor Geller noted the issuance of the Proclamation and requested staff send it to the requestor as no representative was present to receive it.

- (c) Proclamation declaring October 1, 2016 as “Bay Day.”

Mayor Geller noted the issuance of the Proclamation and requested staff send it to the requestor as no representative was present to receive it.

5. REPORTS

- (a) Planning Commission – Chairman Dan Richardson summarized the Commission’s meeting of August 9, 2016. He indicated its agenda included a subdivision request from Branagh Development for property located on Verna Way at Lydia Lane. The Commission approved the Resolutions adopting the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and Tentative Map, Variance, and Tree Removal Permit for the six lot subdivision for six single-family homes and the removal of 105 trees.

The Commission also selected its Chair (Dan Richardson) and Vice Chair (Tuija Catalano) for the coming year and welcomed its three newest members, Carl Wolfe, Bill Gall, and Bassam Altwal.

- (b) Trails and Landscaping Committee – No meeting held.

- (c) City Manager/Staff – Mr. Napper introduced Katy Wisinski, Counsel from Best Best & Krieger, who is in attendance this evening for City Attorney Mala Subramanian. He also advised the Council that Police Chief Wenzel has reported additional vandalism occurred to the gazebo located in The Grove Park; the Clayton Police Department is in contact with the suspect, who is not an adult. He also added a personal note, welcoming his first grandson this week, Miles Anson Humphrey.

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

Councilmember Haydon attended the East Contra Costa Habitat Conservancy meeting, a Save Mount Diablo Tour, the Clayton Business and Community Association General Membership meeting, the Contra Costa County Mayors’ Conference hosted by the City of Antioch, the Clayton Business and Community Association’s 6th Annual Rib Cook-Off, the Wednesday Classic Car Show and Concert, and the Saturday Concerts in The Grove series.

Vice Mayor Diaz attended the Wednesday Classic Car Show and Concert featuring “Tone Pony”, the Contra Costa County Mayors’ Conference hosted by Antioch, the Saturday Concerts in The Grove series, Mudville Grill’s Golf Tournament, the Clayton Business and Community Association’s 6th Annual Rib Cook-Off, the East Bay League of California Cities meeting, the Contra Costa County Sheriff’s Posse Barbeque, and the Saturday Concerts in The Grove series.

Councilmember Shuey attended the Wednesday Classic Car Show and Concert, the Saturday Concerts in The Grove series, and meetings with City Staff and the Police Chief.

Councilmember Pierce attended meetings of the Metropolitan Transportation Commission, meetings of the Contra Costa Transportation Authority, meetings of Associated Bay Area Governments, and the East Bay League of California Cities meeting, the Clayton Business and Community Association's 6th Annual Rib Cook-Off, and the Saturday Concerts in The Grove series.

Mayor Geller attended the Mayors' Healthy Cook-Off with the help of Chef Ernesto from La Veranda Café, the opening ceremonies for the Mt. Diablo Elementary School Relay for Life event, the Clayton Business and Community Association's 6th Annual Rib Cook-Off, the Mudville Grill Golf Tournament, and the Saturday Concerts in The Grove. Mayor Geller announced the upcoming Saturday Concerts featuring "Hot Rods" on August 27th and the last concert on September 10th featuring "East Bay Mudd."

Mayor Geller announced again that he is not a candidate in the upcoming November 2016 Election for Clayton city councilmembers.

- (e) Other – None.

6. PUBLIC COMMENT ON NON - AGENDA ITEMS

John Pamer, 4848 Alro Avenue, Concord, commented he has proposed a family friendly run event on Thanksgiving Day for Clayton residents to raise money for local charities. Mr. Pamer presented the City Council with a new route plan that he believes will have minimal impact on streets and city resources by using Cardinet Trail. He added Clayton Valley Charter High School students will be event volunteers which provides them an opportunity to earn required community service hours. Mr. Pamer provided the City Clerk with several copies of his memo regarding a "Revamped Thanksgiving Day Race Course."

Councilmember Shuey inquired on the anticipated attendance for this type of event? Mr. Pamer responded the event can be capped between 500 – 600 participants, including volunteers.

Bryce Pamer, 4848 Alro Avenue, Concord, expressed his support for a local family friendly run on Thanksgiving Day, and expects participation from his high school cross country friends to volunteer and run in the race.

Tamara Steiner, *Clayton Pioneer*, informed the City Council that local Olympian and previous Bronze Medal diver, Kristian Ipsen, did not medal tonight in the Men's 3m Springboard competition at the 2016 Olympics in Rio de Janeiro, Brazil.

7. PUBLIC HEARINGS – None.

8. ACTION ITEMS

- (a) Consider the Second Reading and Adoption of Ordinances No. 463, 464, 465, 466, and 467 regarding a series of State and City required actions for compliance with its State Department of Housing and Community Development (HCD) conditionally-certified Housing Element and related state laws:

- 1). Second Reading and Adoption of Ordinance No. 463 (ZOA-04-16) requiring projects to meet the minimum density in compliance with the General Plan Land Use designations in Multiple Family Residential Districts.
- 2). Second Reading and Adoption of Ordinance No. 464 (ZOA 04-15) adding inclusionary housing regulations.
- 3). Second Reading and Adoption of Ordinance No. 465 (ZOA-05-16) to permit transitional and supportive housing in the Limited Commercial (LC) zoning district.
- 4). Second Reading and Adoption of Ordinance No. 466 (ZOA-03-16) to permit by right employee housing of six or fewer persons within residential zones.
- 5). Second Reading and Adoption of Ordinance No. 467 (ZOA-06-16) to update density bonus requirements to be compliant with California Assembly Bills (AB) No. 2222 and 744.

Community Development Director Mindy Gentry presented the staff report indicating since the last Council meeting there have not been any changes to the Ordinances or Resolution, and she referenced the requirements with the City's 2015-2023 Housing Element and State law compliances necessitating these actions. She noted the Housing Element is one of seven mandated elements to be incorporated into each city's General Plan, which is subject to statutory requirements and a mandatory review by the State's Department of Housing and Community Development (HCD). Ms. Gentry also advised on November 18, 2014 the City Council approved the City's 2015-23 Housing Element containing goals, policies, and implementation measures that are not only important to the City, but must also be put into effect in order for the City to be compliant with and remain in compliance with State law. HCD's certification was "conditional" relying on the City's stated intent to enact these local measures. Jeopardies for not taking these actions include potential lawsuits and loss of funds for street maintenance.

Mayor Geller opened the item to receive public comments; no public comments were offered.

1. Second Reading and Adoption of Ordinance No. 463 to require projects to meet the minimum density in compliance with the General Plan Land Use designations in Multiple Family Residential Districts (ZOA-04-16).

It was moved by Councilmember Pierce, seconded by Councilmember Haydon, to have the City Clerk read Ordinance No. 463, by title and number only and waive further reading. (Passed; 5-0 vote).

The City Clerk read Ordinance No. 463 by title and number only.

It was moved by Councilmember Pierce, seconded by Councilmember Haydon, to adopt Ordinance No. 463 with the finding the action will not result in a significant adverse impact and was considered as a part of the November 18, 2014 adoption of the IS/ND for the 2015-2023 Housing Element. (Passed; 5-0 vote).

2. Second Reading and Adoption of Ordinance No. 464 adding inclusionary housing regulations (ZOA-04-15).

It was moved by Councilmember Pierce, seconded by Vice Mayor Diaz, to have the City Clerk read Ordinance No. 464, by title and number only and waive further reading. (Passed; 5-0 vote).

The City Clerk read Ordinance No. 464 by title and number only.

It was moved by Councilmember Pierce, seconded by Vice Mayor Diaz, to adopt Ordinance No. 464 with the finding the action will not result in a significant adverse impact and was considered as a part of the November 18, 2014 adoption of the IS/ND for the 2015-2023 Housing Element. (Passed; 5-0 vote).

3. Second Reading and Adoption of Ordinance No. 465 to permit transitional and supportive housing in the Limited Commercial (LC) zoning district (ZOA-05-16).

It was moved by Councilmember Pierce, seconded by Councilmember Shuey, to have the City Clerk read Ordinance No. 465 by title and number only and waive further reading. (Passed; 5-0 vote).

The City Clerk read Ordinance No. 465 by title and number only.

It was moved by Councilmember Pierce, seconded by Councilmember Haydon, to adopt Ordinance No. 465 with the finding the action will not result in a significant adverse impact and was considered as a part of the November 18, 2014 adoption of the IS/ND for the 2015-2023 Housing Element. (Passed; 5-0 vote).

4. Second Reading and Adoption of Ordinance No. 466 to permit by right employee housing of six or fewer persons within residential zones (ZOA-03-16).

It was moved by Councilmember Pierce, seconded by Vice Mayor Diaz, to have the City Clerk read Ordinance No. 466 by title and number only and waive further reading. (Passed; 5-0 vote).

The City Clerk read Ordinance No. 466 by title and number only.

It was moved by Councilmember Pierce, seconded by Vice Mayor Diaz, to adopt Ordinance No. 466 with findings the action will not result in a significant adverse impact and was considered as a part of the November 18, 2014 adoption of the IS/ND for the 2015-2023 Housing Element. (Passed; 5-0 vote).

5. Second Reading and Adoption of Ordinance No. 467 to update density bonus requirements to be compliant with California Assembly Bills (AB) No. 2222 and 744 (ZOA-06-16).

It was moved by Councilmember Pierce, seconded by Vice Mayor Diaz, to have the City Clerk read Ordinance No. 467 by title and number only and waive further reading. (Passed; 5-0 vote).

The City Clerk read Ordinance No. 467 by title and number only.

It was moved by Councilmember Pierce, seconded by Vice Mayor Diaz, to adopt Ordinance No. 467 with the findings the Ordinance is not subject to the California Environmental Quality Act because this activity is not considered to be a project and it can be seen with certainty that it will not have a significant effect or physical change to the environment. (Passed; 5-0 vote).

- (b) Consider a staff report on the technological success of using a polymer fill to rehabilitate bumps and hollows in arterial streets, and then consider the transfer of all funds from the 2016 Neighborhood Street Rehabilitation Project (CIP No. 10432) to the Fiscal Year 2016-17 Arterial Street Rehabilitation Project (CIP No. 10437).

City Engineer Rick Angrisani presented the staff report providing additional information regarding Uretek USA's procedure of injecting polymers into the soil to lift up several areas of pavement where the underlying soils have consolidated and created dips in the pavement on Oakhurst Drive and Clayton Road. Mr. Angrisani advised he has a representative from Uretek available this evening to answer any questions.

Councilmember Shuey inquired on the impact of water, flooding, water run-off and possible soil movement that could occur with such impermeable material into the soil.

Mr. Joe Diaz, Project Manager Northern California for Uretek USA located in Pittsburg, advised the injection of the polymer fill venting holes existing in the depressed soils; groundwater still runs through without flooding or additional water run-off. The polymer is used to stabilize soils by filling voids and the gaps are determined by a special probe drill in a 4' x 4' grid which identifies the areas for the polymer injections. Once the 5/8ths inch holes are drilled, a length of tubing is placed into each hole and the polymer is injected and expands 18 to 24 inches. The polymer curing time is reduced to hours instead of days or weeks required for other traditional techniques to repair such soil problems.

Councilmember Haydon requested clarification between the two year and five year guarantee? Mr. Diaz, Uretek USA, advised the standard guarantee is two years; however, an extended warranty is available for purchase at probable rate of .15 to .20 cents per pound based on the amount of polymer used. Mr. Rami Sweiss, Area Manager Northern California for Uretek USA, advised the standard warranty is only two years which coincides with the term of the bond. The surcharge is based on the actual pounds of polymer used and is usually a surcharge of less than 1% of the cost.

Mr. Napper reminded the Council that they are not awarding a contract this evening, rather allowing the City Engineer to prepare specifications and standards for competitive bids using this polymer fill injection with the standard guarantee and can request the pricing for the extended guarantee.

Mayor Geller opened the floor to receive public comments; no public comments were offered.

Councilmember Pierce noted she spoke with some experts in the construction industry regarding the success of this technology and was informed it is a tried-and-true expertise to address pavement dips.

It was moved by Councilmember Shuey, seconded by Councilmember Pierce, to authorize the reallocation of \$1.054 million from the 2016 Neighborhood Street Rehabilitation Project (CIP No. 10432) to the FY 2016-17 Arterial Street Rehabilitation Project (CIP No. 10437), and instruct the City Engineer to prepare project specifications and standards for competitive bid using a polymer fill to repair identified sections of Clayton Road, Marsh Creek Road and Oakhurst Drive. (Passed; 5-0 vote).

- (c) Continued consideration of a Technology Modernization Report to upgrade the City's Website and City Hall electronic services using previously-earmarked General Fund excess monies from FY 2014-15 for one-time expenditures, equipment or capital project unmet needs, and related recurring support services expenses.

Community Development Director Mindy Gentry presented the supplement to the July 19th staff report seeking funds and authorization for improvement to the technology used at City Hall. Staff spoke with Digital Services regarding its backup solution to the sole proprietor business in the event Digital Services was not available; staff was informed the nature of the proposed network setup and platform for the City's revised website would be designed in such a manner that a trained IT technician would be able to navigate the network and website in his absence. Digital Services further offered to refer the City to such an individual or firm if needed. Ms. Gentry summarized a comparative chart of the Digital Services costs and approximate cost with other vendors for Council consideration. She noted Paul Jacobsohn with Digital Services is in attendance this evening to answer any questions.

Councilmember Haydon inquired if Wordpress is the most advanced platform for website design? Mr. Jacobsohn replied by the industry Content Management System (CMS), Wordpress is a common open source software that is readily used because it has more developers, testers and users; it is designed in such a manner that a website designer would be able to step right into the City's website and rectify any issues or even step in midstream during the design process.

Mayor Geller inquired on the security of the system? Mr. Jacobsohn advised there is a tremendous amount of security including firewalls and software, and it is monitored 24/7.

Mayor Geller opened the floor to receive public comments; no public comments were offered.

It was moved by Councilmember Pierce, seconded by Vice Mayor Diaz, to authorize the City Manager to use allocated Fiscal Year 2014-15 excess General Fund monies (not to exceed \$52,000) for online municipal code codification services by Municipal Code Corporation and an agreement with Digital Services to design and install an interactive City website and provide IT support services to include City Hall data backup servers and Web Streaming. (Passed; 5-0 vote).

- (d) Consider a Mayoral request to implement a California Government Code provision which allows general law cities (like Clayton) to increase its monthly compensation for city council members, to become effective in December 2016 in conjunction with the reorganization of the Clayton City Council.

Mayor Geller opened the discussion with the City Council regarding a suggested increase to its monthly stipend of \$390.00, which would help cover some of the elected official's costs for copies, gasoline and meeting expenses that have escalated in the last 8 years since the last increase in monthly stipend. Mayor Geller noted the City Council is allowed by state law a yearly increase of 5% since its last increase in 2008 and he does not intend to seek the full 40% allowed. He added any increase cannot by law take effect until the next reorganization of the City Council, which would occur in December 2016 and of which he would not be included.

When asked by Mayor Geller, Ms. Wisinski confirmed the parameters of a City Council monthly stipend increase pursuant to the CA Government Code Section 36516, Compensation of council members under ordinance.

Tamara Steiner, *Clayton Pioneer*, asked when it would take effect and would the increase be for all Councilmembers, not just the new ones? Mayor Geller responded any increase cannot take effect until a newly-elected city council is seated, and "yes, all five members of the City Council are then eligible to receive the new monthly stipend."

After City Council discussion, there was general consensus to consider increasing the monthly City Council stipend by \$80.00 per month for a new stipend of \$470.00 effective with the City Council reorganization in December 2016.

It was moved by Councilmember Shuey, seconded by Councilmember Pierce, to have staff prepare an Ordinance amending *Clayton Municipal Code* Section 2.05.010 to increase the allowable compensation for city council members to \$470.00 per month, effective December 2016 with the reorganization of the Clayton City Council. (Passed; 5-0 vote).

9. **COUNCIL ITEMS** – None.

10. **CLOSED SESSION** –None.

11. **ADJOURNMENT**– on call by Mayor Geller, the City Council adjourned its meeting at 8:42 p.m.

The next regularly scheduled meeting of the City Council on September 6, 2016 has been canceled. Therefore, the next regularly scheduled meeting of the City Council will be September 20, 2016.

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Respectfully submitted,

Janet Brown, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL

Howard Geller, Mayor

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