

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

TUESDAY, April 16, 2019

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:02 p.m. by Mayor Catalano in Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Catalano, Vice Mayor Pierce and Councilmembers Diaz, Wan and Wolfe. Councilmembers absent: None. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, Interim Community Development Director David Woltering, Assistant to the City Manager Laura Hoffmeister, and City Clerk/HR Manager Janet Calderon.

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

3. **CONSENT CALENDAR**

It was moved by Vice Mayor Pierce, seconded by Councilmember Diaz, to approve the Consent Calendar as submitted. (Passed 5-0 vote).

 - (a) Approved the minutes of the City Council's regular meeting of April 2, 2019.
 - (b) Approved the Financial Demands and Obligations of the City.
 - (c) Adopted Resolution No. 11-2019 setting the City's Equivalent Runoff Unit (ERU) real property parcel assessment rates in FY 2019-20 at current rates to pay for local storm water/clean water programs and services required by the unfunded federal and state-mandated National Pollution Discharge Elimination Systems (NPDES) Program (storm water pollution prevention)
 - (d) Approved the First Amendment to the existing Cooperative Agreement between the City of Clayton and the City of Concord establishing full funding for the El Molino Drive Sanitary Sewer Improvements Project (City CIP No. 10422).
 - (e) Adopted Resolution No. 12-2019 approving the City of Clayton's list of local transportation improvement projects for Fiscal Year 2019-20 using Road Maintenance and Rehabilitation Account – Local Streets and Road Funds (RMRA-LSR; SB 1).
 - (f) Approved the multi-year (3) award of low-bid contract to Apex Grading in the amount of \$42,300 per year for performance of the City's 2019 Annual Weed Abatement Program for the fire hazards on City-owned properties and open space (funded by the Citywide Landscape Maintenance District, CFD 2007-1).
 - (g) Approved the new "Making a Difference" Recognition Program to Clayton adults for distinguished and inspiring community and vocational service to others.
 - (h) Adopted Resolution No. 13-2019 awarding a 3-year low-bid contract (with option for three 1-year extensions) to Environtech Enterprises, Inc., in the 3-year amount of \$199,101.00 for the management of the City-owned oak/grassland savannah open space parcels north and south of Peacock Creek in the Oakhurst Development areas for calendar years 2019-2021.

- (i) Approved the award if consultant services agreement to Kennedy Associates in the amount of \$42,317 for preparation of the City's Green Infrastructure (GI) Plan pursuant to an unfunded state regulatory mandate of the San Francisco Regional Water Quality Control Board.
- (j) Approved the annual request of Council Member Diaz for the City to allow the hosting of six (6) Wednesday Night Classic Car Shows with a DJ in the off-street City parking lot at 6099 Main Street plus ancillary use of portions of the City's vacant dirt lot adjacent to the public parking lot at 6005 Main Street during selected dates in 2019, with all event costs funded by private donations.

4. RECOGNITIONS AND PRESENTATIONS

- (a) Certificate of Recognition to the MDSA Storm Boys Soccer Team and Coaches for a remarkably successful 2018-19 Season and 2nd Place finish in the AYSO U-10 Division Western Championship Tournament.

Mayor Catalano presented the MDSA Storm Boys Soccer Team and Coaches a Certificate of Recognition for their remarkably successful 2018-19 Season and 2nd Place finish in the AYSO U-10 Division Western Championship Tournament.

5. REPORTS

- (a) Planning Commission – No meeting held.
- (b) Trails and Landscaping Committee – Chair Howard Kaplan indicated the Trails and Landscaping Committee's agenda at its meeting of April 15, 2019, included proposed budget recommending approval by the City Council. The proposed budget spends all of the incoming revenue with a small reserve contribution. In the future committee would like to see a budget that underspends the revenue; noting reserves are important for sustainability, reliability and resilience going forward.

Vice Mayor Pierce added the Trails and Landscaping Committee are working diligently to adhere to their budget; congratulating Maintenance Supervisor Jim Warburton by providing an itemized list of tasks and expenses.

- (c) City Manager/Staff

Mr. Napper noted the Trails and Landscaping Committee budget reserves are usually high until assessments are paid with the first installment in December. There should be enough funds available to replenish the reserve account from collected property taxes.

Mr. Napper continued his report to announce a recent resignation by Finance Manager Kevin Mizuno as he will be joining employment with a Special District at the end of the Fiscal Year. Mr. Napper included the city is in the process of securing an Interim Finance Manager.

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

Councilmember Wan met with Mt. Diablo Elementary and Diablo View School Principals about the traffic and pedestrian safety, and the ad-hoc committee regarding Regency Drive.

Vice Mayor Pierce attended the Association of Bay Area Governments (ABAG) Regional Planning Committee meeting, the Contra Costa Transportation Authority meeting, the Administration of Projects Committee meeting, the Contra Costa County Mayors' Conference, the Regional Housing Legislative Working Group meeting, the Transportation Partnership and Cooperation for Central Contra Costa (TRANSPAC), the Housing Legislative Working Group meeting, the joint Association of Bay Area Governments and Metropolitan Transportation Commission committee meetings of the administrative and planning committees, and the Trails and Landscaping Committee meeting.

Councilmember Wolfe attended the ad-hoc committee regarding Regency Drive, spoke to constituents, attended the Clayton Theater Company's "*Savannah Sipping Society*" performance, the Clayton Library Foundation Spring Book Sale, and received an email from a citizen asking Councilmember Wolfe to remind citizens to clean up after their animals on the trails whether a dog or a horse.

Councilmember Diaz attended the Contra Costa Water District meeting, and reported activity that occurred on Regency Drive during the previous two weekends including a vehicle parked in front of a fire hydrant. Councilmember Diaz also reported with the deployment of the decoy car there were no parking violations issued on Regency Drive, he also mentioned through visibility and the radar gun there were thirteen (13) speeding citations issued.

Mayor Catalano spoke with residents about various concerns. Mayor Catalano also announced some upcoming community events; Clayton Cleans Up on April 20, the Clayton Business and Community Association Annual Art & Wine Festival on April 27 and 28 noting volunteers are still needed, the "Making a Difference" program is looking for nominations for the character trait of Outstanding Teacher, Coach or Mentor; and the Clayton Valley Village Community gathering taking place on April 24.

(e) Other – None.

6. PUBLIC COMMENT ON NON - AGENDA ITEMS

Brian Buddell expressed his continued disappointment in the City not banning the use of Glyphosate. He also advised there was another recent lawsuit with a jury verdict of nearly \$80 million, the difference with this one, it wasn't somebody who was working with Round-Up in a commercial setting, and rather somebody was exposed to it by using it in their backyard.

Assistant to the City Manager Laura Hoffmeister added, it was clarified by Maintenance Supervisor Jim Warburton the orange that is seen is pre-emergent that was applied in the fall. She advised Round-Up is limited to the median island landscape sections.

7. PUBLIC HEARINGS – None.

8. ACTION ITEMS

- (a) Consider the Second Reading and Adoption of Ordinance No. 485 of a proposed City-initiated Ordinance No. 485 amending Clayton Municipal Code Section 15.08.040 (G) regulating temporary noncommercial signs on private real properties.

Interim Community Development Director David Woltering presented the staff report.

Mayor Catalano opened the item to public comments; no comments were received.

It was moved by Vice Mayor Pierce, seconded by Councilmember Diaz, to have the City Clerk read Ordinance No 485 by title and number only and waive further reading. (Passed; 5-0 vote).

The City Clerk read Ordinance No. 485 by title and number only.

It was moved by Vice Mayor Pierce, seconded by Councilmember Wolfe, to adopt Ordinance No. 485 with the finding its adoption will not result in a significant adverse environmental impact. (Passed; 4-1; Wan opposed).

- (b) Council Member request for the City Council to discuss the "CASA Compact" (Committee to House the Bay Area – February 2019) involving various objectives to address the region's housing affordability crisis, and request to take an official City position on the plan.

Councilmember Wan presented the staff report.

Following questions by the Council, Vice Mayor Julie Pierce invited Brad Paul, to provide the City Council with an update on the two boards.

Brad Paul, Deputy Director for local government services for ABAG and MTC, provided an update on the two boards.

Following clarifying questions by the Council, Mayor Catalano opened the item to public comment.

Brian Buddell expressed concerns about the urgency of this item, yet we are just now hearing about the CASA Compact. A detailed position by the City is necessary to convene our position on all levels. He encouraged the Council to follow Councilmember Wans suggestion in discussing this matter.

Terri Denslow she shares some sentiments on why we haven't been talking about this. She found the information provided in the staff report a little confusing and performed her own research finding some incorrect information in the presentation this evening.

Andrea Hecht wanted to encourage the city council regarding property rights. She encourages the City Council to act quickly and swiftly with a response that they think best for the City.

Allison Snow expressed concern why Vice Mayor Pierce is going to these meetings and not sharing information with the public asking if she is just representing her own interests or that of the city. Transparency is the theme, if you represented us in any

way, we want you to educate the public and state your opinion, which is what we have elected you to do.

Ann Stanaway, 1553 Haviland Place, would like to see the City Council to be more proactive and enforce ordinances as they stand right now, the State is going to make us a more dense community; population wise, at least they are going to try to. Increase density is to increase public safety concerns and do not allow those fire apparatus roads to be blocked by inconsiderate people.

Mayor Catalano closed public comment.

Following further discussion by Council, City Manager Napper noted Councilmember Wan will prepare a letter for review by the City Council at its next meeting.

- (c) City Council discussion and determination of its preferred process regarding the recruitment and employment and other considerations involved in the selection of its next city manager due to retirement.

City Manager Napper presented the staff report.

Following questions by the Council, it was determined an ad-hoc committee would need to be formed for the recruitment of the City Manager.

Councilmember Wolfe inquired on the availability of the Assistant to the City Manager to serve as an Interim City Manager.

Vice Mayor Pierce advised for short periods of time that is great, but for longer periods of time it is a concern as our Assistant to the City Manager has her hands full with other tasks.

Assistant to the City Manager Laura Hoffmeister added professionally with the current vacancies we have she felt seeking services from an outside person on the Interim would be best as there are many State mandates the City of Clayton needs to abide by with our recycling programs, solid waste and storm water program filings coming up.

Vice Mayor Pierce added Laura is the historic knowledge of the organization and preferred have a professional serve as Interim City Manager best for the City.

Ms. Hoffmeister added although she feels she can serve as the Interim, there is not another one of her to fill her position.

Mr. Napper added the City Council may not need an Interim until the end of July.

It was moved by Mayor Catalano, seconded by Vice Mayor Pierce that Mayor Catalano and Vice Mayor Pierce will serve on the ad-hoc committee to serve as the recruitment steering committee. (Passed 3-1-1 vote; Diaz, abstained; Wan, opposed).

9. **COUNCIL ITEMS**

Councilmember Diaz advised he has three items; 1.) He would like this City Council to examine and develop a proposal on how information is received during council meetings in or outside the Council chambers from unknown parties. We need to identify who is communicating with each one of us, he has a feeling somehow questions are being delivered to one or some of us and how that should work and publically disclose; 2.) He submitted his proposal for the 2019 Classic Car Show and DJ series proposed to begin June 12.

Vice Mayor Pierce advised Councilmember Diaz his request for the Classic Car Show and DJ was approved on the Consent Calendar this evening.

Councilmember Diaz continued his request 3.) after we have had a number of technical glitches with our sound system and no way of managing who speaks at the appropriate time, he thinks there is a system out there that will allow each member to turn off and on their microphone, also suggesting master control at the Mayors desk that the Mayor controls and can shut that microphone off.

Mayor Catalano echoed request number 1; she has some serious brown act violation concerns.

Councilmember Wolfe would the policy be just for the City Council or extend to the Planning Commission as well.

City Attorney Mala Subramanian understands a Brown Act violation would be between the Council members not with members of the public

Mayor Catalano also expressed her concerns of communications with the public during our meetings.

Councilmember Diaz advised the concern is with someone in the audience or live-streaming at home.

10. **CLOSED SESSION** – None.

11. **ADJOURNMENT**– on call by Mayor Catalano, the City Council adjourned its meeting at 9:56 p.m.

The next regularly scheduled meeting of the City Council will be May 7, 2019.

#

Respectfully submitted,



Janet Calderon, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL



Tuija Catalano, Mayor

#####