

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

TUESDAY, May 15, 2018

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:00 p.m. by Mayor Haydon in Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Haydon and Councilmembers Catalano, Diaz and Pierce. Councilmembers absent: Vice Mayor Shuey. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, and City Clerk/HR Manager Janet Brown.

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

3. **CONSENT CALENDAR**

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

(b) Approved the minutes of the City Council's regular meeting of May 1, 2018.

(c) Approved the Financial Demands and Obligations of the City.

(d) Adopted Resolution No. 14-2018 approving the Engineer's Report and declaring intent to levy and collect real property tax assessments in FY 2018-19 for the Diablo Estates at Clayton Benefit District (BAD), and setting July 19, 2018 at or about 7:00 p.m. as the date and time for a noticed Public Hearing on the proposed fiscal year tax assessment levies.

(e) Accepted the City's Investment Portfolio Report for Third Quarter of FY 2017-18 ending March 31, 2018.

(f) Adopted Resolution No. 15-2018 approving the award of low-bid contract to Sierra Nevada Construction in the amount of \$ 784,007.00, for the City's 2018 Neighborhood Street Repave Project (CIP No. 10436).

(g) Adopted Resolution No. 16-2018 authorizing City staff to negotiate an agreeable construction price with a qualified contractor to construct the El Molino Drive Sanitary Sewer Improvements Project (CIP No. 10422), pursuant to Public Contract Code Section 20166 and given no construction bids were received for this advertised project.

4. **RECOGNITIONS AND PRESENTATIONS**

(a) Recognition of retiring Maintenance Supervisor Mark Janney in appreciation for his 28 years of leadership and service to Clayton community from April 1990 to May 2018.

Mayor Haydon presented Mr. Janney a plaque in recognition of his service to the Clayton community for 28 years. Mayor Haydon also shared highlights of Mr. Janney's career with the City of Clayton, starting in April 1990 as a Maintenance Worker II, where in 1994 the position was reclassified to Maintenance Leader and in October 2001 Mr.

Janney was promoted to Maintenance Supervisor. Mayor Haydon advised the Maintenance Department is responsible for maintaining Clayton's city buildings and landscape around the community.

Councilmember Pierce thanked Mark for his many years of service to the Clayton community; he ensured everything is operable in the various City facilities including light bulbs, stairs at City Hall, air conditioning systems, and maintenance at the various parks, including many, many irrigation pipe repairs at Clayton Community Park.

Councilmember Diaz also thanked Mr. Janney for his assistance during many community events especially during the Concert season, Clayton Community and Business Association annual Art and Wine Festival and the Clayton Business and Community Association annual Christmas Tree Lighting.

Councilmember Catalano thanked Mr. Janney for his professional and knowledgably demeanor.

Mayor Haydon also thanked Mr. Janney for his service as the Trails and Landscaping Committee liaison.

Mr. Janney thanked the City Council and staff noting the City of Clayton was a great place to work.

5. REPORTS

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

City Manager Napper thanked Mr. Janney for his infamous solution in Clayton to fix the public restrooms not working properly during Concerts in The Grove. He noted Mr. Janney suggested the installation of larger aboveground water tanks to accommodate the larger water usage of the restrooms during the annual concert season; this suggestion solved the problem. Mr. Napper added whenever Mr. Janney was contacted after Maintenance Department hours, he was always polite and made sure the problem reported would be taken care of. Mr. Napper congratulated Mr. Janney on a stellar career and wished him the best in retirement.

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

Councilmember Catalano indicated "no report".

Councilmember Diaz attended the Saturday Concert in The Grove.

Councilmember Pierce attended the Contra Costa Transportation Authority Board administrative planning meeting, the Contra Costa County Mayors' Conference hosted by the City of Martinez, six (6) Metropolitan Transportation Committee meetings, the Pacific Coast Farmers Market Association opening day in Clayton, the opening of the Pittsburg E-Bart, and the first Saturday Concert in The Grove.

Mayor Haydon attended the Contra Costa County Mayors' Conference, announced the VFW upcoming Memorial Day event taking place on May 28th, and invited the Council and community to the Black Diamond Mine tour. Mayor Haydon also attended the

Clayton Community and Business Association BBQ planning meeting, the County Connection Finance Committee meeting, the Pacific Coast Farmers Market Association opening day in Clayton including the cabbage in-lieu nectarine toss, the Clayton Garden Club annual plant sale, and the first Concert in The Grove. He thanked Councilmember Pierce and Councilmember Diaz for their efforts in assisting with this event.

(e) Other – None.

6. PUBLIC COMMENT ON NON - AGENDA ITEMS

Kathy Bengé, 139 Regency Drive, advised approximately ten years ago area walkers/hikers decided to start their walk or hike on Mount Diablo from Regency Drive, resulting in homeowners' inability to provide parking near her home for her guests, as they now must park further away due to the congestion. Ms. Bengé advised several years ago she called the City for assistance, however didn't receive any useful suggestions to address the parking issues, garbage, and animal waste left from horses and dogs. Ms. Bengé also expressed concerns of safety in the neighborhood as she is unable to leave her garage door open for any period of time as there are several people coming and going to the trail or possibly casing their homes.

Jeffery Weiner, 133 Regency Drive, advised he relocated to Regency Drive thirty years ago for its quietness, scenery and ability to raise his sons in an area where they could ride their bikes and play in a safe environment. Mr. Weiner presented the City Council a petition signed by a majority of the residents on Regency Drive and Rialto Drive to establish resident-only parking along with visitor parking passes from 8:00 a.m. to 6:00 p.m. Mr. Weiner advised Regency Drive does not currently provide the quality of life it once did, as it has become a parking lot for Mt. Diablo hikers, leaving no guest or residential street parking, speeding, litter, unsafe driving, rudeness and no regard for their properties. Mr. Weiner noted people are parking on their street to avoid paid parking at the State Park lot on Mitchell Canyon; these problems are due to social print media establishing Regency Drive as free Mt. Diablo parking. Mr. Weiner stated one of his neighbors had to delay a child's birthday party to 6:00 p.m. due to the parking issue on their street. Mr. Weiner advised what really bothers him is Zipcars, rental cars, out-of-state cars, and vehicles displaying resident only stickers from other cities taking up the parking on his street. Mr. Weiner shared quotes from a Google site that directs Mt. Diablo parking to Regency Drive: "*Parking can be a little challenging during peak hours, weekend, mornings and afternoons the main road is packed.*" Another quoted "*Get here early for free parking*"; yet another, "*I got here at 9:00 o'clock in December and didn't have problems getting a parking spot, this area was much more crowded getting back.*" Mr. Weiner advised this issue is occurring on weekends, holidays and during the week ten to eleven months per year. Mr. Weiner advised the residents expect action to these issues since the problems on their streets were caused by the area being promoted as a parking lot, and would like it to returned for the reasons they moved here. Mr. Weiner then quoted the current Police Chief: "*Clayton is a beautiful safe city, and our Police Department strives to keep it that way. We are focused on addressing quality of life issues such as traffic, speeding and safety.*" We urge you to allow the Police Chief to focus on these issues by limiting parking to residents and their guests for the reasons stated in the petition.

Lori Rehn, 176 Regency Drive, noted additional concerns stating there are no sanitary facilities, no ADA access, no trash receptacles, and no parking to support the guest volume. Ms. Rehn noted there is damage to driveways, parking violations, and speeding violations, and said a neighbor watched her cat get hit and killed because of speeding on Regency Drive. She expressed concerns of not only pedestrian violations with residents

afraid of backing out of their driveway and hitting a hiker who is not paying attention or walking in the middle of the street. The Clayton Police has been great in assisting with this situation the last few weeks. Ms. Rehn used to host three or four hiking events in the spring and fall for her friends and family, yet no longer can do so unless she plans the hike to start at 8:00 a.m.; any later and they would have to park on Marsh Creek Road.

Dr. Mark Montijo, 127 Regency Drive, noticed in April 2017 there was an article in *Diablo Magazine* directing hikers to the end of Regency Drive; after publication of that article, parking became a noticeable problem. Dr. Montijo had a wreath stolen off his front door; his family must strategize the street parking of their vehicles, when one vehicle leaves another one is waiting to use it. Dr. Montijo has found various items including trash, bags, hiking shoes, and water bottles on the sidewalk in front of his house. Vehicles have also parked two to three feet into his driveway approach which is a pretty common occurrence. Dr. Montijo feels this issue would have to be reported to any potential buyers of their homes if they decide to sell.

Beth Walsh, 152 Regency Drive, advised she was asked to represent one of her neighbors on Rialto Drive quoting, *"In the last six to twelve months hikers are sleeping overnight in vehicles, leaving their vehicles for multiple days and nights while on the Mountain, hikers urinating frequently in our yards, dumping portable commode waste in the street, excessive litter on homeowners and State properties consisting of bottles, wrappers, beer cans, etc., blocking fire access gates to park and double park at the end of the street, cleaning off muddy shoes on driveways, curbs and kids basketball hoops. Taking multiple bags of fruit off of our trees without permission and leaving them bare. We thank you for considering our concerns on Rialto Drive."* Ms. Walsh also added there is street parking available at the end of Regency Drive between Rialto and El Molino that is not blocking residential homes; there is also parking between Petar Court and El Portal Drive; perhaps those areas could be designated for hiker parking. Ms. Walsh continued if a resident wanted to host a function for their child or family members it is logistically almost impossible without the help of your neighbors to allow them to be anywhere near or close to your home on a weekend. Ms. Walsh concluded her concerns noting there is a desire to hike Mt. Diablo by residents and visitors but South Mitchell Canyon Road has a state park parking lot that is available for that use.

Daniel Walsh, 152 Regency Drive, advised there have been many issues with hikers blocking driveways, including blocking residents' vehicles so tightly they were unable to leave. He noted on one occasion a hiker parked his car behind his son's vehicle driving his front bumper under his son's car; then the hiker walked down to go on a hike. Mr. Walsh added there are problems with vehicles parking in the red zone and in front of fire hydrants. He remarked several times groups of hikers will sit in front of residential houses, including their sidewalks and on lawns underneath their trees; the residents would like the City to work with them on these issues.

Ann Stanaway, 1553 Haviland Place, expressed her continued concern of public safety and blights in the City not being addressed. Ms. Stanaway voiced her objection to the political patronage that allows this situation to exist.

7. **PUBLIC HEARINGS** – None.

8. **ACTION ITEMS** – None.

9. **COUNCIL ITEMS** – limited to requests and directives for future meetings.
None.

10. **CLOSED SESSION**

Mayor Haydon announced the City Council will adjourn into Closed Session for the following noticed items (7:38 p.m.):

- (a) *Government Code Section 54957.6*, Conference with Labor Negotiator
Instructions to City-designated labor negotiator: City Manager
Employee Organization: Clayton Police Officers' Association (CPOA)

Report out of Closed Session (8:30 p.m.)

Mayor Haydon reported the City Council received information from and provided policy directions to its labor negotiator. There is no public action to report.

11. **ADJOURNMENT**– on call by Mayor Haydon, the City Council adjourned its meeting at 8:31 p.m.

The next regularly scheduled meeting of the City Council will be June 5, 2018.

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Respectfully submitted,



Janet Brown, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL



Keith Haydon, Mayor

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