

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

**TUESDAY, September 15, 2015**

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:03 p.m. by Vice Mayor Geller in Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Vice Mayor Geller and Councilmembers Diaz, Haydon and Pierce. Councilmembers absent: Mayor Shuey. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, Finance Manager Kevin Mizuno, Maintenance Supervisor Mark Janney, and City Clerk/HR Manager Janet Brown.

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

3. **CONSENT CALENDAR**

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

- (a) Approved the minutes of the adjourned regular meeting of August 4, 2015 and of the special meeting on July 30, 2015.
- (b) Approved Financial Demands and Obligations of the City.
- (c) Approved the Mayoral re-appointment of Ronald Tervelt to the Contra Costa County Advisory Council on Aging as the City of Clayton's representative.
- (d) Adopted Resolution No. 38-2015 establishing and approving a City Identity Theft and Data Security Breach Prevention Policy.
- (e) Affirmed the Mayoral appointment of City Community Development Director Mindy Gentry to the Clayton Successor Agency and Housing Agency Oversight Board as the statutory City member representing employees of the former Clayton Redevelopment Agency.

4. **RECOGNITIONS AND PRESENTATIONS**

- (a) A Proclamation declaring September 21 – 27, 2015 as "Falls Prevention Awareness Week" in the City of Clayton.

Vice Mayor Geller read the Proclamation and presented it to Terri Hall. She provided information regarding Falls Prevention advising that various programs are available to support our vulnerable senior citizens, who are most susceptible

to health complications arising from falls, such as Meals on Wheels and Senior Outreach. However, education is the best prevention.

- (b) A Proclamation declaring September 20 – 26, 2015 as “Childhood Cancer Awareness Week” in the City of Clayton.

Vice Mayor Geller summarized the Proclamation and requested staff send it to the requestor as no one was present to receive the Proclamation in person.

## 5. REPORTS

- (a) Planning Commission – Commissioner Dan Richardson reported the Planning Commission held a meeting on September 8<sup>th</sup>. He noted there was a Site Plan Review for a two story addition of approximately 1,500 square feet located at 973 Oak Street and a Use Permit for T-Mobile located on the North Side of Marsh Creek Road installing a 40’ Antenna “Monopine” near the existing water tank. Both items were approved by the Planning Commission, 5-0 vote.

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

- (c) City Manager/Staff

City Manager Napper advised last week’s interviews for Clayton’s next Police Chief were conducted with two candidates. The Oral Board consisted of: 3 Chiefs of Police; Irene Keenan, Principal of Mt. Diablo Elementary School; and Tuija Catalano, a current Clayton Planning Commissioner. The panel provided valuable feedback on both candidates. Mr. Napper indicated he will be doing reference checks on the number one finalist before an offer of conditional employment will be given.

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

Councilmember Diaz attended a meeting of the Morgan Territory Safe Fire Committee, the swearing-in ceremony of California State Senator Steve Glazer, a Clayton Business and Community Association general membership meeting and several Concerts in The Grove.

Councilmember Haydon attended meetings of the East Contra Costa County Habitat Conservancy Governing Board, a Clayton Business and Community Association general membership, and an East Bay Regional Park District Clayton Ranch Regional Preserve Public Input meeting. Councilmember Haydon also attended Clayton Community Church’s 12th Annual Labor Day Derby and Classic Car Show in downtown.

Councilmember Pierce attended meetings of the Bay Area Economic Institute, Labor and Local Leaders to Keep California Moving with Assembly Speaker Toni Atkins, Associated Bay Area Governments, Metropolitan Transportation Commission, and Contra Costa Transportation Authority. Councilmember Pierce

attended the Clayton Historical Society dedication of a new historical marker commemorating the former grove of eucalyptus trees and history of the site now known as "The Grove Park".

Vice Mayor Geller attended the general meeting of the Clayton Business and Community Association, and the last Saturday Concerts in The Grove featuring the band, East Bay Mudd. Vice Mayor Geller thanked Councilmembers Diaz and Pierce for helping out at the Saturday concert series, and the Clayton community for attending. He noted donations received this year will help bring the Saturday Concerts in The Grove back in 2016. He also attended Save Mount Diablo's Moonlight on the Mountain Anniversary Celebration under the light of the moon.

- (e) Other – None.

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

Dominic Aliano introduced himself to the City Council as a new staff member with County Supervisor Karen Mitchoff's office.

Denise Pursche provided the City Council with general statements regarding the validity of the new Common Core standard testing, which is a \$350 million federal expense. She also provided the City Council with California Common Core test results from Mt. Diablo Unified School District versus California statewide.

**7. PUBLIC HEARINGS – None.**

**8. ACTION ITEMS**

- (a) Public Meeting to consider a Resolution setting, adjusting and approving the City Master Fee Schedule for FY 2015-16 regarding certain user-benefit municipal services and City facility rentals.  
(Finance Manager)

Finance Manager Kevin Mizuno presented the staff report and noted this annual review of user fees is to ensure that user-benefit fees are set appropriately and updated based on various cost and revenue considerations. Staff recommends all existing fees be increased by the San Francisco-Oakland-San Jose April 2014 to April 2015 Consumer Price Index (CPI) growth rate of 2.4%, as published by the United State Bureau of Labor and Statistics.

It has been the practice of the City to only adopt fees in whole dollar increments. In circumstances where the prior year CPI increase did not result in fee increase a multi-year CPI rate is applied in the current year to ascertain whether a fee increase should be recommended. There were four fee categories affected by this increase: 1. Police Services Administrative fee for failure to display disabled placards (per violation); 2. Community Park Youth Field rental (per hour); 3. and 4. Administrative Fees for processing a new City Business License Registration,

and for a Business License Renewal. The Community Development Department Home Occupation Permit deposit increased after a staff analysis determined the existing deposit is insufficient to cover costs associated with this work. The Engineering Department fee section was revised to include a Deed Restriction/Covenant Agreement documentation preparation fee and incorporate a Document Recording fee.

Vice Mayor Geller opened the Public Meeting to receive public comments; no public comments were offered. He then closed the Public Meeting portion.

Councilmember Diaz inquired on False Alarm Fee is a flat fee or a reoccurring fee? Mr. Napper advised that City policy is very generous in this regard and allows up to three occurrences per 12 month period before the resident would incur a False Alarm fee.

Councilmember Haydon advised he met with the Finance Manager prior to this evening's meeting and had his questions answered regarding the proposed Master Fee Schedule changes. He finds the changes very reasonable.

**It was moved by Councilmember Pierce, seconded by Councilmember Haydon, to Adopt Resolution No. 39-2015 amending the City Master Fee Schedule for certain user-benefit City services and rental of public facilities and parks. (Passed; 4-0 vote).**

- (b) Consider award of low-bid contract to Graniterock Company (Watsonville, CA) for replacement of wood planking on seven (7) pedestrian bridges on the Cardinet and Easley Trails (\$79,030; Citywide Landscape and Trails Maintenance District), and the replacement of the wood steps on the side exterior City employee entrance stairway to City Hall (\$22,750).

Maintenance Supervisor Mark Janney presented the staff report and noted the Maintenance Department requested bids for the removal and replacement of the wood decking on seven pedestrian bridges along the Clayton Trail System, and then added a quote for the replacement of the City Hall employee entrance exterior wood stairs since a similar trade is involved. Expenditures on the pedestrian trail bridges would be paid from the Landscape Maintenance District equity fund balance reserve (Fund 210); the City Hall exterior staircase is proposed for funding from unassigned interest earnings (Fund 601).

Mr. Janney provided some history of the installation of the trail bridges, which occurred in the mid-late 1980s and early 1990s, indicating over the past few years the pressure-treated wood planking has started to deteriorate causing holes to open up, creating some safety hazard. Temporary repairs have occurred using sheet metal plating, which in winter months becomes very slippery from ice forming or wetness from the rain. Economically, it is best practice to replace all of the planks at one time, as the bridge requires disassembly of the complete bridge decking. Staff requested bidders to include the option of composite wood material, which meets the specifications; however, with heavy public use and the

sun exposure, that particular material weakens over time and becomes less stable.

Three bids were received with Graniterock Company being the lowest bidder on the trail bridges and the City Hall exterior entrance staircase. The bids included removal, replacement, disposal and recycling of appropriate materials. Each bridge must be closed for approximately two days with detours available to the trail users. It is best to perform this work before the rainy season and the creeks begin to fill with water again, hopefully.

Councilmember Haydon had a few inquiries regarding the closure of the bridges during the replacement? Further, does the deterioration of the bridges have anything to do with the drought, and is the life expectancy of the new wood comparable to what was originally installed? Mr. Janney advised one to two bridges may be closed at a time with detours available and signed; it is possible the extended drought contributed to the deterioration of the bridges, and the proposed wood is to the specifications of the original bridge manufacturer.

Vice Mayor Geller inquired about the rust on the structure of the trail bridges. Mr. Janney advised the rust actually protects the metal by sealing it. It was built that way.

Vice Mayor Geller inquired if staff were going to inspect the materials prior to installation? Mr. Janney advised the material will be received in approximately six weeks after it is ordered and staff will inspect the materials prior to installation. The replacement should start in mid-October with each trail bridge taking up to 5 days to replace.

Councilmember Pierce advised she is happy that wood is being chosen over composite material as that can indeed become very slippery creating public safety hazards.

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

**It was moved by Councilmember Pierce, seconded by Councilmember Diaz, to award a low-bid contract to Graniterock Construction for replacement of wood planking on seven (7) pedestrian bridges on the Cardinet and Easley Trails using Fund 210 Citywide Landscape and Trails Maintenance District in the amount of \$79,030, and the replacement of the wood steps on the side exterior City employee entrance stairway to City Hall using Fund 601 Unassigned Interest Earnings in the amount of \$22,750. (Passed; 4-0 vote).**

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

Councilmember Pierce inquired if the Mt. Diablo Unified School District is required to have a City-issued permit to provide amplified sound on the playground during an afterschool Parent Faculty Club event?

Mr. Napper responded a Parent Faculty Club afterschool event is school related and is not required to notify the City or its surrounding residents of such events.

Vice Mayor Geller inquired on usage of The Grove Park for organized sports practice, such as youth football? Mr. Napper advised according to The Grove Park use regulations enacted by the City Council, no organized sports play is allowed to take place at The Grove Park.

- 10 . **ADJOURNMENT**– on call by Vice Mayor Geller, the City Council adjourned its meeting at 8:08 p.m.

The next regularly scheduled meeting of the City Council will be October 6, 2015.

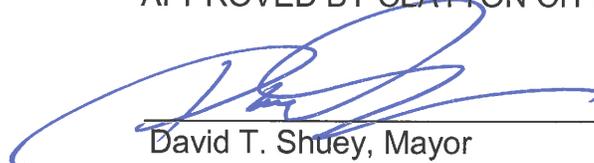
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Respectfully submitted,



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Janet Brown, City Clerk

APPROVED BY CLAYTON CITY COUNCIL



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David T. Shuey, Mayor

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