



AGENDA

REGULAR MEETING

* * *

CLAYTON CITY COUNCIL

* * *

TUESDAY, August 20, 2019

7:00 P.M.

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

Mayor: Tuija Catalano
Vice Mayor: Julie K. Pierce

Council Members

Jim Diaz
Jeff Wan
Carl Wolfe

- 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
- 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 ***

August 20, 2019

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

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

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, discussion or alternative action may request so through the Mayor.

- (a) Approve the minutes of the City Council’s regular meeting of July 16, 2019. ([View Here](#))
- (b) Approve the Financial Demands and Obligations of the City. ([View Here](#))
- (c) Approve the City’s response letter to the FY 2018-19 Contra Costa County Civil Grand Jury’s Report No. 1907, “Stormwater Trash Reduction.” ([View Here](#))
- (d) Adopt a Resolution approving the award of low-bid contract to Kerex Engineering, Inc. in the amount of \$237,420.00 for the Downtown Raised Planter Box Replacement Project including irrigation and power (Project # LMD 215-1). ([View Here](#))
- (e) Adopt a Resolution approving the award of low-bid contract to Abacus Concrete in the amount of \$20,140.00 for a multi-year on-call concrete repair contract for various locations throughout the City (CIP #10452). ([View Here](#))
- (f) Authorize staff to negotiate agreeable construction unit pricing with a qualified contractor to provide multi-year as-needed on-call contract for as-needed street repairs at various locations (CIP #10453), pursuant to Public Contract Code Section 20166. ([View Here](#))
- (g) Authorize staff to negotiate agreeable construction unit pricing with a qualified contractor to provide multi-year as-needed on-call signing and striping repairs at various locations (CIP #10454), pursuant to Public Contract Code Section 20166. ([View Here](#))
- (h) Adopt a Resolution accepting the public improvements required by conditions of approval of Subdivision #9419- Verna Way Subdivision and release Guarantee Bonds back to the Developer and Accept the 10% Maintenance Bond for the one-year maintenance period. ([View Here](#))

4. **RECOGNITIONS AND PRESENTATIONS** – None.

5. REPORTS

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

6. 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.

7. PUBLIC HEARINGS – None.

8. ACTION ITEMS

- (a) Discussion and consideration of preparation options of the City Council Meeting Minutes. ([View Here](#))

Staff recommendation: Following City Council discussion and public comments, the City Council provide policy direction.

- (b) Discussion on Traffic and Pedestrian Safety around Mt. Diablo Elementary School and Diablo View Middle School. ([View Here](#))

Staff recommendation: No action to be taken at this point.

(Note: Report is for information purposes only to provide the City Council and the public with a summary of Traffic and Pedestrian Safety actions by the City).

- (c) Discussion and consideration of the formation of a Land Use Sub Committee.

Staff recommendation: Following City Council discussion and public comments, the City Council provide policy direction. ([View Here](#))

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

10. **CLOSED SESSION** – None.

11. **ADJOURNMENT**

The next regularly scheduled meeting of the City Council will be September 3, 2019.

#

MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

Agenda Date: 8-20-2019

Agenda Item: 3a

TUESDAY, July 16, 2019

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:00 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: Assistant to the City Manager Laura Hoffmeister, City Attorney Mala Subramanian, City Engineer Scott Alman, and City Clerk/HR Manager Janet Calderon.

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

3. **CONSENT CALENDAR**

Councilmember Wan requested Item 3(i) be pulled from the Consent Calendar for separate discussion.

It was moved by Councilmember Wolfe, seconded by Vice Mayor Pierce, to approve the Consent Calendar Items 3(a) – 3(h) and 3(j). (Passed; 5-0 vote).

 - (a) Information Only – No Action Requested.
 1. Notification by the Government Finance Officers Association (GFOA) that Clayton's Annual Financial Report (CAFR) for Fiscal Year 2018 was awarded the GFOA's Certificate of Achievement for Excellence in Financial Reporting (3rd consecutive year).
 - (b) Approved the minutes of the City Council's regular meeting of June 20, 2019.
 - (c) Approved the Financial Demands and Obligations of the City.
 - (d) Adopted Resolution No. 28-2019 setting and levying real property tax assessments in FY 2019-20 for the Oak Street Permanent Road Division.
 - (e) Adopted Resolution No. 29-2019 setting and levying real property tax assessments in FY 2019-20 for the High Street Permanent Road Division.
 - (f) Adopted Resolution No. 30-2019 setting and levying real property tax assessments in FY 2019-20 for the Oak Street Sewer Assessment District.
 - (g) Adopted Resolution No. 31-2019 setting and levying real property tax assessments in FY 2019-20 for the Lydia Lane Sewer Assessment District.
 - (h) Adopted Resolution No. 32-2019 approving the Engineer's Report and levying the annual assessments in FY 2019-20 on real properties for the operation and maintenance of residential street lights in the Street Lighting Assessment District, pursuant to Streets and Highways Code 18070 and CA Government Code 54954.6

- (j) Adopted Resolution No. 33-2019 accepting the completion of the Capital Improvement Project for the demolition of the City-owned bungalows at 1005 and 1007 Oak Street and authorizing the City Clerk to file the notice of Completion.

Consent Calendar Pulled

- 3(i) Adopted Resolution No. 34-2019 approving the City Master Fee Schedule for FY 2019-20 regarding certain fees for user-benefit municipal services and rental of City facilities.

Councilmember Wan inquired if the Tree Removal Non-Compliance Penalty was a new fine. Assistant to the City Manager confirmed the Tree Removal Non-Compliance is a new fee to the 2019-20 Master Fee Schedule referring to Exhibit "A" on the first page.

It was moved by Councilmember Wan, seconded by Vice Mayor Pierce, to approve Consent Calendar Item 3(i), as submitted. (Passed; 5-0 vote).

4. RECOGNITIONS AND PRESENTATIONS

- (a) A Proclamation declaring Friday, August 16, 2019 as "Dallin Sorensen Day" in the City of Clayton in recognition of his achievement of the Eagle Scout Award.

Mayor Catalano read a proclamation and presented it to Mr. Dallin Sorensen.

Samantha Yturralde, Field Representative from Assembly member Tim Grayson's office also provided a certificate of recognition to Mr. Dallin Sorensen.

5. REPORTS

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

Councilmember Wan attended the Annual 4th of July parade, the Special Meeting interview of the Interim City Manager, and provided a brief update on the State Action regarding the CASA Compact Assembly Bill 1487.

Vice Mayor Pierce attended the ad-hoc committee meeting of Association of Bay Area Governments and Metropolitan Transportation Commission with Assembly Member Chu regarding CASA Compact Assembly Bill 1487, several Contra Costa Transportation Authority meetings, several Association of Bay Area Governments meetings, the Bay Area Regional Collaborative meeting, the Special Meeting interview of the Interim City Manager, the Transportation Expenditure Plan ad-hoc committee meeting, the East Bay Leadership installation of new officers dinner, the Annual 4th of July Parade, the Concert in The Grove featuring Pride and Joy, met with Senator Glazier staff regarding Assembly Bill 1487, and the Contra Costa County Mayors' Conference.

Councilmember Wolfe attended the Concerts in the Grove featuring The Boys of Summer, the Clayton Business and Community Association Oktoberfest planning meeting, the Contra Costa County Library Foundation meeting, spoke with the executive search firm regarding the recruitment of the new City Manager, the Concert in The Grove featuring Pride and Joy, the Special Meeting interview of the Interim City Manager, was the announcer at the Annual 4th of July Parade, the Clayton Business and Community Association BBQ Cook-off event, and noted August 9 between 9:00 am to 10:00 am KTVU will be featuring Clayton in its Zip Trips segment encouraging support of the program.

Councilmember Diaz attended the Concert in The Grove featuring The Boys of Summer, the Special Meeting interview of the Interim City Manager, the Classic Car Show and DJ event, the Contra Costa County Fire Protection District Academy Graduation for Class 53, the Contra Costa Water District Board meeting, the Annual 4th of July Parade and Pancake breakfast, the Concert in the Grove featuring Pride and Joy, the Classic Car Show and DJ event, and the Clayton Business and Community Association BBQ Cook-off event.

Mayor Catalano attended East Contra Costa County Habitat Conservancy Board meeting, the Special Meeting interview of the Interim City Manager, the Annual 4th of July parade, the Contra Costa County Mayors' Conference in Pleasant Hill, and the Clayton Business and Community Association BBQ Cook-off event. Mayor Catalano also thanked Councilmember Wan for the prompt information regarding Assembly Bill 1487.

- (e) Other: Keith Haydon, Central Contra Costa Transit Authority Board of Directors (CCCTA).

Keith Haydon, Central Contra Costa Transit Authority Board Member representing Clayton, provided a mid-year report of the Board meeting noting a few items of interest for Clayton: 1. Service and Fare Updates; 2. Innovation Upgrades and Projects; and 3. Budget and Finance. Mr. Haydon also inquired with CCCTA staff about the feasibility of extending the final stop of Route 310 on the weekends to Regency Drive for the state park hikers.

6. PUBLIC COMMENT ON NON - AGENDA ITEMS

Ann Stanaway, 1553 Haviland Place, expressed her concern of the City Council approving minutes for a meeting that did not occur the Agenda referenced June 20, 2019 while the attached minutes of June 18, 2019 is correct. She is also disappointed in the City continuing to publish summary minutes.

Mayor Catalano thanked Ms. Stanaway for her comments and referred the public to the City Council meeting video for a verbatim record of the meeting.

Glenn Miller requested Keith Haydon to request a re-route of Route 10 from the bottom of Peacock Creek suggesting that stop relocate to the Library. Mr. Miller requested the City Council consider future items regarding 1. Paving on Peacock Creek as he has noticed a large pothole and the paving at Inverness and Peacock Creek near the stop sign also needs attention; 2. Update on Landscaping and Irrigation services on Peacock Creek; 3. Peacock Creek Entryway sign landscaping needs maintenance; 4. Peacock Creek Sign area and area around the Park and Ride improvements; and 5. Requested the Clayton Fountain not operational Friday, Saturday and Sunday for National Holidays.

Jim Gamble, Prospector Place, expressed his concerns regarding Assembly Bill 1487 regarding the requirement of listing vacant land and public lands for possible development. Mr. Gamble suggested a future ballot measure to protect the vacant downtown lot in Clayton for the November 2020 General Election requesting a simple yes or no answer by the voters.

Roy Correa inquired on accomplishments and achievements by the City. He also expressed concerns with potential health issues regarding the use of Round-Up; robbery and break-in prevention; downtown improvements; effort in filling vacant storefronts; resolving parking issues on Regency Drive; quality assurance in recent paving projects; accountability reports on project status; and City Manager recruitment.

Mayor Catalano advised the CASA Compact was previously discussed in detail at a prior City Council meeting; Round-Up usage was also discussed previously, the Regency Parking permit program was approved at last month's City Council meeting. Mayor Catalano further noted Clayton has one of the highest Pavement Index ratings in the Bay Area; and the recruitment of the City Manager will be made by the full City Council. She further noted the ad-hoc committee was established to interview various executive search firms to conduct the recruitment.

Vice Mayor Pierce added comments regarding Assembly Bill 1487 where eminent domain has been removed entirely, further amendments will be made based on feedback from various agencies including the Contra Costa County Mayors' Conference.

Councilmember Wan noted he and Councilmember Wolfe have received a number of emails regarding citizen concerns around the City. He advised those emails have been passed to the appropriate staff member to be addressed.

7. PUBLIC HEARINGS

- (a) Noticed Public Hearing on the proposed real property tax assessments in FY 2019-20 for the Diablo Estates at Clayton Benefit Assessment District (BAD), and consider the adoption of the Resolution setting, ordering and levying the annual assessments.

City Engineer Scott Alman presented the staff report. Mr. Alman advised there was an error in the public notice that was mailed out noting the correct annual levy assessment is 4.00% maximum adjustment.

Following questions by the City Council, Mayor Catalano opened the item to Public Comment; no comments were provided.

Vice Mayor Pierce requested this item be corrected and brought back to City Council at a future date.

Assistant to the City Manager Laura Hoffmeister added in past the subcontractor provided information to each property owner of the outcome of each inspection performed in that area. She also noted action would have to be taken this evening.

It was moved by Vice Mayor Pierce, seconded by Councilmember Diaz, to adopt Resolution No. 35-2019 confirming the levying of assessments for the operation and maintenance of improvements within the Diablo Estates at Clayton Benefit

Assessment District for Fiscal Year 2019-20 reflecting a maximum 4.00% increase per lot. (Passed; 5-0 vote).

8. ACTION ITEMS

- (a) Consider a Resolution approving an Employment Agreement for Interim City Manager services between the City of Clayton and Joseph A. Sbranti.

Mayor Catalano presented the report.

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

It was moved by Councilmember Diaz, seconded by Vice Mayor Pierce, to adopt Resolution No. 36-2019 approving the Employment Agreement and appointing Joseph A. Sbranti as the Clayton Interim City Manager effective 29- July 2019. (Passed; 5-0 vote).

- (b) Consideration and discussion of Vice Mayor's status report on the Contra Costa Transportation Authority (CCTA's) potential new Transportation Expenditure Plan for the March 2020 ballot.

Vice Mayor Pierce presented the report.

Following questions by the City Council, Mayor Catalano opened the item to public comments; no comments were provided.

No action was taken on this item.

9. COUNCIL ITEMS

Councilmember Wan requested reconsideration on preparation of the minutes by providing more detailed information in a less time consuming manner.

10. CLOSED SESSION – None.

- 11. ADJOURNMENT– on call by Mayor Catalano, the City Council adjourned its meeting at 8:54 p.m.**

The next regularly scheduled meeting of the City Council will be August 20, 2019.
(as the regularly-scheduled meeting on August 6, 2019 was previously canceled by Council action).

#

Respectfully submitted,

Janet Calderon, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL

Tuija Catalano, Mayor

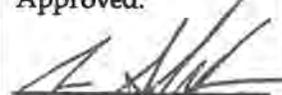
#



Agenda Date: 08/20/19

Agenda Item: 3b

Approved:


Joe Sbranti
City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: JENNIFER GIANTVALLEY, ACCOUNTING TECHNICIAN

DATE: 08/20/2019

SUBJECT: FINANCIAL DEMANDS AND OBLIGATIONS OF THE CITY

RECOMMENDATION:

It is recommended the City Council, by minute motion, approve the financial demands and obligations of the City for the purchase of services and goods in the ordinary course of operations.

Report Title	Description	Amount
Open Invoice Report	Obligations paid via check prior to meeting	\$ 92,456.89
Open Invoice Report	Obligations paid via check	142,072.57
ACH/EFT Activity	Non-check payments for 7/12/19-8/12/19	<u>655,131.37</u>
	Total Required	\$ <u>889,660.83</u>

Attachments:

1. Open Invoice Report, dated 8/2/19 (1 page)
2. Open Invoice Report, dated 8/12/19 (7 pages)
3. ACH/EFT Activity Report (1 page)

Bank Register Report - B of A-Checking - B of A-Checking - B of A-Checking

Transaction Number	Source	Transaction Type	Transaction Date	Reference	Deposits	Payments	Running Total	Post Date	Status
34986	Accounts Payable	Computer Check	8/2/2019	Best Best & Kreiger LLP	\$0.00	\$9,090.00	(\$9,090.00)	8/2/2019	Outstanding
34987	Accounts Payable	Computer Check	8/2/2019	Big O Tires	\$0.00	\$460.50	(\$9,550.50)	8/2/2019	Outstanding
34988	Accounts Payable	Computer Check	8/2/2019	Contra Costa Water District	\$0.00	\$56,462.67	(\$66,013.17)	8/2/2019	Outstanding
34989	Accounts Payable	Computer Check	8/2/2019	Comcast Business (PD)	\$0.00	\$937.06	(\$66,950.23)	8/2/2019	Outstanding
34990	Accounts Payable	Computer Check	8/2/2019	Dillon Electric Inc	\$0.00	\$337.50	(\$67,287.73)	8/2/2019	Outstanding
34991	Accounts Payable	Computer Check	8/2/2019	Stanley P Konopka, Jr	\$0.00	\$2,050.00	(\$69,337.73)	8/2/2019	Outstanding
34992	Accounts Payable	Computer Check	8/2/2019	G.N. Henley, Inc	\$0.00	\$4,985.93	(\$74,323.66)	8/2/2019	Outstanding
34993	Accounts Payable	Computer Check	8/2/2019	J & R Floor Services	\$0.00	\$4,970.00	(\$79,293.66)	8/2/2019	Outstanding
34994	Accounts Payable	Computer Check	8/2/2019	Matrix Association Management	\$0.00	\$4,532.50	(\$83,826.16)	8/2/2019	Outstanding
34995	Accounts Payable	Computer Check	8/2/2019	Resource Environmental, Inc	\$0.00	\$2,443.25	(\$86,269.41)	8/2/2019	Outstanding
34996	Accounts Payable	Computer Check	8/2/2019	Riso Products of Sacramento	\$0.00	\$106.09	(\$86,375.50)	8/2/2019	Outstanding
34997	Accounts Payable	Computer Check	8/2/2019	TruGreen & Action Pest Control	\$0.00	\$255.00	(\$86,630.50)	8/2/2019	Outstanding
34998	Accounts Payable	Computer Check	8/2/2019	Verizon Wireless	\$0.00	\$262.51	(\$86,893.01)	8/2/2019	Outstanding
34999	Accounts Payable	Computer Check	8/2/2019	West Coast Surfacing, LLC	\$0.00	\$1,050.00	(\$87,943.01)	8/2/2019	Outstanding
35000	Accounts Payable	Computer Check	8/2/2019	Western Exterminator	\$0.00	\$427.00	(\$88,370.01)	8/2/2019	Outstanding
35001	Accounts Payable	Computer Check	8/2/2019	Workers.com	\$0.00	\$4,086.88	(\$92,456.89)	8/2/2019	Outstanding

Summary by Transaction Type

Total Deposits	\$0.00
Less Payments by Transaction Type:	
Computer Check	(\$92,456.89)
Total Payments:	(\$92,456.89)
Adjustments:	
Payment Adjustments	\$0.00
Deposit Adjustments	\$0.00
Total Adjustments:	\$0.00
Total Change in Register Balance:	(\$92,456.89)

City of Clayton Open Invoice Report Check Payments

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Caltronics Business Systems, Inc	8/20/2019	8/20/2019	2825797	Copier contract overage 6/30/19-7/29/19	\$342.06	\$0.00		\$342.06
<i>Totals for Caltronics Business Systems, Inc:</i>					<i>\$342.06</i>	<i>\$0.00</i>		<i>\$342.06</i>
CCC Sheriff - LETC								
CCC Sheriff - LETC	8/20/2019	8/20/2019	5/11/20-5/15/20	Traffic collision investigation training	\$1,224.00	\$0.00		\$1,224.00
<i>Totals for CCC Sheriff - LETC:</i>					<i>\$1,224.00</i>	<i>\$0.00</i>		<i>\$1,224.00</i>
Cintas Corporation								
Cintas Corporation	8/20/2019	8/20/2019	4026588266	PW uniforms through 7/25/19	\$48.88	\$0.00		\$48.88
Cintas Corporation	8/20/2019	8/20/2019	4027056026	PW uniforms through 8/1/19	\$48.88	\$0.00		\$48.88
Cintas Corporation	8/20/2019	8/20/2019	4026118965	PW uniforms through 7/18/19	\$48.88	\$0.00		\$48.88
<i>Totals for Cintas Corporation:</i>					<i>\$146.64</i>	<i>\$0.00</i>		<i>\$146.64</i>
City of Brentwood								
City of Brentwood	8/20/2019	8/20/2019	080119	Mayors' Conference 8/1/19	\$55.00	\$0.00		\$55.00
<i>Totals for City of Brentwood:</i>					<i>\$55.00</i>	<i>\$0.00</i>		<i>\$55.00</i>
City of Concord								
City of Concord	8/20/2019	8/20/2019	78916	Dispatch services for July	\$23,256.11	\$0.00		\$23,256.11
City of Concord	8/20/2019	8/20/2019	78915	PD vehicle maintenance for June 2019	\$482.90	\$0.00		\$482.90
<i>Totals for City of Concord:</i>					<i>\$23,739.01</i>	<i>\$0.00</i>		<i>\$23,739.01</i>
Clayton Valley/Concord Sunrise Rotary Club								
Clayton Valley/Concord Sunrise Rotary Club	8/20/2019	8/20/2019	070419	EH deposit refund minus rental fee 7/4/19	\$375.00	\$0.00		\$375.00
<i>Totals for Clayton Valley/Concord Sunrise Rotary Club:</i>					<i>\$375.00</i>	<i>\$0.00</i>		<i>\$375.00</i>
Cole Supply Company								
Cole Supply Company	8/20/2019	8/20/2019	w337055	Paper towels, rags	\$112.06	\$0.00		\$112.06
Cole Supply Company	8/20/2019	8/20/2019	w337055-1	Cleaning rags	\$25.70	\$0.00		\$25.70
<i>Totals for Cole Supply Company:</i>					<i>\$137.76</i>	<i>\$0.00</i>		<i>\$137.76</i>
Concord Garden Equipment								
Concord Garden Equipment	8/20/2019	8/20/2019	579771	Grinding stones	\$30.45	\$0.00		\$30.45
Concord Garden Equipment	8/20/2019	8/20/2019	579770	Oil, files	\$57.95	\$0.00		\$57.95
<i>Totals for Concord Garden Equipment:</i>					<i>\$88.40</i>	<i>\$0.00</i>		<i>\$88.40</i>
Concord Uniforms								
Concord Uniforms	8/20/2019	8/20/2019	15618	PD armor vest	\$1,191.85	\$0.00		\$1,191.85
Concord Uniforms	8/20/2019	8/20/2019	15619	PD armor vest	\$1,191.85	\$0.00		\$1,191.85
Concord Uniforms	8/20/2019	8/20/2019	15694	PD rain jacket	\$236.40	\$0.00		\$236.40
<i>Totals for Concord Uniforms:</i>					<i>\$2,620.10</i>	<i>\$0.00</i>		<i>\$2,620.10</i>
Contra Costa County - Office of the Sheriff								
Contra Costa County - Office of the Sheriff	6/30/2019	6/30/2019	CLPD-219	Blood withdrawals April-June 2019	\$205.80	\$0.00		\$205.80
Contra Costa County - Office of the Sheriff	6/30/2019	6/30/2019	CLPD-1906	Toxicology for June 2019	\$150.00	\$0.00		\$150.00

City of Clayton Open Invoice Report Check Payments

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
<i>Totals for Contra Costa County - Office of the Sheriff:</i>					\$355.80	\$0.00		\$355.80
Contra Costa County Employment & Human Services								
Contra Costa County Employment & Hu	8/20/2019	8/20/2019	CIC FY 19	Children's Interview Center FY 20	\$500.00	\$0.00		\$500.00
<i>Totals for Contra Costa County Employment & Human Services:</i>					\$500.00	\$0.00		\$500.00
Contra Costa County Law & Justice Systems								
Contra Costa County Law & Justice Sys	8/20/2019	6/30/2019	LJIS 19-Cty	ACCJIN Shared costs FY 19	\$2,058.06	\$0.00		\$2,058.06
<i>Totals for Contra Costa County Law & Justice Systems:</i>					\$2,058.06	\$0.00		\$2,058.06
Contra Costa County Library Administration								
Contra Costa County Library Administr	6/30/2019	6/30/2019	Q4 FY19	Additional library hours Q4 FY 19.	\$1,695.50	\$0.00		\$1,695.50
<i>Totals for Contra Costa County Library Administration:</i>					\$1,695.50	\$0.00		\$1,695.50
Contra Costa County Public Works Dept								
Contra Costa County Public Works Dept	6/30/2019	6/30/2019	702577	Traffic signal maintenance for June 2019	\$5,353.98	\$0.00		\$5,353.98
Contra Costa County Public Works Dept	8/20/2019	8/20/2019	702577	Traffic signal maintenance for July 2019	\$4,565.40	\$0.00		\$4,565.40
<i>Totals for Contra Costa County Public Works Dept:</i>					\$9,919.38	\$0.00		\$9,919.38
Cornell Roofing Co								
Cornell Roofing Co	8/20/2019	8/20/2019	BP96-19	C&D refund for 421. Zinfandel Cir	\$2,000.00	\$0.00		\$2,000.00
<i>Totals for Cornell Roofing Co:</i>					\$2,000.00	\$0.00		\$2,000.00
CPS HR Consulting								
CPS HR Consulting	8/20/2019	8/20/2019	INV365499	HR recruiting	\$5,128.76	\$0.00		\$5,128.76
<i>Totals for CPS HR Consulting:</i>					\$5,128.76	\$0.00		\$5,128.76
CR Fireline, Inc								
CR Fireline, Inc	8/20/2019	8/20/2019	115125	EH fire sprinkler inspection	\$375.00	\$0.00		\$375.00
CR Fireline, Inc	8/20/2019	8/20/2019	115124	CH fire sprinkler inspection	\$375.00	\$0.00		\$375.00
CR Fireline, Inc	8/20/2019	8/20/2019	115126	Library fire sprinkler inspection	\$375.00	\$0.00		\$375.00
<i>Totals for CR Fireline, Inc:</i>					\$1,125.00	\$0.00		\$1,125.00
Cropper Accountancy Corp								
Cropper Accountancy Corp	8/20/2019	8/20/2019	1717	1st progress billing for FY 19 Audit	\$5,150.00	\$0.00		\$5,150.00
<i>Totals for Cropper Accountancy Corp:</i>					\$5,150.00	\$0.00		\$5,150.00
Dillon Electric Inc								
Dillon Electric Inc	8/20/2019	8/20/2019	3958	Streetlight repairs 7/31/19	\$932.26	\$0.00		\$932.26
<i>Totals for Dillon Electric Inc:</i>					\$932.26	\$0.00		\$932.26
Economic & Planning Systems, Inc								
Economic & Planning Systems, Inc	6/30/2019	6/30/2019	181082-9	Affordable housing svcs for June 2019	\$1,828.75	\$0.00		\$1,828.75
<i>Totals for Economic & Planning Systems, Inc:</i>					\$1,828.75	\$0.00		\$1,828.75
Extreme Clean								

City of Clayton Open Invoice Report Check Payments

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Extreme Clean	8/20/2019	8/20/2019	013482	EH kitchen deep cleaning	\$500.00	\$0.00		\$500.00
				<i>Totals for Extreme Clean:</i>	<u>\$500.00</u>	<u>\$0.00</u>		<u>\$500.00</u>
Future Auto Center of Concord								
Future Auto Center of Concord	8/20/2019	8/20/2019	350734	PD vehicle maintenance #1740	\$1,000.74	\$0.00		\$1,000.74
Future Auto Center of Concord	8/20/2019	8/20/2019	350152	PD vehicle maintenance #1742	\$222.14	\$0.00		\$222.14
Future Auto Center of Concord	8/20/2019	8/20/2019	350338	PD vehicle maintenance #1737	\$2,445.50	\$0.00		\$2,445.50
				<i>Totals for Future Auto Center of Concord:</i>	<u>\$3,668.38</u>	<u>\$0.00</u>		<u>\$3,668.38</u>
Globalstar LLC								
Globalstar LLC	8/20/2019	8/20/2019	10471875	Sat phone 6/16/19-7/15/19	\$108.40	\$0.00		\$108.40
				<i>Totals for Globalstar LLC:</i>	<u>\$108.40</u>	<u>\$0.00</u>		<u>\$108.40</u>
GreenTech Industry, Inc								
GreenTech Industry, Inc	8/20/2019	8/20/2019	3-R1	Change order charges for ADA doors	\$12,229.97	\$0.00		\$12,229.97
				<i>Totals for GreenTech Industry, Inc:</i>	<u>\$12,229.97</u>	<u>\$0.00</u>		<u>\$12,229.97</u>
Sarah Hadley O'Neil								
Sarah Hadley O'Neil	8/20/2019	8/20/2019	062219	EH deposit refund	\$500.00	\$0.00		\$500.00
				<i>Totals for Sarah Hadley O'Neil:</i>	<u>\$500.00</u>	<u>\$0.00</u>		<u>\$500.00</u>
Hammons Supply Company								
Hammons Supply Company	8/20/2019	8/20/2019	107371	EH janitorial supplies	\$343.11	\$0.00		\$343.11
Hammons Supply Company	8/20/2019	8/20/2019	107413	Library janitorial supplies	\$229.10	\$0.00		\$229.10
				<i>Totals for Hammons Supply Company:</i>	<u>\$572.21</u>	<u>\$0.00</u>		<u>\$572.21</u>
Harris & Associates, Inc.								
Harris & Associates, Inc.	8/20/2019	8/20/2019	41866	Engineering services 5/26/19-6/29/19	\$9,585.00	\$0.00		\$9,585.00
				<i>Totals for Harris & Associates, Inc.:</i>	<u>\$9,585.00</u>	<u>\$0.00</u>		<u>\$9,585.00</u>
Health Care Dental Trust								
Health Care Dental Trust	8/20/2019	8/20/2019	264494	Dental for September 2019	\$1,636.86	\$0.00		\$1,636.86
				<i>Totals for Health Care Dental Trust:</i>	<u>\$1,636.86</u>	<u>\$0.00</u>		<u>\$1,636.86</u>
ICMA Retirement Corporation								
ICMA Retirement Corporation	8/20/2019	8/20/2019	42961	457 plan fee Q1 FY 20	\$125.00	\$0.00		\$125.00
				<i>Totals for ICMA Retirement Corporation:</i>	<u>\$125.00</u>	<u>\$0.00</u>		<u>\$125.00</u>
Danielle Jackman								
Danielle Jackman	8/20/2019	8/20/2019	072819	EH deposit refund	\$500.00	\$0.00		\$500.00
				<i>Totals for Danielle Jackman:</i>	<u>\$500.00</u>	<u>\$0.00</u>		<u>\$500.00</u>
Jobs Available								
Jobs Available	8/20/2019	8/20/2019	1917007	Finance Manager ad	\$351.00	\$0.00		\$351.00
				<i>Totals for Jobs Available:</i>	<u>\$351.00</u>	<u>\$0.00</u>		<u>\$351.00</u>

City of Clayton Open Invoice Report Check Payments

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
JV Lucas Paving, Inc								
JV Lucas Paving, Inc	6/30/2019	6/30/2019	10JUN19-3-INV-A	Asphalt repair @ Peacock Creek	\$6,855.00	\$0.00		\$6,855.00
				<i>Totals for JV Lucas Paving, Inc:</i>	<u>\$6,855.00</u>	<u>\$0.00</u>		<u>\$6,855.00</u>
LarryLogic Productions								
LarryLogic Productions	8/20/2019	8/20/2019	1826	City council meeting production 7/16/19	\$420.00	\$0.00		\$420.00
				<i>Totals for LarryLogic Productions:</i>	<u>\$420.00</u>	<u>\$0.00</u>		<u>\$420.00</u>
LEHR								
LEHR	8/20/2019	8/20/2019	SI32781	Replace battery, #1734	\$444.96	\$0.00		\$444.96
				<i>Totals for LEHR:</i>	<u>\$444.96</u>	<u>\$0.00</u>		<u>\$444.96</u>
Neopost Northwest								
Neopost Northwest	8/20/2019	8/20/2019	N7823684	Postage machine lease 5/16/19-8/15/19	\$510.81	\$0.00		\$510.81
				<i>Totals for Neopost Northwest:</i>	<u>\$510.81</u>	<u>\$0.00</u>		<u>\$510.81</u>
Crizaline Nueve								
Crizaline Nueve	8/20/2019	8/20/2019	070619	EH deposit refund minus extra hour	\$276.00	\$0.00		\$276.00
				<i>Totals for Crizaline Nueve:</i>	<u>\$276.00</u>	<u>\$0.00</u>		<u>\$276.00</u>
Nutrien Ag Solutions								
Nutrien Ag Solutions	8/20/2019	8/20/2019	40052827	Fertilizer	\$2,078.40	\$0.00		\$2,078.40
				<i>Totals for Nutrien Ag Solutions:</i>	<u>\$2,078.40</u>	<u>\$0.00</u>		<u>\$2,078.40</u>
Margaret Oae-Inaki								
Margaret Oae-Inaki	8/20/2019	8/20/2019	062919	EH deposit refund	\$500.00	\$0.00		\$500.00
				<i>Totals for Margaret Oae-Inaki:</i>	<u>\$500.00</u>	<u>\$0.00</u>		<u>\$500.00</u>
Raney Planning & Management, Inc.								
Raney Planning & Management, Inc.	8/20/2019	8/20/2019	1836E-6	Sr housing project svcs for June 2019	\$1,524.31	\$0.00		\$1,524.31
				<i>Totals for Raney Planning & Management, Inc.:</i>	<u>\$1,524.31</u>	<u>\$0.00</u>		<u>\$1,524.31</u>
Riso Products of Sacramento								
Riso Products of Sacramento	8/20/2019	8/20/2019	198213	Copier lease pmt 29 of 60	\$106.09	\$0.00		\$106.09
Riso Products of Sacramento	8/20/2019	8/20/2019	197965	Copier usage 6/20-19-7/19/19	\$16.29	\$0.00		\$16.29
				<i>Totals for Riso Products of Sacramento:</i>	<u>\$122.38</u>	<u>\$0.00</u>		<u>\$122.38</u>
Scan Notoa								
Scan Notoa	8/20/2019	8/20/2019	10,100.19175	Scan annual dues FY 20	\$100.00	\$0.00		\$100.00
				<i>Totals for Scan Notoa:</i>	<u>\$100.00</u>	<u>\$0.00</u>		<u>\$100.00</u>
Site One Landscape Supply, LLC								
Site One Landscape Supply, LLC	8/20/2019	8/20/2019	93509889-001	Irrigation panel repairs	\$610.47	\$0.00		\$610.47
				<i>Totals for Site One Landscape Supply, LLC:</i>	<u>\$610.47</u>	<u>\$0.00</u>		<u>\$610.47</u>

City of Clayton Open Invoice Report Check Payments

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Sprint Comm (PD)								
Sprint Comm (PD)	8/20/2019	8/20/2019	703335311-212	Cell phones 6/26/19-7/25/19	\$733.42	\$0.00		\$733.42
				<i>Totals for Sprint Comm (PD):</i>	<u>\$733.42</u>	<u>\$0.00</u>		<u>\$733.42</u>
Staples Business Credit								
Staples Business Credit	8/20/2019	8/20/2019	1624973397	Office supplies for July 2019	\$89.09	\$0.00		\$89.09
				<i>Totals for Staples Business Credit:</i>	<u>\$89.09</u>	<u>\$0.00</u>		<u>\$89.09</u>
Stericycle Inc								
Stericycle Inc	8/20/2019	8/20/2019	3004762502	Medical waste disposal	\$111.16	\$0.00		\$111.16
				<i>Totals for Stericycle Inc:</i>	<u>\$111.16</u>	<u>\$0.00</u>		<u>\$111.16</u>
Swenson's Mobile Fleet Repair								
Swenson's Mobile Fleet Repair	8/20/2019	8/20/2019	1001275	Service to '07 F-450, PW	\$323.77	\$0.00		\$323.77
				<i>Totals for Swenson's Mobile Fleet Repair:</i>	<u>\$323.77</u>	<u>\$0.00</u>		<u>\$323.77</u>
Turf Star, Inc.								
Turf Star, Inc.	8/20/2019	8/20/2019	357525-00	Landscape tool parts	\$765.94	\$0.00		\$765.94
				<i>Totals for Turf Star, Inc.:</i>	<u>\$765.94</u>	<u>\$0.00</u>		<u>\$765.94</u>
United Site Services Inc								
United Site Services Inc	8/20/2019	8/20/2019	114-8779466	Porta potties for 4th of July parade	\$372.03	\$0.00		\$372.03
				<i>Totals for United Site Services Inc:</i>	<u>\$372.03</u>	<u>\$0.00</u>		<u>\$372.03</u>
Waraner Brothers Tree Service								
Waraner Brothers Tree Service	8/20/2019	8/20/2019	14788	Tree work @ Center St and @ OMC	\$2,025.00	\$0.00		\$2,025.00
Waraner Brothers Tree Service	8/20/2019	8/20/2019	14786	Tree work @ Stranahan	\$900.00	\$0.00		\$900.00
Waraner Brothers Tree Service	8/20/2019	8/20/2019	14787	Tree work @ Clayton Rd walking trail	\$2,475.00	\$0.00		\$2,475.00
Waraner Brothers Tree Service	8/20/2019	8/20/2019	14783	Tree work @ Marsh Creek/Stranahan	\$1,200.00	\$0.00		\$1,200.00
				<i>Totals for Waraner Brothers Tree Service:</i>	<u>\$6,600.00</u>	<u>\$0.00</u>		<u>\$6,600.00</u>
Wells Fargo Bank (Trustee Fees)								
Wells Fargo Bank (Trustee Fees)	8/20/2019	8/20/2019	1727797	Paying agent fee 8/7/19-8/6/20	\$500.00	\$0.00		\$500.00
				<i>Totals for Wells Fargo Bank (Trustee Fees):</i>	<u>\$500.00</u>	<u>\$0.00</u>		<u>\$500.00</u>
Workers.com								
Workers.com	8/20/2019	8/20/2019	125383	Seasonal workers week end 7/21/19	\$5,234.88	\$0.00		\$5,234.88
Workers.com	8/20/2019	8/20/2019	125324	Seasonal workers week end 7/14/19	\$5,602.24	\$0.00		\$5,602.24
Workers.com	8/20/2019	8/20/2019	125440	Seasonal workers week end 7/28/19	\$5,600.00	\$0.00		\$5,600.00
				<i>Totals for Workers.com:</i>	<u>\$16,437.12</u>	<u>\$0.00</u>		<u>\$16,437.12</u>
Zee Medical Company								
Zee Medical Company	8/20/2019	8/20/2019	724605050	PD organize, restock first aid cabinet	\$41.15	\$0.00		\$41.15
				<i>Totals for Zee Medical Company:</i>	<u>\$41.15</u>	<u>\$0.00</u>		<u>\$41.15</u>

City of Clayton
Open Invoice Report
Check Payments

GRAND TOTALS:	\$142,072.57	\$0.00	\$142,072.57
----------------------	---------------------	---------------	---------------------

City of Clayton

ACH / EFT Activity (Non-City Check Payments)

Recurring ACH/EFT payments covering the following timeframe: 7/12/2019 - 8/12/2019

For the City Council meeting dated: **8/20/2019**

The following is a detailed listing of automatic recurring and other ACH/EFT payments other than checks for the period immediately preceding the City Council meeting dated above.

Payee	Description	Service Period	Payment Date	Amount
American Fidelity	Employee other supplemental	July 2019	7/28/2019	\$ 703.26
American Fidelity	FSA/ dependent care contributions	PPE 7/14/19	7/22/2019	\$ 234.22
CalPERS	Pension plan contributions	PPE 7/14/19	7/18/2019	\$ 17,108.86
ICMA	457b plan contributions	PPE 7/14/19	7/18/2019	\$ 1,436.53
Nationwide	457b plan contributions	PPE 7/14/19	7/17/2019	\$ 500.00
Paychex	Payroll	PPE 7/14/19	7/16/2019	\$ 72,406.42
Paychex	Payroll taxes	PPE 7/14/19	7/17/2019	\$ 19,191.00
Paychex	Payroll processing fee	PPE 7/14/19	7/17/2019	\$ 212.30
American Fidelity	FSA/ dependent care contributions	PPE 7/28/19	7/31/2019	\$ 234.22
CalPERS	Pension plan contributions	PPE 7/28/19	7/31/2019	\$ 15,965.30
CalPERS	Pension plan contributions	Ending 7/24/19	7/26/2019	\$ 79.33
CalPERS	Penalty fee	n/a	8/1/2019	\$ 200.00
CalPERS	1959 Survivor benefits FY 19	FY 19	7/25/2019	\$ 432.40
CalPERS	1959 Survivor benefits FY 19	FY 19	7/25/2019	\$ 225.60
CalPERS	Unfunded Liability for FY 20	FY 20	7/31/2019	\$350,073.00
ICMA	457b plan contributions	PPE 7/28/19	8/1/2019	\$ 1,436.53
Nationwide	457b plan contributions	PPE 7/28/19	7/31/2019	\$ 500.00
Paychex	Payroll	PPE 7/28/19	7/30/2019	\$ 74,612.84
Paychex	Payroll taxes	PPE 7/28/19	7/31/2019	\$ 18,856.42
Paychex	Payroll processing fee	PPE 7/28/19	7/31/2019	\$ 194.69
Authorize.net	Online payment gateway	July 2019	8/2/2019	\$ 30.10
CalPERS	Employee health premiums	August 2019	8/12/2019	\$ 25,788.18
Comcast	Internet service	7/10/19-8/9/19	8/5/2019	\$ 386.09
De Lage Landen	Copier lease	6/15/19-7/14/19	7/15/2019	\$ 304.59
Paysafe	Merchant services OTC	July 2019	8/1/2019	\$ 186.52
Paysafe	Merchant services HdL	July 2019	8/1/2019	\$ 423.65
PG&E	Gas and electricity	6/19/19-7/18/19	8/5/2019	\$ 5,328.91
PG&E	Gas and electricity	6/17/19-7/16/19	8/6/2019	\$ 20,179.67
US Bank	Employee procurement cards	Stmt end 7/22/19	8/12/2019	\$ 11,525.26
US Bank	Employee procurement cards	Stmt end 6/24/19	7/15/2019	\$ 16,351.48
Bank of America	Returned check fee	Returned check	7/19/2019	\$ 12.00
Bank of America	Returned check fee	Returned check	8/1/2019	\$ 12.00

Total ACH / EFT Activity (other than checks) \$655,131.37



Agenda Date: 8-20-2019

Agenda Item: 8c

Approved:


Joseph A. Sbranti
Interim City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Laura Hoffmeister, Asst. to the City Manager 

MEETING DATE: August 20, 2019

SUBJECT: City Response to Civil Grand Jury Report No. 1907 "Stormwater Trash Reduction", pursuant to *California Government Code Section 933.5(a)*

RECOMMENDATION

It is recommended the City Council consider the prepared City response regarding Civil Grand Jury Report No. 1907, "Stormwater Trash Reduction"; and subject to any Council modifications to the proposed response, by Consent Calendar minute motion approve Attachment A as the City's official response and authorize Mayor Catalano to sign the official cover letter.

BACKGROUND

A Civil Grand Jury is commissioned annually in Contra Costa County to investigate city and county governments, special districts and certain non-profit corporations to ensure functions are performed in a lawful, economical and efficient manner. Pursuant to *California Government Code Section 933.5(a)*, whenever a civil grand jury issues a report that involves matters within a particular municipality's jurisdiction or area of responsibility, the respective city is required to respond in writing and in accord with a specific response format.

On June 4, 2019, the FY 2018-19 Civil Grand Jury of Contra Costa County released a Report directed to all nineteen cities within the County. Report No. 1907 researched the issue of Stormwater Trash Reduction, an unfunded mandate established by the SF Regional Water Quality Control Board Municipal Regional Permit 2.0. This permit covers all Cities, Counties and Flood Control Districts in the bay area, including Contra Costa. The SF Regional Water Control Board is the entity which establishes permit conditions, monitoring and reporting, including the information and format that is to be submitted to them annually.

Civil Grand Jury Report No. 1907 concluded with nine (9) Findings and four (4) Recommendations requiring structured responses by each of the listed respondents. Attached are staffs recommended responses and a draft letter for the City Council to consider and approve constituting our City's official response to Civil Grand Jury Report No. 1907. The City's response to this particular Report is due by September 6, 2019. As noted on page 13 of the Report, our City's response is limited to Findings Nos. 1, 3, 6, and 9 coupled with replies to Recommendations Nos. 2, 3, and 4.

Subject: City Response to Civil Grand Jury Report No. 1907 "Stormwater Trash Reduction", pursuant to California Government Code Section 933.5(a)

Meeting Date: August 20, 2019

Page 2 of 2

FISCAL IMPACT

None directly. However, there are certainly indirect staff costs and direct time incurred in responding to Civil Grand Jury Reports, Findings and Recommendations.

Attachments:

- A). Proposed City Response and Cover Letter [4 pp.]
- B). Civil Grand Jury Report No. 1907 with accompanying Cover Letter [16 pp.]



COMMUNITY
DEVELOPMENT (925) 673-7340
ENGINEERING (925) 969-8181

6000 HERITAGE TRAIL • CLAYTON, CALIFORNIA 94517-1250
TELEPHONE (925) 673-7300 FAX (925) 672-4917

City Council
TUIJA I. CATALANO, *MAYOR*
JULIE PIERCE, *VICE MAYOR*
JIM DIAZ, *COUNCILMEMBER*
JEFF WAN, *COUNCILMEMBER*
CARL C.W. WOLFE, *COUNCILMEMBER*

August 23, 2019

VIA U.S. REGULAR MAIL AND
REQUESTED EMAIL TO: ctadmin@contracosta.courts.ca.gov

Richard S. Nakano, Foreperson
Civil Grand Jury 2018-19, County of Contra Costa
725 Court Street
P.O. Box 431
Martinez, CA 94553-0091

Re: City Response to Civil Grand Jury Report No. 1907

Dear Mr. Nakano:

Pursuant to a cover letter dated June 4, 2019 addressed to members of the Clayton City Council that transmitted a copy of the Civil Grand Jury's Report No. 1907, "Stormwater Trash Reduction," attached as required by applicable law is the City of Clayton's official response. This response was reviewed and authorized by the Clayton City Council at its public meeting held on August 20, 2019.

We appreciate the Civil Grand Jury's efforts in examining this subject.

Sincerely,

DRAFT

Tuija Catalano
Mayor

Attachment: 1. City Reply to Civil Grand Jury Report No. 1907 [3 pp.]

cc: Honorable Clayton City Council Members
Honorable Anita Santos, Judge of the Superior Court

ATTACHMENT A

CITY OF CLAYTON RESPONSE TO
CIVIL GRAND JURY REPORT NO.1907
"Stormwater Trash Reduction"

2018-19 CONTRA COSTA COUNTY CIVIL GRAND JURY

The City of Clayton, California provides the following response to Civil Grand Jury Report No. 1907, "Stormwater Trash Reduction", issued by the 2018-19 Civil Grand Jury of Contra Costa County, California, June 4, 2019. Pursuant to page 13 of the Report, this City is required to respond to Finding Nos. 1, 3, 6 and 9; and Recommendations Nos. 2, 3 and 4, adhering to format guidelines prescribed by the California Penal Code (Section 933.05).

FINDINGS

1. *The 2015 Municipal Regional Stormwater Permit requires most of the cities, towns, and the County to take action to reduce trash discharges by 80%, from 2009 baseline levels, by July 1, 2019.*

City Response

The City of Clayton agrees with this Finding. The City of Clayton notes it has taken prior actions and has exceeded the 80% reduction goal and has achieved a 99% reduction in trash discharges in FY 2014/15, years in advance of the deadlines.

3. *Using the formula prescribed in the Permit, Brentwood, Clayton, Concord, Danville, El Cerrito, Lafayette, Martinez, Moraga, Orinda, Pittsburg, Richmond, San Pablo, San Ramon, and Walnut Creek report that they have already reached their July 1, 2019 trash reduction goals.*

City Response

The City of Clayton agrees with this Finding. The City of Clayton has achieved a 99 % reduction in its trash reduction goal in FY 2014/15, years in advance of the deadline.

6. *Both the CCCWP and LAFCO report that unfunded federal and state mandated stormwater permit compliance programs are a challenge for cities, towns and the County.*

City Response

The City of Clayton agrees with this Finding.

9. *No narrative summary of the accomplishments, challenges, costs, and funds needed to fully comply with the Permit is provided in the required annual reports prepared by CCCWP, the County, and each city and town.*

City Response

The City of Clayton agrees with this Finding.

#

RECOMMENDATIONS

- 2. The City/Town Councils of Antioch, Brentwood, Clayton, Danville, Moraga, Oakley, Orinda, Pleasant Hill, and San Ramon should consider limiting the use of Styrofoam containers in their communities by June 30, 2020.*

City Response

The recommendation will not be implemented because it is not warranted or is not reasonable.

The City of Clayton through other actions has achieved a 99% reduction in its trash reduction goal in FY 2014/15. The implementation of a local ordinance would not modify or improve our already achieved compliance. The City of Clayton does not have many establishments that have such items, and does not have the staff resources to undertake establishing and enforcing a local ordinance which would be required. The City is monitoring state wide legislative efforts as we feel this is a better approach, similar to the state wide plastic bag ban, as these items also come from sources/locations outside of our city limits.

- 3. The Board of Supervisors and all City/Town Councils should consider directing staff to provide a concise summary of their Annual Reports, citing their accomplishments, challenges, costs, and funds needed to fully comply with the Permit, by December 31, 2019.*

City Response

The recommendation will not be implemented because it is not warranted or is not reasonable.

The City of Clayton already includes a narrative summary in its Fiscal Year Annual Budget covering accomplishments, challenges, costs, and future funds needed to comply with the Permit regulations, and it is included with the annual ERU levy report to the City Council. The SF Regional Water Quality Control Board establishes and prescribes the format and information for the Annual Reports. We are required to use their agreed to format. The Water Board eliminated the narrative summary information years ago as they divide up the permit sections to different Water Board staff to review and thus any summary is required to be provided by each section. Accomplishments on municipal operations are reported in section C-2, and the trash load reduction are reported in Section C-10 of the Annual Report.

- 4. The Board of Supervisors and all City/Town Councils should consider identifying additional revenue sources to fully fund Permit requirements in order to comply with the Permit and avoid potential liability, by June 30, 2020.*

City Response

The recommendation has been implemented.

The City currently is in compliance with the Permit. In the FY 19/20 City Budget, presented at the June 4, 2019 City Council meeting, information was conveyed regarding the unfunded mandate, funding constraints and options related to MRP permit compliance. Included was a new or increased future funding source will be needed, and would require

new state legislation, or property owner/voter approval for increased parcel fee or taxes, or use of its general fund with reduction in other non-mandated city services. This information was also provided at the City Council's January 15, 2019 and April 16, 2019 meetings.

Since the City reached its stormwater ERU parcel levy cap nineteen (19) years ago there have been 512 additional permit requirements mandated by the SF Regional Water Board, plus an annual State permit fee of apx. \$10,000 with no increase in revenue to offset the associated costs.

Since other members of the Clean Water Program have costs exceeding available revenue available from the ERU rate, a cost/revenue analysis was undertaken by the Clean Water Program to evaluate possible additional funding mechanisms for the added requirements of the MRP. The Clean Water Program attempted three times the pursuit of legislation to add stormwater to the definitions of other utilities such as sewer and water, however was not successful. It was after these state wide attempts failed, and the continuing increased requirements, that led to the undertaking of a new or increased levy rates. Since a Proposition 218 property owner approval action can increase the levied rates, the City Council authorized participation in a region wide Proposition 218 ballot in 2012 to establish increase levy revenues; unfortunately this measure did not pass (59% - No).

As other cities in the state are experiencing similar funding constraints, state legislation has been and continues to be pursued for new stormwater revenues. Although SB 231 did allow for consideration by the voters through a Prop. 218 process to address some Stormwater improvements; the legislation did not fully rectify the needs of local cities as it related to the permit mandates.

The City has and continues to work with other cities on a statewide basis to encourage and propose state legislation on stormwater funding options, as well as working regionally to reduce the number and cost of future permit regulations and State permit fees and evaluate options for revenue sources to fully fund permit requirements.

#####

Grand Jury

Contra Costa County

725 Court Street
P.O. Box 431
Martinez, CA 94553-0091

June 4, 2019



City of Clayton
6000 Heritage Trail
Clayton, CA 94517

RECEIVED

JUN 08 2019

City of Clayton

Dear City of Clayton:

Attached is a copy of Grand Jury Report No. 1907, "Stormwater Trash Reduction" by the 2018-2019 Contra Costa Grand Jury.

In accordance with California Penal Code Section 933 et seq., we are submitting this report to you as the officer, agency or department responsible for responding to the report. As the responding person or person responding on behalf of an entity, you shall report one of the following actions in respect to each finding:

- (1) You agree with the finding.
- (2) You disagree with the finding.
- (3) You partially disagree with the finding.

(Pen. Code, § 933.05(a).) In the cases of both (2) and (3) above, you shall specify the portion of the finding that is disputed, and shall include an explanation of the reasons thereof.

In addition, Section 933.05(b) requires you to reply to each recommendation by stating one of the following actions:

1. The recommendation has been implemented, with a summary describing the implemented action.
2. The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
3. The recommendation requires further analysis. This response should explain the scope and parameters of the analysis or study, and a time frame for the matter to be prepared for discussion. This time frame shall not exceed six months from the date of the publication of the Grand Jury Report.
4. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation thereof.

ATTACHMENT B

After reviewing your response to ensure that it includes the above-noted mandated items, please send (1) a hard copy of the response to the Grand Jury at P.O. Box 431, Martinez, CA 94553; and (2) a copy in Word by e-mail to ctadmin@contracosta.courts.ca.gov. Your response must be submitted to the Grand Jury, in the form described by the above-quoted Government Code, no later than **September 6, 2019**.

Finally, please note that this report is being provided to you at least two working days before it is released publicly. Section 933.05 specifies that no officer, agency, department or governing body of a public agency shall disclose any contents of the report prior to its public release.

Please immediately confirm receipt of this letter and the attached report by responding via e-mail to ctadmin@contracosta.courts.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard S. Nakano". The signature is fluid and cursive, written over a light blue horizontal line.

Richard S Nakano, Foreperson
2018-2019 Contra Costa County Civil Grand Jury

cc: Garry A. Napper, City Manager

A REPORT BY
THE 2018-2019 CONTRA COSTA COUNTY GRAND JURY
725 Court Street
Martinez, California 94553

Report 1907

Stormwater Trash Reduction

Are We Doing All That We Can?

APPROVED BY THE GRAND JURY

Date MAY 22, 2019



RICHARD S. NAKANO
GRAND JURY FOREPERSON

ACCEPTED FOR FILING

Date MAY 23 2019



ANITA SANTOS
JUDGE OF THE SUPERIOR COURT

Contact: Richard S. Nakano
Foreperson
925-522-6941

Contra Costa County Grand Jury Report 1907

Stormwater Trash Reduction

Are We Doing All That We Can?

**TO: Contra Costa County Board of Supervisors;
City/Town Councils of: Antioch, Brentwood, Clayton, Concord,
Danville, El Cerrito, Hercules, Lafayette, Martinez, Moraga,
Oakley, Orinda, Pinole, Pittsburg, Pleasant Hill, Richmond,
San Pablo, San Ramon, Walnut Creek**

SUMMARY

What is being done about the discarded paper, plastics, and other unwanted junk that ends up along our local streets, freeways, and public areas? This trash is polluting our local creeks, rivers, the San Francisco Bay, and the ocean itself. Is anything being done to fix this regional problem that has global implications? What more can we do as citizens, cities, and Contra Costa County (the County) to help keep our waterways clean?

The federal Clean Water Act, as amended by the Water Quality Act of 1987, requires permits for stormwater discharges from municipal systems to prevent stormwater from washing harmful pollutants into waterways. Under the Clean Water Act, these discharges are considered to be significant contributors of pollutants to waters of the United States. Discharges from stormwater systems operated by the County and each of its 19 cities and towns are also subject to the requirements of the Clean Water Act.

The Clean Water Act is enforced locally by the San Francisco Regional Water Quality Control Board (Water Board) through a Municipal Regional Stormwater Permit (Permit), issued in 2015. This Permit requires Contra Costa County and its cities and towns, along with other cities and the counties of Alameda, San Mateo, and Santa Clara, to reduce trash discharged from their storm sewers. Under the Permit, cities, towns, and counties are required to reduce their trash discharged by storm sewers by 80% from 2009 base levels by July 1, 2019. Cities and counties are required to prepare detailed

annual reports that document their trash abatement performance.

Cities, towns, and the County get credit toward their percent trash reduction by reducing the amount of trash discharged from their storm sewer systems. They accomplish this primarily by installing and maintaining trash capture devices which separate trash from entering a stormwater system and waterways. They can also take steps to control trash at its source by limiting businesses from providing plastic straws, plastic bags, and/or Styrofoam cups, bowls, plates, takeout containers, and serving trays. For these source control programs, there is a maximum of 10% credit available under the Permit.

The California Department of Transportation (Caltrans) also owns, operates, and maintains significant storm sewer systems within the County. Under a separate permit, Caltrans is also required to implement control measures in all of its high-trash-generating areas. These include freeways and ramps in high density residential, commercial, and industrial areas. The Water Board recently issued an enforcement order against Caltrans to increase its trash cleanup efforts on Bay Area highways, or face heavy fines.

This report examines how the County, its cities, and towns are performing with regard to the Permit's trash reduction goals. Our investigation revealed that most of the cities and towns in the County are on target to achieve the 80% trash reduction goal.

The cities of Hercules and Pinole are underperforming toward achieving this 80% goal. The Grand Jury recommends that the cities of Hercules and Pinole consider taking steps to improve performance to comply with required trash reduction goals by installing trash capture devices and instituting source control programs.

The Grand Jury also recommends that cities, towns, and the County consider publishing annual reports in summary form, citing accomplishments and challenges, including the costs and funds needed to comply with the Permit requirements. One solution is to prevent the generation of pollution at its source. This includes limiting the use of Styrofoam cups, bowls, plates, and takeout containers.

Cities, towns, and the County should consider identifying additional revenue sources to fully fund Permit requirements in order to comply with the Permit and avoid potential liability.

METHODOLOGY

In the course of its investigation, the Grand Jury:

- Examined how the County and its cities and towns are performing with regard to their trash reduction mandates
- Explored how Permit compliance information is communicated to the citizens and elected officials in Contra Costa County

- Interviewed staff from: Contra Costa Clean Water Program, Contra Costa County Public Works, and selected cities
- Interviewed representatives from an environmental Non-governmental Organization, and the Water Board
- Reviewed stormwater permits, reports, and documents
- Reviewed information available on the Contra Costa Clean Water Program website (www.cccleanwater.org)
- Reviewed media reports

BACKGROUND

Federal and State Stormwater Regulations

The 1972 Federal Water Pollution Control Act (the Clean Water Act) regulates water quality standards for all public and private wastewater discharges into waterways. These water quality standards are set using National Pollutant Discharge Elimination System (NPDES) permits which regulate waste discharges into waters of the United States. In 1987, the Clean Water Act was amended and expanded to include stormwater discharges from municipal-owned/operated storm drains. In 1990, NPDES stormwater permit application requirements for municipal stormwater discharges were established by the U.S. Environmental Protection Agency.

In California, the federal NPDES permit program is administered and enforced by the State Water Resources Control Board through nine Regional Water Quality Control Boards. These water boards issue permits to prevent stormwater from washing harmful pollutants into waterways. Permits are updated and reissued approximately every five years. The first county-wide stormwater permits were issued in the early 1990s.

Contra Costa Clean Water Program

In 1991, in response to the expanded Federal and State stormwater regulations, the County, its cities, and towns established the Contra Costa Clean Water Program (CCCWP). Its purpose is to provide a uniform approach to address Water Board permit requirements and implement activities jointly carried out by the cities, towns, and the County.

The CCCWP comprises Contra Costa County, 19 cities and towns, and the Contra Costa County Flood Control and Water Conservation District. These are:

- Contra Costa County Flood Control and Water Conservation District
- Clayton
- Hercules
- Orinda
- Pleasant Hill
- San Ramon
- Town of Moraga
- Oakley
- Concord
- Lafayette
- Pinole
- Richmond
- Walnut Creek
- Antioch
- Contra Costa County unincorporated areas
- El Cerrito
- Martinez
- Pittsburg
- San Pablo
- Town of Danville
- Brentwood

Current Stormwater Permit

According to the Water Board, stormwater is a significant source of certain pollutants that cause or contribute to water quality pollution in the region. To address this problem the Water Board issued county-wide municipal stormwater permits in the early 1990s.

In 2015, the Water Board re-issued these county-wide municipal stormwater permits as one Municipal Regional Stormwater NPDES Permit (Permit) to regulate stormwater discharges from municipalities and local agencies in Alameda, central and western Contra Costa, San Mateo, and Santa Clara counties, and the cities of Fairfield, Suisun City, and Vallejo. In February, 2019, the cities of Antioch, Brentwood, and Oakley and the eastern portion of Contra Costa County were formally added to the Permit.

Under the Permit, cities, towns, and counties are required to prohibit the discharge of materials other than stormwater into storm drain systems and watercourses. Each city, town, and county is individually responsible for complying with the Permit requirements to meet their pollution reduction goals. The Permit allows cities, towns, and counties to collaborate in designing, developing, and implementing new solutions to reduce stormwater pollution.

The Permit includes stormwater management regulations for the following: trash reduction, new real estate development and redevelopment, illicit discharge, and public information and outreach. The Permit also regulates stormwater from industrial and commercial sites, construction sites, pesticides, mercury, PCB's, and copper.

According to the Water Board, the sources of trash include discharges from the storm drain system, windblown trash, and other discharges such as direct dumping and homeless encampments. This trash washes into San Francisco Bay and the ocean, where it becomes part of a global problem. It is unsightly, can cause storm drain blockage, decreases property values, and impacts recreational use and wildlife habitat in waterways. Trash such as plastic bags may harm wildlife through entanglement or ingestion. Trash may also contain hazardous materials such as heavy metals, toxic chemicals, oil and grease products, and other pollutants that are unhealthy and harmful to people and the environment.

Failure to comply with the discharge requirements constitutes a violation of the

California Water Code and the Clean Water Act. If there is a violation, the Water Board may impose fines and other civil liabilities. The Water Board may also refer violators to the State Attorney General who can seek civil monetary penalties and injunctive relief, or take other appropriate enforcement actions.

Preventing Trash at its Source

A key element in any trash reduction program is to stop pollution before it harms the environment. Programs that prevent trash at its source (commonly referred to as "source control") include banning businesses from providing plastic bags, plastic straws, and Styrofoam cups, bowls, plates, and takeout containers.

Plastic bags are not biodegradable and take hundreds of years to decompose. This results in plastics littering the environment, degrading creeks and waterways, and adversely effecting wildlife. When bags decompose, toxins are released into the soil and water, harming land and marine wildlife. Plastic straws are hazardous to the environment because they settle in the landfills, clog storm drains, and collect in the ocean. Styrofoam is a plastic commonly found in packing and food packaging. It is rarely reused, is an abundant form of litter hazardous to land and marine life and can take 500 years to decompose.

On November 8, 2016, California voters approved Proposition 67 which bans the use of carry-out plastic bags that once were given at grocery stores and food marts. They now offer customers the option to purchase either recycled paper or reusable plastic bags. As an example, the City of San Jose implemented a successful source control program. Its 2011 plastic bag ban resulted in a litter reduction of approximately 89% in the storm drain system, 60% in the creeks and rivers, and 59% in city streets and neighborhoods. A state law (AB1884) limiting full-service restaurants in the state from handing out single-use plastic straws became effective on January 1, 2019.

DISCUSSION

This report focuses on the trash reduction requirement of the Permit. The report examines how the County, cities, and towns are performing regarding reducing trash in creeks and waterways. It also explores how information can be better communicated to citizens in the County.

Trash Reduction Requirements

Cities, towns, and the County are required to implement trash control actions in accordance with procedures and the schedule outlined in the Permit.

The trash reduction schedule in the Permit requires that each city, town, and the County reduce trash from their 2009 baseline levels, using requirements and accounting

procedures contained in the Permit. The trash reduction goals and schedule are as follows:

- 70% by July 1, 2017
- 80% by July 1, 2019
- 100% by July 1, 2022

The cities of Antioch, Oakley, Brentwood, and the eastern unincorporated areas of the County were added to the Permit in February, 2019. They have a modified goal to reduce trash by 70% from their 2016 baseline trash levels by December 31, 2019.

Cities, towns, and the County receive credit toward their trash reduction goal by reducing the amount of trash discharged from their storm sewer systems. They accomplish this by installing and maintaining trash capture devices which prevent trash from entering stormwater systems and waterways. The percent reduction in trash is calculated by applying a formula that compares current levels with 2009 baseline amounts.

Cities, towns, and the County can take additional steps to control trash at its source by limiting businesses from providing Styrofoam cups, bowls, plates, takeout containers, and serving trays. For these source control programs there is a maximum of 10% credit toward the trash reduction goal available in the Permit.

As explained below, some cities and towns have already instituted source control programs, which they expect will reduce the amount of trash released into the environment. Most have also implemented trash management actions, such as increased street sweeping; land, creek and shoreline cleanups; and homeless encampment cleanups.

Table 1 illustrates:

- The percent reduction in trash, from 2009 baseline levels, that each city, town, and the County unincorporated areas achieved in Fiscal Year (FY) 2017-18
- The number of trash capture devices installed
- Cities that have implemented a source control program

**Table 1
FY 2017-18 Trash Reduction Achieved**

City/Town/County	FY 2017-18 Total % Trash Reduction	Full Trash Capture Devices Installed	Source Control Programs
Antioch	NA	1	NA
Brentwood	83.3 %	91	No
Clayton	99.5%	195	No
Concord	83.0%	451	No
Danville	100.0%	74	Yes
El Cerrito	84.5%	122	Yes
Hercules	69.0%	41	Yes
Lafayette	91.7%	38	No
Martinez	91.2%	118	Yes
Moraga	82.0%	121	No
Oakley	67.0%	68	No
Orinda	85.6%	5	No
Pinole	31.0%	113	Yes
Pittsburg	83.4%	127	Yes
Pleasant Hill	78.0%	123	Yes
Richmond	83.4%	170	Yes
San Pablo	87.7%	128	Yes
San Ramon	100.0%	81	No
Walnut Creek	95.9%	202	Yes
County unincorporated areas	75.0%	286	pending

Source: CCCWP Website <https://www.cccleanwater.org/resources/reports>

NA: data not available

Note: Antioch, Oakley, Brentwood and the eastern unincorporated areas of the County are required to achieve a trash reduction goal of 70% by December 31, 2019. All others are required to achieve a trash reduction goal of 80% by July 1, 2019.

Brentwood, Clayton, Concord, Danville, El Cerrito, Lafayette, Martinez, Moraga, Orinda, Pittsburg, Richmond, San Pablo, San Ramon, and Walnut Creek indicate that they have already reached their July 1, 2019 trash reduction goal of 80% from 2009 levels.

The cities of Hercules, Oakley, and Pinole report achieving less than 70% trash reduction in their latest annual reports. In June, 2018, Hercules and Pinole were issued Cease and Desist Orders by the Water Board requiring them to improve their

performance in meeting the required trash reduction goals. The Orders set deadlines for implementing trash controls that will bring the cities into compliance with the 80% trash load reduction relative to 2009 baseline conditions, by July 1, 2019.

Source Control Programs

One way for the County, cities, and towns to help achieve their trash reduction goals is to focus on source control programs. These programs can reduce the amount of litter that enters the stormwater system.

Danville, Pittsburg, Pleasant Hill, Richmond, San Pablo, and Walnut Creek implemented ordinances banning single-use plastic bags prior to the ban becoming law in California.

Ten cities also have established ordinances banning Styrofoam food packaging. They are: Concord, El Cerrito, Hercules, Lafayette, Martinez, Pinole, Pittsburg, Richmond, San Pablo, and Walnut Creek. The County is proposing an ordinance to ban Styrofoam container use by companies selling food and beverages, private care facilities, and County establishments in the unincorporated areas.

Brentwood, Clayton, Concord, Lafayette, Moraga, Oakley, Orinda, and San Ramon have not reported source control programs as part of their trash reduction goals.

Trash Reduction along Caltrans Freeways and Ramps

Caltrans owns, operates, and maintains freeways and ramps within the County. In a separate permit issued by the State Water Resources Control Board in 2012, and amended in 2014 and 2015, Caltrans is required to implement control measures in all high trash generating areas. These areas include freeways and ramps in high density residential, commercial, and industrial areas in Contra Costa County.

Caltrans is a state agency outside the Grand Jury's jurisdiction. However, it acknowledges that its freeways and ramps are collectors of trash and debris. Caltrans developed a work plan in 2016 to "ensure maximum environmental benefit while also achieving mobility and safety benefits to the traveling public." (Caltrans, Trash Load Reduction Workplan for the San Francisco Bay Region, 2016). In the County, the Workplan indicated that high trash level stretches include portions of Highways 4 and 24, and Interstate 80.

Table 2 shows the ramps with high trash levels:

Table 2
Highway Ramps with High Trash Levels

Highway	Ramps
HWY4	Loveridge Rd, Railroad Ave., Morello Ave., McEwen Ave., and Willow Ave.
I-80	Cutting Blvd, Potrero Ave., Carlson Blvd, Central Ave., Appian Way, Richmond Parkway, San Pablo Dam Road, San Pablo Ave., MacDonald Ave., and Buchanan St.
I-580	Regatta Blvd., Bayview Ave., and Central Ave.
I-680	Willow Pass Road

On November 7, 2018, a letter urging the Water Board to take enforcement action against Caltrans was signed by two Contra Costa County Supervisors, elected officials from the cities of Antioch, El Cerrito, and Richmond, and over 60 elected officials from Alameda, San Mateo, and Santa Clara counties. The letter urged the Water Board to order Caltrans to:

- Install trash capture devices in “very high” and “high” trash generation areas wherever feasible;
- Increase frequency of trash removal; and
- Collaborate with municipalities and local agencies to implement these solutions.

According to the Water Board, Caltrans has identified portions of its highways and ramps “that generate significant amounts of trash but has not identified an acceptable schedule for timely implementation of trash controls to meet [p]ermit” requirements. (Water Board, Cease and Desist Order No. R2-2019-0007). In February, 2019, the Water Board ordered Caltrans to install devices to capture roadway debris or otherwise clean up all 8,820 acres of land under its jurisdiction in the Bay Area identified as “significant trash generating areas” by 2026. Failure to comply with the directive could result in fines of up to \$25,000 a day.

Trash from Homeless Encampments

Waste from homeless encampments close to creeks present an environmental hazard. The Contra Costa County Coordinated Outreach and Engagement Team (CORE) collects and removes over 6,000 pounds of trash each month at homeless sites. CORE regularly visits homeless encampments to identify needs of the homeless. CORE encourages the homeless to clean up after themselves by providing trash bags.

Permit Compliance Costs

Stormwater permit compliance activities in most Contra Costa County cities, towns, and the County are funded by a Stormwater Utility Assessment (SUA) authorized in 1993. Rates range from \$25 to \$45 a year for single-family homes. In FY 2017-18 the revenues collected countywide totaled \$15.1 million. These funds are used to support the Permit compliance activities undertaken by each of the cities, towns, the County, and CCCWP.

The cities of Richmond and Brentwood do not have a stormwater utility assessment. Their stormwater pollution prevention activities are funded from other revenue sources, and the cities' general funds.

The authority to raise taxes or assessment fees to pay for governmental services, including stormwater related activities, is limited by voter initiatives such as Proposition 13 and Proposition 218. Stormwater assessment rates have maximum limits, established by each city, town, and the County in 1993. They all reached their maximum rates by FY 2009-10. Since then, cities, towns, and the County have been supplementing their SUA revenues with funding from other sources, including their general funds.

The County is responsible for complying with the Permit provisions only in the unincorporated areas. The County estimates its compliance costs to be \$5 million per year. Of that amount, \$2.2 million per year is budgeted for trash reduction related activities.

The County receives about \$3.8 million per year in SUA revenue, road, and flood control funding. The County estimates that it will need an additional \$1.2 million per year to meet all the Permit requirements.

Revenue shortfalls may prevent the County from meeting its stormwater trash reduction goals. Failure to comply with the Permit would leave the County liable for substantial fines from the Water Board. In order to achieve a trash reduction goal of 100%, the County may need to consider seeking additional sources of funding.

Both the CCCWP and the Contra Costa Local Agency Formation Commission (LAFCO) report that unfunded federal and state mandated stormwater permit compliance programs are a challenge for cities, towns, and the County. In its 2019 Municipal Service Review, LAFCO reports, "[s]tormwater control requirements mandated by regional and state agencies are increasing the cost of treating stormwater without providing compensating new revenue sources." To address this funding shortfall, the Grand Jury recommends that cities, towns, and the County consider undertaking efforts to identify additional funding sources to fully fund Permit requirements in order to comply with the Permit and avoid potential liability.

Public Awareness

The required Annual Reports provide a detailed breakdown of performance toward complying with all the Permit provisions by the CCCWP, each city, town, and the County. The CCCWP 2017-18 Annual Report documenting permit compliance activities it conducted during the year totals 564 pages. Each city, town, and the County also prepared a similar report documenting its permit compliance performance. These reports each range in length from 58 to 177 pages. They are filled with forms and tables supplied by the Water Board, which document accomplishments for the year. No narrative summary is provided identifying accomplishments, challenges, costs, and funds needed to fully comply with the Permit. The Grand Jury recommends that to enable the public to understand these issues, CCCWP, each city, town, and the County should consider providing a narrative summary of their efforts to achieve Permit requirements.

FINDINGS

- F1. The 2015 Municipal Regional Stormwater Permit requires most of the cities, towns, and the County to take action to reduce trash discharges by 80%, from 2009 baseline levels, by July 1, 2019
- F2. Antioch, Brentwood, Oakley, and the eastern portion of the County were added to the Permit in February, 2019 and have a requirement to reduce trash discharges by 70%, from their 2016 baseline trash levels, by December 31, 2019.
- F3. Using the formula prescribed in the Permit, Brentwood, Clayton, Concord, Danville, El Cerrito, Lafayette, Martinez, Moraga, Orinda, Pittsburg, Richmond, San Pablo, San Ramon, and Walnut Creek report that they have already reached their July 1, 2019 trash reduction goals.
- F4. In June, 2018, Hercules and Pinole were issued Cease and Desist Orders by the Water Board requiring them to improve their performance in meeting their trash reduction goals.
- F5. The County estimates that it will need an additional \$1.2 million per year to meet all the Permit requirements.
- F6. Both the CCCWP and LAFCO report that unfunded federal and state mandated stormwater permit compliance programs are a challenge for cities, towns, and the County.
- F7. Concord, El Cerrito, Hercules, Lafayette, Martinez, Pinole, Pittsburg, Richmond, San Pablo, and Walnut Creek have established ordinances banning Styrofoam food packaging in their communities.

- F8. Caltrans reports that highways and ramps along portions of Highways 4 and 24, Interstates 80, 580, and 680 in Antioch, El Cerrito, Richmond, and in the unincorporated areas of the County are high trash generation areas.
- F9. No narrative summary of the accomplishments, challenges, costs, and funds needed to fully comply with the Permit is provided in the required annual reports prepared by CCCWP, the County, and each city and town.

RECOMMENDATIONS

- R1. The City Councils of Hercules and Pinole should each consider directing their city manager to implement trash controls to bring them into compliance with the 80% trash reduction goal by December 31, 2019.
- R2. The City/Town Councils of Antioch, Brentwood, Clayton, Danville, Moraga, Oakley, Orinda, Pleasant Hill, and San Ramon should consider limiting the use of Styrofoam containers in their communities by June 30, 2020.
- R3. The Board of Supervisors and all City/Town Councils should consider directing staff to provide a concise summary of their Annual Reports, citing their accomplishments, challenges, costs, and funds needed to fully comply with the Permit, by December 31, 2019.
- R4. The Board of Supervisors and all City/Town Councils should consider identifying additional revenue sources to fully fund Permit requirements in order to comply with the Permit and avoid potential liability, by June 30, 2020.

REQUIRED RESPONSES

	Findings	Recommendations
Contra Costa County Board of Supervisors	F1, F2, F5, F6, F8, and F9	R3 and R4
City of Antioch	F2, F6, F8, and F9	R2, R3, and R4
City of Brentwood	F2, F3, F6, and F9	R2, R3, and R4
City of Clayton	F1, F3, F6, and F9	R2, R3, and R4
City of Concord	F1, F3, F6, F7, and F9	R3 and R4
Town of Danville	F1, F3, F6, and F9	R2, R3, and R4
City of El Cerrito	F1, F3, F6, F7, F8, and F9	R3 and R4
City of Hercules	F1, F4, F6, F7, and F9	R1, R3, and R4
City of Lafayette	F1, F3, F6, F7, and F9	R3 and R4
City of Martinez	F1, F3, F6, F7, and F9	R3 and R4
Town of Moraga	F1, F3, F6, and F9	R2, R3, and R4
City of Oakley	F2, F6, and F9	R2, R3, and R4
City of Orinda	F1, F3, F6, and F9	R2, R3, and R4
City of Pinole	F1, F4, F6, F7, and F9	R1, R3, and R4
City of Pittsburg	F1, F3, F6, F7, and F9	R3 and R4
City of Pleasant Hill	F1, F6, and F9	R2, R3, and R4
City of Richmond	F1, F3, F6, F7, F8, and F9	R3 and R4
City of San Pablo	F1, F3, F6, F7, and F9	R3 and R4
City of San Ramon	F1, F3, F6, and F9	R2, R3, and R4
City of Walnut Creek	F1, F3, F6, F7, and F9	R3 and R4

These responses must be provided in the format and by the date set forth in the cover letter that accompanies this report. An electronic copy of these responses in the form of a Word document should be sent by e-mail to ctadmin@contracosta.courts.ca.gov and a hard (paper) copy should be sent to:

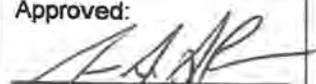
Civil Grand Jury – Foreperson
 725 Court Street
 P.O. Box 431
 Martinez, CA 94553-0091



Agenda Date: 8-20-2019

Agenda Item: 3d

Approved:


Joseph A. Sbranti
City Manager

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: SCOTT ALMAN, CITY ENGINEER
LYNNE FILSON, CITY TRAFFIC ENGINEER

DATE: AUGUST 20, 2019

SUBJECT: ADOPT A RESOLUTION APPROVING THE AWARD OF LOW-BID CONTRACT TO KEREX ENGINEERING, INC. IN THE AMOUNT OF \$237,420.00 FOR THE DOWNTOWN RAISED PLANTER BOX REPLACEMENT PROJECT (PROJECT # LMD 215-1).

RECOMMENDATIONS

It is recommended the City Council adopt the attached Resolution approving the award of a low-bid contract to Kerex Engineering, Inc., in the amount of \$237,420 for the downtown raised planter box replacement project (Project # LMD 215-1).

BACKGROUND

The downtown planter boxes along Main Street have been broken in many cases by the expansive roots of the street trees planted in each box. Over time, and as the trees have grown, the planter boxes have fallen into worse and worse condition with no chance to adequately repair them. In order to rectify this situation, a replacement project was developed to remove and replace broken planter boxes and in some instances enlarge the replacement box to provide additional space for the ultimate replacement tree.

DISCUSSION

Harris and Associates prepared plans, specifications and bid documents for the proposed improvements to the downtown streetscape and initiated the bid process. Bids were opened on August 8, 2019. As stated previously, the City received only one bid from Kerex Engineering, Inc., in the amount of \$237,420.

City staff discussed options for proceeding with the project since only one bid was received. Those options included: 1) rejecting the bid and re-bidding the project; 2) rejecting the bid and redesigning the project to provide additional clarity in the bid documents to attract additional bidders; or 3) award the contract and move the project forward. Ultimately, staff determined the appropriate course of action is to award the contract and proceed with the project.

The City Engineer has reviewed the bid and the accompanying documents and checked the references listed by Kerex Engineering, Inc., and has determined that Kerex Engineering, Inc. is the lowest responsible bidder. The City Engineer has also conferred with the Interim Community Development Director to determine the appropriate CEQA finding for this project; the City Engineer and Interim Community Development Director concur that this project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline Section 15302(c) – Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.

FISCAL IMPACT

The landscape maintenance district has adequate funding budgeted to cover the cost of this construction contract. Fund 210-7520-00 currently has an available budget balance of \$245,157.00.

Attachment: 1. Resolution [2 pp.]

RESOLUTION NO. XX-2019

A RESOLUTION AWARDING A LOW-BID CONTRACT TO KEREX ENGINEERING, INC., IN THE AMOUNT OF \$237,420.00 FOR THE DOWNTOWN PLANTER BOX PROJECT (PROJECT #LMD 215-1) AND MAKING FINDINGS THAT THE CONTEMPLATED DOWNTOWN PLANTER BOX IMPROVEMENTS ARE CATEGORICALLY EXEMPT UNDER CEQA SECTION 15302(C),

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

WHEREAS, the current downtown planter boxes are in disrepair; and

WHEREAS, the repairs and improvements contemplated by this project are exempt under Section 15302(c) of the CEQA guidelines; and

WHEREAS, the City Engineer recently designed and bid the Main Street Planters Improvements Project, the City received one bid from Kerex Engineering, Inc. in the amount of \$237,420.00, and the bidder, Kerex Engineering, Inc., has been determined by the City Engineer to be a responsible bidder based on references; and

WHEREAS, there are adequate funds currently budgeted in fund 210-7520-00 to fully fund this construction contract,

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Clayton, California does hereby award a low bid contract to Kerex Engineering, Inc., in the amount of \$237,420 to construct the planter box improvements and authorizes its City Manager to execute the contract on behalf of the City.

PASSED, APPROVED and ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 20th day of August 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Tuija Catalano, Mayor

ATTEST:

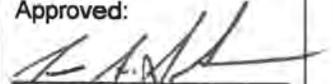
Janet Calderon, City Clerk



Agenda Date: 8-20-2019

Agenda Item: 3e

Approved:


Joseph A. Soranti
City Manager

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: SCOTT ALMAN, CITY ENGINEER
LYNNE FILSON, CITY TRAFFIC ENGINEER

DATE: August 20, 2019

SUBJECT: APPROVE THE AWARD OF A LOW-BID CONTRACT TO ABACUS CONCRETE IN THE AMOUNT OF \$ 20,140.00 FOR A MULTI-YEAR AS-NEEDED ON-CALL CONCRETE REPAIR CONTRACT FOR VARIOUS LOCATIONS THROUGHOUT THE CITY (CIP #10452).

RECOMMENDATION

It is recommended that the City Council adopt a resolution to approve the award of a low-bid contract to Abacus Concrete in the amount of \$ 20,140.00 for a multi-year as-needed on-call concrete repair contract for various locations throughout the City (CIP #10452).

BACKGROUND

On numerous occasions, maintenance has been in need of the services provided by a concrete contractor. Without an on-call contract in place, staff has had to solicit informal bids from a minimum of three contractors. This involves numerous phone calls and emails and meeting each contractor on site. With a multi-year, on-call, contract, the City has established competitive unit pricing for various types of concrete work and repairs, the contractor's references have been verified, and the correct insurance is on file. This will save staff time and money while providing a tool to repair broken concrete walks, ramps and eliminate trip & fall hazards that occur at various locations throughout the City.

DISCUSSION

CIP Project #10452, the Multi-Year As-Needed On-Call Concrete Repair at Various Locations, will allow staff to quickly and efficiently engage the concrete contractor to replace or install curb, gutter, sidewalk or other concrete facilities at various locations in the City. The initial contract will be valid for a three (3) year period with annual unit price adjustments based on the Construction Price Index established in the Engineering News Record. With consent of the Contractor and the City, the contract could be extended for an addition two (2) years for a total of five (5) years.

After execution of the contract, Task Orders will be issued for specific concrete repair or installation projects. Each task order will be charged against a specific Capital Improvement, Maintenance or other budget.

Per the City's purchasing policy, Task Orders of \$10,000 or less would be authorized by the City Manager; Task Orders for work over \$10,000 would be brought to the City Council for approval.

Two sealed bids for this project were received and opened by the City Clerk on August 8, 2019. The apparent low bid at \$20,140 is from Abacus Concrete.

FISCAL IMPACT

The approved 2019-20 City Budget included \$20,000 in HUTA Funds (Gas Tax) for Pavement and Sidewalk Repair/Maintenance and the Capital Improvement Budget included \$6,000 in HUTA Funds for ADA Compliance Program (CIP #10394A).

The award of the On-Call Contract would enable the City to engage the Contractor to use these funding sources (or others if concrete services are required to complete another budgeted project) to provide concrete repairs around the City.

Attachments: 1. Resolution [2 pp.]

RESOLUTION NO. xx-2019

A RESOLUTION APPROVING THE AWARD OF A LOW BID MULTI-YEAR, ON-CALL, AS-NEEDED CONTRACT TO ABACUS CONCRETE WITH AN INITIAL TASK ORDER IN THE AMOUNT OF \$20,140.00 (CIP #10452)

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

WHEREAS, the bidder, Abacus Concrete, with the bid of \$20,140.00, has been determined by the City Engineer to be a responsible bidder based on submitted bid documents and reputation within the industry; and

WHEREAS, there are sufficient monies in the City's 2019-2020 HUTA (gas tax) budget, however, other budgets may be used as appropriate for the work; and

WHEREAS, the concrete maintenance and rehabilitation improvements contemplated by this project are exempt under Section 15302(c) of the CEQA guidelines; and

WHEREAS, in its accompanying report, City staff has recommended the City Council adopt this Resolution approving the award of a multi-year, as-needed, on-call contract to Abacus Concrete with an initial task order in the amount of \$20,140.00 (CIP #10452);

NOW THEREFORE, BE IT RESOLVED the City Council of the City of Clayton, California does hereby adopt this Resolution approving the award of a multi-year, as-needed, on-call contract to Abacus Concrete with an initial task order in the amount of \$20,140.00 (CIP #10452), does hereby authorize its City Manager to execute the contract on behalf of the City, execute the initial task order in the amount of \$20,140 and does herewith determine and find the contemplated improvements are categorically exempt under CEQA Section 15302(c).

PASSED, APPROVED and ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 20th day of August 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Tuija Catalano, Mayor

ATTEST:

Janet Calderon, City Clerk



Agenda Date: 8-20-2019

Agenda Item: 3F

Approved:

Joseph A. Sbranti
City Manager

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: SCOTT ALMAN, CITY ENGINEER
LYNNE FILSON, CITY TRAFFIC ENGINEER

DATE: August 20, 2019

SUBJECT: AUTHORIZE STAFF TO NEGOTIATE AGREEABLE CONSTRUCTION UNIT PRICING WITH A QUALIFIED CONTRACTOR FOR A MULTI-YEAR AS-NEEDED ON-CALL CONTRACT FOR AS-NEEDED STREET REPAIRS AT VARIOUS LOCATIONS (CIP #10453), PURSUANT TO PUBLIC CONTRACT CODE SECTION 20166.

RECOMMENDATION

Given no construction bids were received for the advertised Multi-Year As-Needed On-Call Street Repair at Various Locations project, it is recommended the City Council authorize staff, pursuant to Public Contract Code Section 20166, to directly negotiate agreeable construction unit pricing with a willing contractor for construction of miscellaneous as-needed street repairs.

BACKGROUND

The Public Works Department is frequently in need of contract services for minor roadway repair. Staff had determined that a competitive bid of anticipated yearly roadway maintenance items would provide for a cost effective and efficient means for providing the maintenance services. An on-call project was put out to bid but no bids were received.

DISCUSSION

Staff is requesting the authorization to negotiate unit prices with a pavement contractor and enter into a multi-year contractor for street repairs. Task Orders would be issued for all work to be done under the multi-year contract. Per the City's purchasing policy, Task Orders of \$10,000 or less would be authorized by the City Manager; Task Orders for work over \$10,000 would be brought to the City Council for approval.

Upon legal opinion rendered by the City Attorney, under Public Contract Code Section 20166, the City Council, in this situation of zero bids, has the authority to have the proposed repair work completed per the specifications without further compliance with competitive bidding requirements. The governing body (City Council) must expressly authorize and

Subject: Resolution approving actions to implement Multi-Year On-Call Street Improvements

Date: August 20, 2019

Page 2 of 2

direct City staff to have the eligible work constructed through price negotiations with a qualified contractor.

FISCAL IMPACT

There is no known fiscal impact based on the requested City Council action.

Attachments: 1. Resolution [2 pp.]

RESOLUTION NO. XX-2019

**A RESOLUTION AUTHORIZING CITY STAFF TO DIRECTLY NEGOTIATE
AGREEABLE UNIT PRICING WITH A QUALIFIED CONTRACTOR FOR
COMPLETION OF MULTI-YEAR AS-NEEDED ON-CALL STREET REPAIRS
AT VARIOUS LOCATIONS (CIP #10453) DUE TO THE ABSENCE OF
COMPETTIVE BIDS AND PURSUANT TO PUBLIC CONTRACT CODE
SECTION 20166**

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

WHEREAS, the City Engineer recently designed and advertised for competitive bid the project entitled Multi-Year As-Needed On-Call Street Repairs at Various Locations (CIP #10453), and on the August 8, 2019, deadline for filing competitive bids the City received no bids for its project; and

WHEREAS, under Public Contract Code Section 20166 the City Council may exercise its authority to have Project #10453 Multi-Year As-Needed On-Call Street Repairs at Various Locations constructed without further compliance with Public Contract Code Section 20166 based on no bids being received for the project; and

WHEREAS, by exercising its authority under Public Contract Code Section 20166, the City Council is to expressly authorize City staff to directly negotiate acceptable construction unit pricing with a qualified contractor for construction of CIP #10453 in accord with its bid specifications and plans; and

WHEREAS, the street improvements contemplated by this project are exempt under Section 15302(c) of the CEQA guidelines; and

WHEREAS, given zero response from the construction industry to this project, and given the currently difficult construction climate being experienced by local governments in the Bay Area, City staff does not envision it will be any more advantageous to rebid the project and therefore recommends the City Council exercise its authority in this circumstance as allowed by Public Contract Code Section 20166;

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Clayton, California does hereby adopt this Resolution exercising its authority to construct Project CIP# 10453, Multi-Year As-Needed On-Call Street Repairs at Various Locations, without further compliance with Public Contract Code Section 20166, does hereby direct City staff to have the project constructed without further competitive bidding requirements based on no bids being received for the project by the bid deadline of August 8, 2019, does herein authorize its City Manager to execute a negotiated multi-year as-needed on-call contract on behalf of the City, and does herewith find the contemplated improvements are categorically exempt under CEQA Section 15302(c).

PASSED, APPROVED and ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 20th day of August 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Tuija Catalano, Mayor

ATTEST:

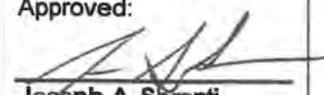
Janet Calderon, City Clerk



Agenda Date: 8-20-2019

Agenda Item: 3g

Approved:


Joseph A. Sbranti
City Manager

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: SCOTT ALMAN, CITY ENGINEER
LYNNE FILSON, CITY TRAFFIC ENGINEER

DATE: August 20, 2019

SUBJECT: AUTHORIZE STAFF TO NEGOTIATE AGREEABLE CONSTRUCTION UNIT PRICING WITH A QUALIFIED CONTRACTOR TO PROVIDE MULTI-YEAR AS-NEEDED ON-CALL SIGNING AND STRIPING REPAIRS AT VARIOUS LOCATIONS (CIP #10454), PURSUANT TO PUBLIC CONTRACT CODE SECTION 20166.

RECOMMENDATION

Given no construction bids were received for the advertised Multi-Year As-Needed On-Call Signing and Striping at Various Locations project, it is recommended that City Council authorize staff, pursuant to Public Contract Code Section 20166, to negotiate directly agreeable construction pricing with a willing contractor for construction of miscellaneous street striping and signage repairs throughout the City.

BACKGROUND

The Public Works Department is frequently in need of contract services for minor signing and striping maintenance and updates. Staff had determined that a competitive bid of anticipated annual signing and striping items would provide a cost effective and efficient means of providing these services. An on-call project was put out to bid but no bids were received.

DISCUSSION

Staff is requesting the authorization to negotiate unit pricing with a signing and striping contractor and enter into a multi-year as-needed on-call contractor for signing and striping maintenance and updates. Task Orders would be issued for all work to be done under the multi-year contract. Per the City's purchasing policy, Task Orders of \$10,000 or less would be authorized by the City Manager; Task Orders for work over \$10,000 would be brought to the City Council for approval.

Upon legal opinion rendered by the City Attorney, under Public Contract Code Section 20166, the City Council, in this situation of zero bids, has the authority to have the

Subject: Resolution approving actions to implement Multi-Year On-Call Signing and Striping repairs

Date: August 20, 2019

Page 2 of 2

contemplated work built and completed per the project specifications without further compliance with competitive bidding requirements. The governing body (City Council) must expressly authorize and direct City staff to have the eligible work constructed through price negotiations with a qualified contractor.

FISCAL IMPACT

There is no known fiscal impact based on the requested City Council action.

Attachments: 1. Resolution [2 pp.]

RESOLUTION NO. XX-2019

**A RESOLUTION AUTHORIZING CITY STAFF TO DIRECTLY NEGOTIATE
AGREEABLE UNIT CONSTRUCTION PRICING WITH A QUALIFIED
CONTRACTOR FOR CONSTRUCTION OF MULTI-YEAR AS-NEEDED ON-
CALL SIGNING AND STRIPING MAINTENANCE AND UPDATES AT
VARIOUS LOCATIONS (CIP #10454) DUE TO THE ABSENCE OF
COMPETITIVE BIDS AND PURSUANT TO PUBLIC CONTRACT CODE
SECTION 20166**

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

WHEREAS, the City Engineer recently advertised for competitive bid the capital improvement project entitled Multi-Year As-needed On-Call Signing and Striping at Various Locations (CIP #10454), and on the August 1, 2019, deadline for filing competitive bids the City received no bids for its project; and

WHEREAS, under Public Contract Code Section 20166 the City Council may exercise its authority to have Capital Improvement Project #10454 Multi-Year On-Call Signing and Striping at Various Locations constructed without further compliance with Public Contract Code Section 20166 based on no bids being received for the project; and

WHEREAS, by exercising its authority under Public Contract Code Section 20166, the City Council is to expressly authorize City staff to directly negotiate acceptable construction unit pricing with a qualified contractor for construction of CIP #10454 in accord with its bid specifications and plans; and

WHEREAS, the street improvements contemplated by this project are exempt under Section 15302(c) of the CEQA guidelines; and

WHEREAS, given the zero response from the construction industry to this capital improvement project, and given the currently difficult construction climate being experienced by local governments in the Bay Area, City staff does not envision it will be advantageous to rebid the project and therefore recommends the City Council exercise its authority in this circumstance as allowed by Public Contract Code Section 20166;

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Clayton, California does hereby adopt this Resolution exercising its authority to construct Capital Improvement Project CIP# 10454, Multi-Year As-Needed On-Call Signing and Striping at Various Locations, without further compliance with Public Contract Code Section 20166, does hereby direct City staff to have the project constructed without further competitive bidding requirements based on no bids being received for the project by the bid deadline of August 1, 2019, does herein authorize its City Manager to execute a negotiated multi-year contract on behalf of the City, and does herewith find the contemplated improvements are categorically exempt under CEQA Section 15302(c).

PASSED, APPROVED and ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 20th day of August 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Tuija Catalano, Mayor

ATTEST:

Janet Calderon, City Clerk



Agenda Date: 8-20-2019

Agenda Item: 3h

Approved:

Joseph A. Sbranti
City Manager

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: SCOTT ALMAN, CITY ENGINEER

DATE: AUGUST 20, 2019

SUBJECT: CONSIDER A RESOLUTION ACCEPTING THE PUBLIC IMPROVEMENTS REQUIRED BY CONDITIONS OF APPROVAL OF SUBDIVISION #9419 – VERNA WAY SUBDIVISION AND RELEASE GUARANTEE BONDS BACK TO DEVELOPER AND ACCEPT THE 10% MAINTENANCE BOND FOR THE ONE-YEAR MAINTENANCE PERIOD.

RECOMMENDATION

It is recommended that the City Council adopt the attached resolution accepting the public improvements required by conditions of approval of Subdivision #9419 – Verna Way Subdivision and release guarantee bonds back to developer and accept the 10% maintenance bond for the one-year maintenance period.

BACKGROUND

City Council approved Final Map #9419 for the Verna Way Subdivision at their September 19, 2017 meeting. Subsequent to this approval the developer recorded the Final Map in the office of the County Recorder. At the same meeting Council authorized the Mayor to execute the Storm Water Control Operations and Maintenance Agreement and the Subdivision Improvement Agreement for the Verna Way Project. The aforementioned agreements have been fully executed and recorded with the County Recorder's office.

DISCUSSION

The applicant, North San Ramon Development 1, LLC, has successfully constructed subdivision #9419 including the required public improvements. The public improvements that were required as a part of the development consist of curb, gutter and meandering sidewalk across the subdivision frontage on Pine Hollow Road as well as Curb and gutter across the subdivision frontage on Verna Way. All other improvements for the subdivision are on private property and are not considered public improvements. The landscaping that fronts onto Pine Hollow Road and is within the public right-of-way will be irrigated and fully maintained by the adjacent homeowners. The two access points into the subdivision are both private drives and are the responsibility of the homeowners. The two low impact development storm water basins located on lots 5 and 6 are the responsibility of the respective homeowners.

In correspondence with the developer, the former City Engineer, Rick Angrisani, waived Condition of Approval #64 requiring the undergrounding of overhead utility lines along Pine Hollow Road and Verna Way.

FISCAL IMPACT

There is no direct fiscal impact to the City.

Attachments: 1. Resolution [2 pp.]

RESOLUTION NO. XX-2019

**A RESOLUTION ACCEPTING THE PUBLIC IMPROVEMENTS REQUIRED BY
CONDITIONS OF APPROVAL OF SUBDIVISION #9419 – VERNA WAY SUBDIVISION,
RELEASING GUARANTEE BONDS BACK TO DEVELOPER AND ACCEPTING THE 10%
MAINTENANCE BOND FOR THE ONE-YEAR MAINTENANCE PERIOD**

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

WHEREAS, the applicant, North San Ramon Development 1, LLC, has constructed the public improvements required for subdivision #9419 and the City Engineer has inspected the improvements and finds them in conformance with the City's construction standards; and

WHEREAS, the applicant, North San Ramon Development 1, LLC, is requesting City Council acceptance of the public improvements and release of guarantee bonds provided to the City to ensure completion of the aforementioned subdivision improvements; and

WHEREAS, the applicant, North San Ramon Development 1, LLC, has provided a new bond in the amount of 10% of the guarantee bond amount to ensure subdivision maintenance during the one-year maintenance period; and

WHEREAS, the City Engineer recommends acceptance of the public improvements, release of the guarantee bonds and acceptance of the 10% maintenance bond for the Verna Way Project,

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Clayton, California does hereby accept the public improvements required by conditions of approval of Subdivision #9419 – Verna Way Subdivision and release guarantee bonds back to developer and accept the 10% maintenance bond for the one-year maintenance period..

PASSED, APPROVED and ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 20th day of August 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Tuija Catalano, Mayor

ATTEST:

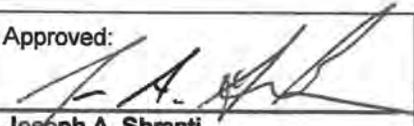
Janet Calderon, City Clerk



Agenda Date: 8-20-2019

Agenda Item: Ba

Approved:


Joseph A. Sbranti
Interim City Manager

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Janet Calderon, City Clerk

DATE: August 20, 2019

SUBJECT: Discussion on preparation options of the City Council meeting minutes.

RECOMMENDATION

Receive a brief oral report from Interim City Manager Sbranti summarizing the findings described in the background section of this report. Then, following introductory remarks by the Mayor and or members of the Council, provide an opportunity for public comments. Finally, offer an opportunity for City Council discussion that leads to a policy directive to City staff related to Council Meeting Minutes.

BACKGROUND

Following the request of Councilmember Wan on July 16, 2019 to research minute preparation, the Interim City Manager directed the City Clerk to reach out to eighteen (18) cities and Contra Costa County offices requesting 1. The method (action/summary) in which City Council minutes are prepared; and 2. If any of the City Clerks use voice to text software to assist in the preparation of the minutes. The City Clerk heard back from fourteen (14) cities resulting in six (6) cities preparing summary minutes and eight (8) cities preparing action minutes; and none of the cities that responded use a voice to text software program to assist with minute preparation. It should also be noted the City of Orinda contracts minute preparation at a rate of \$55.00 per hour with a budget line item of \$12,000.00 per year.

Currently, the City Clerk is spending three (3) to four (4) hours per meeting on preparation of the Council Meeting Minutes in a "reduced" summary format. In the past, the preparation of "detailed" summary minutes, has required the City Clerk to spend approximately eight (8) to ten (10) hours (or longer depending on the length of the meeting) after each meeting without interruption. It should also be noted the City Clerk is also the Human Resources Manager which also requires time to perform Human Resource duties as well as serve as a back-up

to answering the main telephone line and assists customers at the front counter when the office is short-staffed or other staff is assisting other citizens.

At the May 7, 2019 City Council meeting, Vice Mayor Pierce requested the minutes of April 16, 2019 be re-done to reflect a reduced summary format.

FISCAL IMPACT

The fiscal impact of this item ranges from \$0 - \$12,000 depending on the direction of Council.

- Attachments:
1. Sample of City of Clayton minutes dated June 18, 2019. (7 pages)
 2. Sample of action minutes prepared by City of Hercules dated April 9, 2019 and City of Pittsburg dated July 15, 2019. (11 pages)
 3. Sample of summary minutes prepared by City of Concord dated May 7, 2019 and City of Lafayette dated July 8, 2019. (26 pages)
 4. Sample of summary minutes prepared for City of Orinda by contract dated July 2, 2019. (4 pages)

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

TUESDAY, June 18, 2019

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 6:00 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:** Assistant to the City Manager Laura Hoffmeister, and City Clerk/HR Manager Janet Calderon.

2. **COUNCIL INTERVIEW OF PLANNING COMMISSION APPLICANTS**

The City Council separately interviewed two (2) candidates who had applied for appointment to the City Planning Commission:

Peter Cloven
AJ Chippero

RECESS: The City Council took a short recess from 6:44 p.m. – 7:00 p.m.

7:00 P.M. REGULAR PUBLIC MEETING

3. **RECALL TO ORDER THE CITY COUNCIL** – The meeting was recalled to order at 7:00 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:** Assistant to the City Manager Laura Hoffmeister, City Attorney Mala Subramanian, Police Chief Elise Warren, City Engineer Scott Alman, and City Clerk/HR Manager Janet Calderon.

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

5. **CONSENT CALENDAR**

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

- (a) Approved the minutes of the City Council's regular meeting of June 4, 2019.
(b) Approved the Financial Demands and Obligations of the City.

- (c) Adopted Resolution No. 23-2019 authorizing the levy of annual real property tax assessments for Community Facility District No. 2006-1 in Fiscal Year 2019-2020 (Downtown "The Grove" Park O & M; Fund No. 211).
- (d) Adopted Resolution No. 24-2019 authorizing the levy of annual real property tax assessments for Community Facility District No. 2007-1 in Fiscal Year 2019-2020 (Citywide Landscape Maintenance District; Fund No. 210).
- (e) Adopted Resolution No. 25-2019 authorizing the levy of annual real property tax assessments for the Middle School Community Facility District in Fiscal Year 2019-2020 (CFD 1990-1R, 2007 Special Tax Refunding Bonds; Fund No. 20).
- (f) Approved the Mayoral appointment of Jacalyn Ferree to the Contra Costa County Library Commission as the City of Clayton's representative with the term of office ending June 30, 2023.

6. RECOGNITIONS AND PRESENTATIONS

- (a) Recognition and Appreciation to City Finance Manager Kevin Mizuno for his valued contributions and services to the City from December 2013 through June 2019 upon his leave of City employment.

Mayor Catalano presented a plaque to City Finance Manager Kevin Mizuno for his valued contributions and services to the City from December 2013 through June 2019. Mr. Mizuno thanked the City Council and City Staff for their support over the years.

- (b) Presentation by Pacific Gas and Electric (PG&E) regarding its new "Public Safety Power Shutoff Program" to be employed during fire hazard conditions.
(Tom Guarino, East Bay Public Affairs Team, Pacific Gas and Electric)

Tom Guarino, East Bay Public Affairs Team, Pacific Gas and Electric introduced Vic Baker, Senior Manager for PG&E's Diablo Division to provide the PowerPoint presentation.

Following questions by the Council, Mayor Catalano thanked PG&E for its presentation.

7. REPORTS

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

Councilmember Diaz attended the Concert in The Grove featuring Mixed Nuts, the Classic Car Show event, the League of California Cities Environmental Policy Committee meeting, was interviewed by the recruiting firm for the recruitment of the next

City Manager, and announced the upcoming Concert in The Grove featuring The Boys of Summer.

Councilmember Wolfe attended the Contra Costa County Mayors' Conference in Moraga, the Concerts in The Grove featuring Mixed Nuts, responded to emails from constituents, attended a Tuesday evening concert in Healdsburg, and the Clayton Business and Community Association Oktoberfest committee meeting. Councilmember Wolfe advised he will be attending the upcoming Clayton Library Foundation meeting, will be interviewed by the recruiting firm for the recruitment of the next City Manager, and the upcoming Concert in The Grove.

Vice Mayor Pierce attended the Regional Planning Committee of Association of Bay Area Governments, the special meeting of Contra Costa Transportation Authority, the Association of Bay Area Governments General Assembly meeting, the memorial service for Ellen Tauscher, the Contra Costa County Mayors' Conference in Moraga, the Concerts in The Grove featuring Mixed Nuts, the National Association of Regional Councils National Board meeting in Omaha, the Transportation Partnership and Cooperation for Central Contra Costa (TRANSPAC) meeting, the Woman's Transportation Seminar, and the reception at the E-Bart station in Antioch where a conference/training room was named after Joel Keller.

Councilmember Wan advised he will be interviewed by the recruiting firm for the recruitment of the next City Manager, was in contact with a number of residents who expressed some of their ongoing concerns, and received his informational packet regarding the upcoming 4th of July parade.

Mayor Catalano announced the need of volunteers for the upcoming 4th of July parade. Mayor Catalano attended Contra Costa County Mayors' Conference in Moraga, the League of California Cities Transportation, Communications, and Public Works policy committee meeting. Mayor Catalano also announced upcoming office hours at the upcoming Farmers Market this Saturday from 9:00 am to 10:00 am, and announced the "Making a Difference" character trait for exemplary Community contributor, Volunteer, and or Fundraiser.

(e) Other – None.

8. PUBLIC COMMENT ON NON - AGENDA ITEMS

Heather Prewitt, 1778 Indian Wells Way, expressed her concerns of access and safety regarding the coded gates recently installed in Oak Hollow. Ms. Prewitt provided the City Council photos and a map of the area of concern.

Mayor Catalano noted the area is an HOA matter as it is private property. She included city staff is performing research on this item, when information is available, the City Council will report on the findings at a future date.

Linda Minorsky, 805 Chert Place, advised she has been in contact with City Council and City Manager Gary Napper who reported from preliminary research it does not appear that there was ever a public easement in the original plans. Ms. Minorsky suggested the City pursue a prescriptive easement as she and others have always used that area as a way to access other areas of town.

Louise Compton advised she and her husband moved to Clayton because it is rated one of the most walkable cities. Ms. Compton expressed her concerns regarding the installation of the coded gates in Oak Hollow.

Brent Brinkeroff declined to speak, however is also concerned about the coded gate.

Cindy Knapp, 5 Kenston Court, who is a second grade teacher at Mt. Diablo Elementary wanted to request the dialogue re-open again regarding allowance of chickens in the city of Clayton.

Assistant to the City Manager Laura Hoffmeister noted staff can bring information back to the City Council at a later date regarding previous research regarding chickens within city limits.

9. PUBLIC HEARINGS – None.

10. ACTION ITEMS

- (a) Consider the Second Reading and Adoption of City-initiated Ordinance No. 488 extending the existing time extension waiver of certain on-site parking relief for specified land uses in Clayton Town Center area for an additional three years through June 30, 2022.

Assistant to the City Manager Laura Hoffmeister presented the report.

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

It was moved by Councilmember Wan, seconded by Councilmember Wolfe, to have the City Clerk read Ordinance No. 488, by title and number only and waive further reading. (Passed; 5-0 vote).

The City Clerk read Ordinance No. 488 by title and number only.

It was moved by Councilmember Wan, seconded by Vice Mayor Pierce, to approve a motion to adopt Ordinance No. 488 to amend Section 17.37.030.C (Waiver Period) of the Clayton Municipal Code for the purpose of extending from June 30, 2019 through June 30, 2022 the parking waiver provision in the Town Center Area (ZOA-03-19). (Passed; 5-0 vote).

- (b) Consider a Resolution establishing a preferential residential parking permit pilot program on designated public street portions of the Regency Drive and Rialto Drive neighborhoods to alleviate on-street parking issues associated with hikers and users of the nearby Mt. Diablo State Park Regency Gate trailhead.

Police Chief Elise Warren presented the report.

There were no questions by the City Council; Mayor Catalano opened the item to public comments.

Mark Montijo supports the preferential residential parking permit pilot program.

Behnaz Athanasopoulos, Regency Drive, expressed her concerns of the parking and garbage issues she has experienced on Regency Drive.

Jeff Weiner supports the pilot program presented this evening, requesting after the pilot program looking into a one-time fee to continue the program.

Eric Rehn, 176 Regency Drive, advised the issue is the volume of visitors at Regency Gate. He does feel the proposal addresses the speeding, street erosion, trash or sanitary nuisance on Regency Drive. Mr. Rehn suggested redirecting funds for the preferential parking program to legally have the State Park fix the problems or restrict access at Regency Gate.

Nancy Topp objects to page 5 of the staff report paragraph regarding preferential parking permit signs, she noted Regency Drive has been a long time official access to Mt. Diablo State Park referred to as Regency Gate for over forty years. Ms. Topp provided the City Council information dating back to the 1970's regarding Regency Gate entrance.

Nathalie Montijo, Regency Drive, also supports the preferential parking pilot program.

Daniel Walsh noted Regency Drive is a fire access road and not ADA accessible. Mr. Walsh is also in support of the preferential parking pilot program.

Terri Denslow is not opposed to the relief of the quality of life concerns on Regency Drive. Ms. Denslow expressed concerns she has regarding use of gas tax expenditures as a funding resource, in the 1989 Mt. Diablo State Park General Plan a recommendation was made to work with the City of Clayton to improve park access via Regency Meadows, and requested the City Council to define how they will measure success from the pilot preferential parking program.

Ray Grimmond, 79 Regency Drive, advised the residents are not trying to restrict access to Regency Gate, rather a matter of parking and quality of life.

Shirley Weiner, 133 Regency Drive, advised the residents are not requesting to restrict access to Mt. Diablo State Park; they are seeking relief to the parking issues on Regency Drive.

Mayor Catalano closed public comment.

Following clarifying questions by the City Council, the City Council requested amendments to "Exhibit A" striking out the entire second bullet point regarding polluted air, addition of a bullet point ensuring the program does not supersede any other parking requirements including the 72 hour parking requirement, and extending the pilot program to fifteen months.

It was moved by Councilmember Wan, seconded by Councilmember Wolfe, to approve Resolution No. 26-2019 Establishing a Preferential Parking Permit Pilot Program for a Restricted Parking District along Portions of Regency Drive and Rialto Drive Option 2; as amended. (Passed; 5-0 vote).

- (c) City Council discussion and determination of citizen appointments to two (2) expired terms of office on the Clayton Planning Commission for two 2-year terms commencing July 1, 2019 through June 30, 2021.

Mayor Catalano presented the report.

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

It was moved by Councilmember Diaz, seconded by Councilmember Wolfe, to approve Resolution No. 27-2019 appointing Mr. Peter Cloven and Mr. Anthony Chippero to the offices on the Clayton Planning Commission, each with a term of office to expire June 30, 2021. (Passed; 5-0 vote).

- (d) Consideration and discussion of Vice Mayor's status report on the Contra Costa Transportation Authority (CCTA's) potential new Transportation Expenditure Plan for the March 2020 ballot.

Vice Mayor Pierce presented the report.

Following questions by the City Council, Mayor Catalano opened the item to public comments; no comments were provided.

No action was taken on this item.

11. COUNCIL ITEMS

Mayor Catalano noted earlier requested items include Oak Hollow gate and re-opening dialogue regarding chickens in the city limits

Vice Mayor Pierce added the scheduling of Closed Session interview of an Interim City Manager to take place prior to the next City Council meeting of July 16, 2019.

City Attorney Mala Subramanian noted an agreement with an Interim City Manager should be at the next City Council meeting of July 16, 2019, suggesting time allowance for an interview and contract negotiations.

The City Council tentatively determined a Special Meeting Closed Session interview of an Interim City Manager on July 9, 2019 at 6:00 pm.

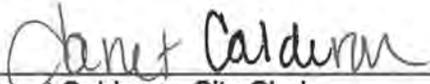
12. CLOSED SESSION – None.

13. ADJOURNMENT– on call by Mayor Catalano, the City Council adjourned its meeting at 9:21 p.m.

The next regularly scheduled meeting of the City Council will be June 18, 2019.

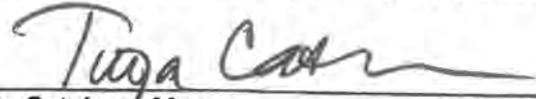
#

Respectfully submitted,



Janet Calderon, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL



Tuija Cataland, Mayor

#####



City of Hercules

111 Civic Drive
Hercules, CA 94547

Meeting Minutes

City Council

Mayor Dan Romero
Vice Mayor Roland Esquivias
Council Member Chris Kelley
Council Member Gerard Boulanger
Council Member Dion Bailey

David Biggs, City Manager
Patrick Tang, City Attorney
Lori Martin, City Clerk

Tuesday, April 9, 2019

6:00 PM

Council Chambers

CLOSED SESSION - 6:00 P.M.
REGULAR SESSION - 7:00 P.M.

I. SPECIAL MEETING - CLOSED SESSION – 6:00 P.M. CALL TO ORDER - ROLL CALL

Mayor Romero called the meeting to order at 6:00 p.m.

Present: 5 - Mayor D. Romero, Vice Mayor R. Esquivias, Council Member C. Kelley, Council Member G. Boulanger, and Council Member D. Bailey

II. PUBLIC COMMUNICATION - CLOSED SESSION ITEMS

None.

III. CONVENE INTO CLOSED SESSION

City Attorney Tang announced the items to be discussed in closed session.

Mayor Romero recessed the meeting at 6:03 p.m.

1. 19-542 Pursuant to Government Code Section 54956.9(a), Conference with Legal Counsel - Pending Litigation - Significant exposure to litigation in one (1) case regarding Due Diligence Review (DDR) determination from the California Department of Finance.
2. 19-543 Pursuant to Government Code Section 54957.6 CONFERENCE WITH LABOR NEGOTIATORS - City Negotiators: David Biggs, City Manager; Edwin Gato, Director of Finance; Lori Martin, Director of Administrative Services relative to the following employee groups:
 - a. Teamsters Local 315 Employee Organizations
 - b. Hercules Police Officers Association
 - c. Hercules Senior Manager Employee Group

- d. Confidential Unrepresented Employee Group
- e. Mid Management Employee Group

3. 19-544 Conference with Legal Counsel - Anticipated Litigation Pursuant to Government Code Section 54956.9(d)(2): In one (1) matter: Hercules Development Partners, LP / Ledcor Corporation

IV. REGULAR MEETING – 7:00 P.M. CALL TO ORDER - ROLL CALL

Mayor Romero called the meeting to order at 7:10 p.m.

Present: 5 - Mayor D. Romero, Vice Mayor R. Esquivias, Council Member C. Kelley, Council Member G. Boulanger, and Council Member D. Bailey

V. REPORT ON ACTION TAKEN IN CLOSED SESSION

City Attorney Tang reported that there were no final or reportable actions taken in closed session.

VI. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Bailey.

VII. MOMENT OF SILENCE

Mayor Romero called for a moment of silence for CHP Sergeant Steve Licon, Motorcycle Officer who was fatally struck on the 15 Freeway in Lake Elsinore on April 6, 2019.

VIII. INTRODUCTIONS/PRESENTATIONS/COMMISSION REPORTS

1. 19-540 Proclamation Recognizing April 7th - 13th, 2019 as National Library Week in the City of Hercules and Presentation by Lynne Noone on the Annual Library Report

Mayor Romero read aloud and presented a Proclamation to Lynne Noone, Hercules Library Manager recognizing April 7th - 13th, 2019 as National Library Week in the City of Hercules.

Hercules Library Manager Lynne Noone gave a presentation on the annual library report.

IX. AGENDA ADDITIONS/DELETIONS

City Manager Biggs stated there were no additions or deletions to the agenda. City Manager Biggs identified the supplemental information handed out prior to the meeting and available to the public on the side table.

X. PUBLIC COMMUNICATIONS

Public Speakers: Ben Ortega; Pii Orbison.

XI. PUBLIC HEARINGS1. 19-548**Continued 2019 West Contra Costa County Subregional
Transportation Mitigation Program (STMP) Fee Update**

Recommendation: Open and Conduct the continued public hearing and consider a) Waiving the first reading and introducing an Ordinance amending Title 10, Chapter 17 - West County Subregional Transportation Mitigation Program of the Hercules Municipal Code and b) Adopting a Resolution Authorizing the City Manager, City Clerk and City Attorney to Execute The Master Cooperative Agreement Between the West Contra Costa Transportation Advisory Committee (WCCTAC) and the City of Hercules and other member Agencies in its current substantive form with Exhibits A - 2019 Nexus Update of the STMP Impact Fee and Exhibit B- STMP Administrative Guidelines as a reference and incorporate the new STMP Nexus Fees into the City's Master User Fee Schedule effective July 1, 2019.

City Manager Biggs introduced the continued public hearing and Planning Director Smyth provided a staff report. John Nemeth with WCCTAC provided additional information and Julie Morgan, Consultant with Fehr and Peers gave a presentation.

City Council asked questions and provided comments.

Mayor Romero opened the public hearing at 8:18 p.m.

Public speaker: Ben Ortega

Mayor Romero closed the public hearing at 8:23 p.m. with no other comments offered from the public.

City Council asked questions and provided comments. Lea Greenblat, WCCTAC Project Manager provided additional information.

MOTION: A motion was made by Council Member Kelley, seconded by Vice Mayor Esquivias, to waive the first reading and approve the introduction of Ordinance 518 . The motion carried by the following vote:

Aye: 3 - Vice Mayor R. Esquivias, Council Member C. Kelley, and Council Member D. Bailey

Nay: 2 - Mayor D. Romero, and Council Member G. Boulanger

MOTION: A motion was made by Vice Mayor Esquivias, seconded by Council Member Kelley, to adopt Resolution 19-017 . The motion carried by the following vote:

Aye: 3 - Vice Mayor R. Esquivias, Council Member C. Kelley, and Council Member D. Bailey

Nay: 2 - Mayor D. Romero, and Council Member G. Boulanger

2. 19-546 **Consider Approving an Ordinance to Adopt Proposed Zone Text Amendment #ZTA 19-01 Related to Noticing Requirements**

Recommendation: Conduct public hearing and consider waiving the first reading and introducing an Ordinance approving Zone Text Amendment #ZTA 19-01 amending Hercules Municipal Code 13-44.200 - Application Processing and Hearing Notice.

City Attorney Tang introduced the item and provided a staff report. City Council asked questions and provided comments.

Mayor Romero opened the public hearing at 9:03 p.m.

Public Speaker: Ben Ortega

Mayor Romero closed the public hearing at 9:08 p.m. with no other comments from the public.

MOTION: A motion was made by Council Member Kelley, seconded by Council Member Boulanger, to waive the first reading and approve the introduction of Ordinance 521. The motion carried by the following vote:

Aye: 5 - Mayor D. Romero, Vice Mayor R. Esquivias, Council Member C. Kelley, Council Member G. Boulanger, and Council Member D. Bailey

3. 19-547 **Consider Approving an Ordinance to Adopt Proposed Zone Text Amendment #ZTA 19-02 Related to Appeals and Posting of Notices of Decision**

Recommendation: Conduct public hearing and consider waiving the first reading and introducing an Ordinance approving Zone Text Amendment #ZTA 19-02 amending Hercules Municipal Code Title 13 to clarify City Council call up and standardizing notice of decision posting and appeals periods from 10 working days to 14 calendar days.

City Attorney Tang introduced the item and provided a staff report.

Mayor Romero opened the public hearing at 9:17 p.m.

Public Speaker: Ben Ortega

Mayor Romero closed the public hearing at 9:19 p.m. with no other comments offered from the public.

MOTION: A motion was made by Council Member Kelley, seconded by Council Member Bailey, to waive the first reading and approve the introduction of Ordinance 522 as amended. The motion carried by the following vote:

Aye: 5 - Mayor D. Romero, Vice Mayor R. Esquivias, Council Member C. Kelley, Council Member G. Boulanger, and Council Member D. Bailey

XII. CONSENT CALENDAR

MOTION: A motion was made by Council Member Bailey, seconded by Vice Mayor Esquivias, to adopt. The motion carried by the following vote:

Aye: 5 - Mayor D. Romero, Vice Mayor R. Esquivias, Council Member C. Kelley, Council Member G. Boulanger, and Council Member D. Bailey

1. 19-539 **Meeting Minutes**
Recommendation: Approve the Regular Meeting Minutes of March 26, 2019.
Approved.
2. 19-536 **Preparation and Filing of the FY 2019/20 Landscaping and Lighting Engineer's Reports**
Recommendation: Adopt a Resolution directing the filing of the Annual Engineer's Reports for the City of Hercules Landscaping and Lighting Assessment District No. 83-2, Victoria by the Bay Landscaping and Lighting Assessment District No. 2002-1, Hercules Village Landscaping and Lighting Assessment District No. 2002-2, Baywood Landscaping and Lighting Assessment District No. 2004-1, and Bayside Landscaping and Lighting Assessment District No. 2005-1 pursuant to the Landscaping and Lighting Act of 1972.
Approved.
3. 19-537 **Adopt a Resolution Approving the Annual Parcel Assessment Adopted by the County Flood Control District for the Contra Costa Clean Water Program for FY 19-20**
Recommendation: Adopt a Resolution approving the continuance of the parcel assessment rate of \$35.00 per Equivalent Runoff Unit (ERU) for FY 2017-2018 and requesting the Contra Costa County Flood Control and Water Conservation District adopt this annual parcel assessment for drainage maintenance and the National Pollution Discharge Elimination System (NPDES) Program.
Approved.

XIII. DISCUSSION AND/OR ACTION ITEMS

1. 19-549 **Long-Term Financial Projection for the General Fund**
Recommendation: Review and discuss the long-term financial projection for the General Fund.

City Manager Biggs introduced the Item and Finance Director Gato provided a staff report. City Council asked questions and provided comments.

Mayor Romero recessed the meeting at 9:43 p.m. for a 5 minute break.

Mayor Romero reconvened the meeting at 9:48 p.m.

Council Member Boulanger left the meeting at 9:43 p.m.

2. 19-535 **Annual Review of 2017 Strategic Plan as Updated May 2018**
Recommendation: Receive report, review Strategic Plan, and update objectives as appropriate.
City Manager Biggs introduced the item and provided a staff report. City Council asked questions and provided comments.
3. 19-538 **Municipal Financial Health Diagnostic Tool**
Recommendation: Receive a report and discuss the League of California Cities Municipal Financial Health Diagnostic Tool.
City Manager Biggs introduced the item and provided a staff report. City Council asked questions and provided comments. A suggestion was made to provide future updates of this annual item as a consent item. There was a consensus of City Council to place municipal financial health diagnostic tool on the consent calendar.
4. 19-541 **Consider Filling Vacancy on the Finance Commission**
Recommendation: Consider making an appointment to the Finance Commission by reconsidering two (2) applicants which applied during the city's annual recruitment period.
City Manager Biggs introduced the item and provided a staff report. City Council discussed approving Commissioner Risby's letter requesting a waiver of the attendance provisions. There was a consensus of City Council to grant the attendance waiver requested by Commissioner Risby.
MOTION: A motion was made by Council Member Kelley, seconded by Council Member Bailey, to grant the attendance waiver requested by Commissioner Risby. The motion carried by the following vote:
Aye: 4 - Mayor D. Romero, Vice Mayor R. Esquivias, Council Member C. Kelley, and Council Member D. Bailey
Absent: 1 - Council Member G. Boulanger
5. 19-545 **Review Upcoming Council Agenda Items List**
Recommendation: Review, discuss and provide direction.
This item was tabled to next meeting

XIV. PUBLIC COMMUNICATIONS

None.

**XV. CITY COUNCIL/CITY MANAGER/CITY ATTORNEY ANNOUNCEMENTS,
COMMITTEE, SUB-COMMITTEE AND INTERGOVERNMENTAL COMMITTEE REPORTS
AND FUTURE AGENDA ITEMS**

City staff and Council Members reported on attendance at events and community and regional meetings.

XVI. ADJOURNMENT

Mayor Romero closed the meeting in memory of Maxima Doctolero and Robert Schroder.

Mayor Romero recessed the meeting at 10:24 p.m. to reconvene closed session.

Mayor Romero adjourned the meeting at 11:05 p.m.



Dan Romero, Mayor

Attest:



Lori Martin MMC
Administrative Services Director/City Clerk



**CITY OF PITTSBURG
CITY COUNCIL/AGENCY CONCURRENT MEETING MINUTES**

DATE: July 15, 2019

LOCATION: Council Chamber, City Hall, 65 Civic Avenue, Pittsburg, CA 94565

CITY COUNCIL/AGENCY MEMBERS

Juan Antonio Banales, Mayor/Chair
Jelani Killings, Vice-Mayor/Chair Council/Agency Member
Marilyn Craft, Council/Agency Member
Holland Barrett White, Council/Agency Member
Shanelle Scales-Preston, Council/Agency Member
S.L. Floyd, Agency Member
Annie Hill Herring, Agency Member

APPOINTED OFFICIALS

Garrett Evans, City Manager/Executive Director
Donna Mooney, City Attorney/Legal Counsel
Alice E. Evenson, City Clerk/Agency Secretary (elected)
Nancy Parent, City Treasurer (elected)

Vice-Mayor Killings called the meeting of the City Council to order at 7:00 P.M. in the City Council Chamber at City Hall, 65 Civic Avenue, Pittsburg, CA.

The following Closed Session was scheduled for 5:30 P.M. for the following items; however, the Closed Session was cancelled and will be scheduled for another date:

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to Section 54957:
City Attorney
2. CONFERENCE WITH LABOR NEGOTIATORS Pursuant to Section 54957.6:
Agency designated representatives: Stacy Shell
Unrepresented employee: City Attorney

ROLL CALL

All Members were present.

PLEDGE OF ALLEGIANCE

Chief Addington led the Pledge of Allegiance.

PRESENTATIONS

3. Student Delegation for Sister City Shimonoseki

The student delegation and chaperones for the trip to Shimonoseki were announced. The trip will take place August 21 through August 26, 2019.

4. Summer Youth Program Report

Kolette Simonton, Assistant Director of Economic Development and Recreation, gave an overview of the newly instituted Multi-Media Internship Program, and the PSYC. Members of the City's various summer youth programs were in attendance.

CITY MANAGER'S REMARKS

City Manager Evans announced upcoming events.

CITIZENS REMARKS

Maurice, Pittsburg, spoke regarding the problems with noise and drug activity at Creekside Village Senior Apartments.

Earle Jackson, Pittsburg, spoke regarding homeless activity, drug dealing, and the unsafe environment at the Creekside Village Senior Apartments.

Jacqui, Pittsburg, also a Creekside Village Senior Apartments resident, stated complaints to management have had no effect.

Alberto Johnson, Pittsburg, also a Creekside Village Senior Apartments resident, reiterated the comments of other residents.

Durie Foster, Pittsburg, asked about the fencing around the Veterans Memorial which should match other fencing in the area, and also asked about his request to fly the POW/MIA flag at City Hall. He also stated the City should adopt local election regulations and campaign contribution limits as well as an updated sign ordinance prior to the 2020 election.

CITY COUNCIL

PUBLIC HEARING

7. Adoption of a City Council Resolution to Confirm the Engineer's Report, Diagram and Assessment and Levy the Annual Assessment for Landscaping & Lighting Assessment District 1988-01, Citywide (Fiscal Year 2019-20)

Vice-Mayor Killings opened the Public Hearing.

Wolfgang Croskey, Pittsburg, voiced concerns about the declining landscaping throughout the City, particularly the gateway areas.

There being no one to speak further to the item, Vice-Mayor Killings closed the Public Hearing.

On Motion by Member Craft, seconded by Member White to adopt and carried by the following vote:

AYES: Craft, White, Killings
ABSENT: Scales-Preston, Banales

8. Adoption of a City Council Resolution to Confirm the Engineer's Report, Diagram and Assessment and Levy the Annual Assessment for Landscaping & Lighting Assessment District 1988-02, Oak Hills (Fiscal Year 2019-20)

Vice-Mayor Killings opened the Public Hearing.

Wolfgang Croskey, Pittsburg, asked whether the City can realistically maintain the entrances to developments that developers create.

There being no one to speak further to the item, Vice-Mayor Killings closed the Public Hearing.

On Motion by Member White, seconded by Member Craft to adopt and carried by the following vote:

AYES: Craft, White, Killings
ABSENT: Scales-Preston, Banales

CONSIDERATION

9. Adoption of a Minute Order to Approve a City Council Recesses for August and September

On Motion by Member Craft, seconded by Member White to recess August 5 and September 3 and carried by the following vote:

AYES: Craft, White, Killings
ABSENT: Scales-Preston, Banales

10. Adoption of a City Council Resolution Approving the First Amendment to the Consulting Services Agreement with Odin Systems, Inc. for the Freeway Security Network Project

On Motion by Vice-Mayor Killings, seconded by Member Craft to adopt and carried by the following vote:

AYES: Craft, White, Killings
ABSENT: Scales-Preston, Banales

CONFLICT OF INTEREST STATEMENT

There were no conflict of interest statements.

COMBINED CITY COUNCIL, PITTSBURG ARTS AND COMMUNITY FOUNDATION, AND SOUTHWEST PITTSBURG GHAD II CONSENT CALENDAR

On Motion by Member Craft, seconded by Member White to adopt and carried by the following vote:

AYES: Craft, White, Killings
ABSENT: Scales-Preston, Banales

11. Minutes of June 24, 2019 and July 1, 2019
12. Adoption of a City Council Resolution to Establish Salary Ranges for the Information Technology Analyst and Environmental Health Specialist Classification Series and Amend AFSCME-MPC Bargaining Unit
13. Adoption of a City Council Resolution Designating a Voting Delegate at the League of California Cities Annual Conference in October 2019
14. Adoption of an Ordinance Approving a Zoning Map Amendment and Development Agreement Amendment Alves Ranch Project, AP-18-1348 (GP, RZ, VTM, DR, DA)

COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

Member White asked for a future agenda item establishing a Landscaping Master Plan.

On Motion by Member White seconded by Vice-Mayor Killings to approve for a future agenda and carried by the following vote:

AYES: Craft, White, Killings
ABSENT: Scales-Preston, Banales

COUNCIL MEMBER REPORTS AND REMARKS

Member Craft noted many events took place last week and she thanked the staff volunteers that keep these events going. She also noted that any decisions on the lighting and landscaping throughout the City will need to be funded and prioritized.

Vice-Mayor Killings attended the Mayors Conference on behalf of Mayor Banales. He hoped PG&E could be invited to speak to the City Council to outline their wildfire prevention program.

ADJOURNMENT

The City Council meeting was adjourned at 8:08 P.M. to August 19, 2019.

Respectfully submitted,

Alice E. Evenson, City Clerk

REGULAR MEETING OF THE
CONCORD CITY COUNCIL
CITY COUNCIL CHAMBER
1950 PARKSIDE DRIVE
CONCORD, CALIFORNIA
TUESDAY, MAY 7, 2019

The Concord City Council met in a regular meeting in the City Council Conference Room located at 1950 Parkside Drive at 5:30 p.m. on Tuesday, May 7, 2019, with Mayor Obringer presiding. Councilmember Hoffmeister was absent. The meeting was recessed and immediately reconvened in a closed session under Conference with Labor Negotiators Pursuant to Government Code Section 54957.6. Agency designated representatives: Valerie Barone, City Manager; Jasmin Loi, Director of Human Resources; Donna Williamson, Esq., Liebert Cassidy Whitmore. Employee organizations: Professional Representation Unit of OPEIU Local 29; Peace Officer Representation Unit of Concord Police Officers Association and Police Managerial Representation Unit of Police Management Association. Unrepresented employees: Executive, Management & Confidential Employees.

The meeting recessed at 6:30 p.m. to reconvene in regular session in the Council Chamber.

The Concord City Council met in a regular meeting in the Council Chamber located at 1950 Parkside Drive at 6:30 p.m. on Tuesday, May 7, 2019, with Mayor Obringer presiding. The pledge of allegiance was led by Councilmember Birsan. Minutes follow in abbreviated form per Resolution 3361 and Council Minutes of September 26, 1966.

ROLL CALL

COUNCILMEMBERS PRESENT: Dominic Aliano, Edi Birsan, Laura Hoffmeister, Tim McGallian, Carlyn Obringer (Councilmember Hoffmeister arrived at 7:10 p.m.)

STAFF PRESENT: Valerie Barone, City Manager; Margaret Kotzubue, Senior Assistant City Attorney; Kathleen Trepka, Assistant City Manager; Joelle Fockler, City Clerk; Guy Swanger, Chief of Police; Karan Reid, Director of Finance; Andrea Ouse, Director of Community and Economic Development; Justin Ezell, Director of Public Works; Kevin Marstall, City Engineer; Bernard Enrile, CIP Manager; Frank Abejo, Principal Planner; Brenda Kain, Housing Manager; Coleman Frick, Associate Planner; Sophia Huckaby, Housing Program Analyst; Joan Ryan, Reuse Area Planner; Pedro Garcia, Senior Administrative Analyst

MEMBERS OF THE PUBLIC WHO ADDRESSED THE COUNCIL: George Fulmore, Concord; Moses Sullivan, Concord; Florence Weiss, Concord; Natalie; Laura Nakamura, Concord; Brian Corey, Concord; Ray Barbour, Concord

PUBLIC COMMENT PERIOD:

George Fulmore, Concord, spoke of upcoming events in Concord and recommended buying tickets for concerts at the Concord Pavilion at the Pavilion Box Office.

Moses Sullivan, Concord, spoke of dangerous pot holes throughout the City.

Florence Weiss, Concord, announced the Mother's Day event on May 11 in Todos Santos Plaza, recognized three students who wrote essays about their mothers, and distributed brochures for the 2019 Music and Market series.

Natalie, spoke of the last day at Half Price Books and encouraged the use of native plants in the City's planter boxes.

Laura Nakamura, Concord, spoke of Bike to Work Day to be held on Thursday, May 9, 2019, and the celebration to be held at Todos Santos Plaza from 4 to 8 p.m.

PRESENTATIONS

"BAY AREA KIDFEST DAYS" – May 25-27, 2019

Mayor Obringer presented Jay Bedecarre, Bay Area Fesitvals, Inc., a proclamation declaring May 25-27, 2019, as "Bay Area KidFest Days" in the City of Concord and commemorating KidFest's 30th Anniversary.

Following questions by the Council, Mayor Obringer opened a public comment period, and upon receiving no public comment, closed the public comment period.

"AFFORDABLE HOUSING WEEK" – May 11-19, 2019

Mayor Obringer presented Ronald Flannery, Communications and Programs Associate, EBHO, a proclamation declaring May 11-19, 2019, as "Affordable Housing Week" in the City of Concord.

Following questions by the Council, Mayor Obringer opened a public comment period, and upon receiving no public comment, closed the public comment period.

ANNOUNCEMENTS – none

CITY COUNCIL CONSENT CALENDAR

APPROVAL OF MEETING MINUTES – February 26, March 5 and 18, 2019

A motion was made by Hoffmeister and seconded by McGallian to approve the minutes from the meetings of February 26, March 5 and 18, 2019. Motion passed by unanimous vote of the Council.

APPROVAL OF A FOUR-YEAR PROFESSIONAL SERVICES AGREEMENT – Maze & Associates

A motion was made by Hoffmeister and seconded by McGallian to approve a four-year Professional Services Agreement in an amount not to exceed \$341,749 with a one-year option to extend for an additional \$94,149 with Maze & Associates Accountancy Corporation to complete annual financial statement audits beginning with fiscal year 2018/2019 to be funded by the Finance Department operating budget; and authorize the City Manager to execute the agreement in a form acceptable to the City Attorney. Motion passed by unanimous vote of the Council.

RESOLUTION NO. 19-27 – Pleasant Hill Landscaping & Lighting Assessment District #20

A motion was made by Hoffmeister and seconded by McGallian to adopt Resolution No. 19-27 entitled, "A Resolution Approving the Request of the City of Pleasant Hill to Allow Sunvalley Mall and Certain Other City of Concord Commercial Properties to be Included in Pleasant Hill Landscaping and Lighting Assessment District #20, Commercial Area Landscaping and Lighting." Motion passed by unanimous vote of the Council.

ACCEPTANCE OF THE WILLOW PASS PARK RESTROOM AND CONCESSION FACILITY REPLACEMENT – FIELD 1, Project No. 2334 – Site Work Phase

A motion was made by Hoffmeister and seconded by McGallian to accept the Willow Pass Park Restroom and Concession Facility Replacement – Field 1, Project No. 2334 – Site Work Phase; direct the City Clerk to file a Notice of Completion, approve a construction contract change order in the total amount of \$17,883.22; and approve a related budget transfer of \$19,765.64. Motion passed by unanimous vote of the Council.

CITY COUNCIL CONSIDERATION ITEMS

RESOLUTION NO. 19-28 – Additional Allocation of City Housing Funds to Resources for Community Development for 1313-1321 Galindo Street

Housing Program Analyst Sophia Huckabay provided an overview of the request. She introduced Alicia Klein, Associate Director, and Adam Levine, Project Manager, Resources for Community Development (RCD), who provided a background on RCDs involvement in Concord, property management, and an overview of the project at 1313-1321 Galindo Street.

Following questions by the City Council, Mayor Obringer opened a public comment period.

George Fulmore, Concord, spoke in support of the project.

Brian Corey, Concord, spoke in support of the project

Natalie, suggested making the units larger or add open public space either outside or inside instead of adding more units.

Anonymous, spoke in opposition to the project.

Mayor Obringer closed the public comment period.

Following comments by the City Council, a motion was made by Aliano and seconded by McGallian to adopt Resolution No. 19-28 entitled, "A Resolution Approving and Authorizing the Additional Allocation of \$2.3 Million in City Housing Funds to Resources for Community Development to Partially Finance the Expanded Affordable Housing Project Located at 1313-1321 Galindo Street." Motion passed by unanimous vote of the Council.

APPOINTMENTS TO THE CONCORD DESIGN REVIEW BOARD

A motion was made by McGallian and seconded by Birsan to appoint Jack Moore and Suzanne Alaksa to the Design Review Board for terms ending February 28, 2023. Motion passed by unanimous vote of the Council.

APPOINTMENTS TO THE CONCORD PERSONNEL BOARD

A motion was made by Obringer and seconded by McGallian to appoint Enrico Kevin P. Bunyi, Jennifer DeHart, and Karen Doig to the Concord Personnel Board for terms ending February 28, 2023. Motion passed by unanimous vote of the Council.

APPOINTMENTS TO THE CONCORD BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE

A motion was made by Hoffmeister and seconded by Birsan to appoint Michelle Hernandez and David Pitman to the Concord Bicycle and Pedestrian Advisory Committee for terms ending February 28, 2023. Motion passed by unanimous vote of the Council.

CITY COUNCIL PUBLIC HEARINGS

ORDINANCE AMENDING CONCORD MUNICIPAL CODE CHAPTER 13.05 – Sewer System

A notice of public hearing was posted in the posting cabinet at the Civic Center and published in the East Bay Times on April 23 and 30, 2019.

Director of Public Works Justin Ezell presented an overview of the City of Concord Sewer System and explained the City's agreement with Central Contra Costa Sanitary District (CCCSD). He reviewed the breakdown of operating expenditures and explained a completed rate study that took into account operation and maintenance needs, capital improvement needs, CCCSD operational costs and needed CIP, and adequate Sewer Enterprise reserves. Mr. Ezell summarized the rate setting process, and requested that the City Council conduct the public hearing by receiving public testimony and introducing an Ordinance by reading of the title only and waiving further reading.

Following questions by the Council, Mayor Obringer opened a public comment period.

Brian Corey, Concord, spoke about the handling of a duplex as a multi-family dwelling and in opposition to previous fee increases without notice and fees being doubled without a supporting fee schedule.

Ray Barbour, Concord, spoke of incentivizing residents to switch from septic to sewer.

Mayor Obringer closed the public comment period.

Following comments by the City Council, a motion was made by Hoffmeister and seconded by Aliano to introduce an Ordinance entitled, "An Ordinance Amending Concord Municipal Code Chapter 13.05 Sewer System, Section 13.05.020 Rates and Charges Established, Paragraph (C) Annual Sewer Service Charges, Exhibit A, by Increasing the Minimum Annual Sewer Service Charge and Other Corresponding Charges," by reading of the title only and waiving further reading. Motion passed by unanimous vote of the Council.

Mayor Obringer called a recess at 9:40 p.m. The meeting resumed at 9:48 p.m.

RESOLUTION NO. 19-29 – Denying Discovery Builders' Appeal of the Planning Commission's Decision

A notice of public hearing was posted in the posting cabinet at the Civic Center and published in the East Bay Times on April 25, 2019.

Community Reuse Area Planner Joan Ryan outlined the Enclave Townhomes Project, noting that the original project approval occurred on August 5, 2019, and included a 26-unit townhome subdivision at 3000 Willow Pass Road and a condition of approval that required the developer to build four affordable units for households with a moderate income. She reviewed

Chapter 18.185 of the Development Code, which includes the City's Inclusionary Ordinance and states: "All projects of five or more units are required to provide either: 10% of all units at moderate income level (up to 120% of area median income); or 6% of the units at low income level (up to 80% of area median income)."

Ms. Ryan provided a history of the project, conveyed Condition No. 18 for the project, which is a requirement to build: two units to fulfill the transferred obligation from the Silverleaf project; and two units to fulfill the inclusionary requirement for the Enclave subdivision (26 units x 10%) plus an in-lieu fee of 0.6 units.

Ms. Ryan requested the City Council adopt a Resolution denying Discovery Builders' appeal of the Planning Commission's denial of the Enclave Townhomes Use Permit Amendment.

Following clarifying questions by the City Council and comments from the appellate, Mayor Obringer opened a public comment period.

Mayor Obringer closed the public comment period.

Anonymous, spoke of concerns over homeless on the property.

Natalie, spoke in support of denying the appeal of the Planning Commission's decision to deny Discovery Builder's Use Permit Amendment.

Mayor Obringer closed the public comment period.

Following comments by the City Council, a motion was made by Hoffmeister and seconded by Birsan to adopt Resolution No. 19-29 entitled, "A Resolution Denying Discovery Builders' Appeal of the Planning Commission's Denial of the Enclave Townhomes Use Permit Amendment to Modify Condition of Approval Number 18 Regarding the Inclusionary Housing/Affordable Housing Requirement for the Project (190012,UA)." Motion passed by the following vote of the Council:

AYES: Birsan, Hoffmeister, Obringer NOES: Aliano, McGallian ABSENT: None

CORRESPONDENCE

- a. Concord's 31st Annual Summer Music Program Brochure
- b. Benched March 5, 2019, City Council Meeting Minutes
- c. Affordable Housing Week Kickoff Brochure
- d. Affordable Housing Poster
- e. RCD 1313-1321 Galindo Street Project PowerPoint Presentation
- f. Proposed Increase to Sewer Fees and Charges PowerPoint Presentation
- g. Benched Correspondence Agenda Item No. 11.a – Sewer Fees and Charges
- h. Enclave Townhomes PowerPoint Presentation

REPORTS

COUNCIL REPORTS

Councilmembers shared information on events and activities in which they had participated since the last meeting and commented on items of interest.

ADJOURNMENT

By order of the Mayor, the meeting was adjourned at 10:41 p.m. in memory of Honorable Ellen Tauscher.

CARLYN S. OBRINGER, MAYOR

JOELLE FOCKLER, MMC
CITY CLERK



City of Lafayette

Minutes

City Council

Lafayette Library and Learning Center – Don Tatzin Community Hall
3491 Mount Diablo Boulevard, Lafayette, California

July 8, 2019
5:30 p.m.

1. CALL TO ORDER

Mayor Anderson called the regular City Council meeting to order at 5:30 p.m.

2. ROLL CALL

Present: Mayor Anderson; Vice Mayor Candell; Councilmembers Bliss, Burks and Gerringer

Absent: None

Staff Present: Interim City Manager Niroop Srivatsa; Acting Planning & Building Manager Greg Wolff; Administrative Services Director Tracy Robinson; Engineering & Public Works Director Mike Moran; Communications Analyst Jeff Heyman; City Attorney Mala Subramanian

3. ADOPTION OF AGENDA

ACTION: It was M/S/C (Candell/Bliss) to adopt the agenda. Vote: 5-0 (Ayes: Anderson, Candell, Bliss, Burks, and Gerringer; Noes: None).

4. PUBLIC COMMENTS

DANIEL DEBUSSCHERE, Orinda, referred to AB 1487, a spot bill that was developed to create an entity that would have taxing authority over the 9 Bay Area counties. Many letters have been written opposing the bill and on July 3rd the bill was amended and agendized for the Senate Governance and Finance Committee for July 10th, just ahead of a 4-day holiday without much public viewing.

He thinks the pattern here is a money grab. The last amendments give ABAG the ability to issue the ballot measures for taxes but MTC still distributes the funding. Once this is set up it goes on forever. He appealed to Mayor Anderson and Councilmember Burks to call Senator Mike McGuire and ask that he table the bill given there have been underhanded dealings.

5. CLOSED SESSION

A. Public Employee Appointment (Gov. Code 54957)

Title: City Manager

Selection of Interview Candidates

OPEN SESSION – 7:00 P.M.

Mayor Anderson convened the regular City Council meeting and announced that all Councilmembers were present.

6. PLEDGE OF ALLEGIANCE – led by Mayor Anderson

7. PUBLIC COMMENTS - None

8. PRESENTATIONS

- A. **Marcos Montes, Pacific Gas and Electric Public Affairs**
Gas Transmission Pipeline Replacement Bridge Crossing on St. Mary's Road
Recommendation: Receive and file.

Marcos Montes, PG&E Public Affairs, introduced the project team in attendance and provided a PowerPoint presentation regarding the project scope for the Gas Transmission Pipeline Replacement Bridge Crossing project on St. Mary's Road. He gave a background of the project, stating the design, construction and permits for the location of the project has been vetted and are now shovel-ready. He explained that PG&E was not able to defer last year's project because of gas planning capacity and winter weather forecasts, and this additional piece will complete the process and will upgrade the line to a brand new line, with better technology.

Mr. Montes then described the project location, complete road occupation and 4 events including pre-mobilization efforts at a separate location. Crews will work on a vegetation plan and installation of the new span of pipeline across the bridge, de-activation and then lastly, full restoration.

Regarding the traffic detour and road closure during non-work hours, the road will be open to the public. He then described the proposed routes from north and south, noting there are alternative ways to get in and out of the area, and PG&E chose the detour plan to provide the least amount of impact to residents.

As far as the proposed schedule, they would like to start once the design is complete and permits are in place. Their construction team has been asked to put together a high level schedule with work hours and he described three options for consideration.

Mayor Anderson asked if the options are being considered given PG&E does not know the start date.

Mr. Montes stated it is the City's choice and they will work with the City on one. They want to start before the end of July and are in the process of securing permits and he confirmed they were very close. Mr. Montes then concluded his presentation and spoke about the community outreach plan, stating they released letters to the public on 6/19/19, held an open house on 6/26, and will send out an automated phone call prior to the project start, with additional outreach to nearby neighborhoods.

Councilmember Burks referred to the routes and asked for the plan for PG&E to practice with Con Fire and MOFD in the event of a wildfire situation.

Mr. Montes stated PG&E is developing an emergency response plan and this information will be made available to the public via the City or through their community outreach program.

Vice Mayor Candell asked how long residents will be without gas.

Mr. Montes stated there will be no interruptions of gas for residents or businesses.

Vice Mayor Candell confirmed both directions were open during work hours. She asked why residents cannot be stopped from going through Burton Valley.

Mr. Montes replied they can set up traffic control via approval by the City, but as a utility PG&E cannot restrict the public from diverting into Burton Valley. They can flag people in and out and can speak with City staff to add this to the traffic plan. But again, PG&E has no authority regarding this given it is a public road.

Vice Mayor Candell asked why PG&E cannot start the project next summer.

Mr. Montes said PG&E has fulfilled most of the capacity constraints last year and this timeframe would provide more flexibility and opportunity for gas flow but he could take this question back to the project team.

In response to Vice Mayor Candell, he confirmed that there were approximately 8 people who attended the open house. Regarding additional outreach, there will be signage as part of the permit conditions. Mr. Montes also clarified PG&E was working on an environmental permit but it was more for an agreement for construction and design with City staff across the bridge which is the one permit they lacked last summer.

Councilmember Bliss referred to the project timeline, stating traffic is lighter during the summer. If permits are in place between now and next summer he asked if there would be any significant downsides to getting permits between now and next summer and then doing the work next summer.

Mr. Montes said this would give them more flexibility, but in terms of timing he could go back and speak with gas operations regarding deferring the project to next summer.

Councilmember Gerringer stated school starts earlier this year and students will get out later at Acalanes and she asked that this be factored into PG&E's timing. She also would support Mr. Montes checking on the project being started next summer and suggested any additional projects be layered so as to reduce impacts.

Mayor Anderson opened the public comment period.

MICHAEL DAWSON recognized the problem of the long project timeline to replace the pipe. He referred to his email regarding the work being completely avoidable, noting poor planning by PG&E. He asked that the Council and residents hold PG&E accountable, and cited PG&E not being fully transparent with the project in that residents knew nothing about the project requiring a second project.

Vice Mayor Candell asked if Mr. Dawson had any ideas for further improvements that could be rolled into the project.

Mr. Dawson cited his work with the gas safety meetings and said they are finding out things from those meetings PG&E is not telling them. There are piece meal projects, valve projects and other projects in separate areas as well as vintage pipeline replacements. He believes it is up to PG&E to provide information to the public about these and they are not.

ANN BURNS said she appreciates the work being done as the pipelines needs to be replaced. She spoke about the project work last year which went smoothly, but said residents did not know there would be a second part of the project. She received a letter from PG&E dated June 19th to alert people that work would start in early July through late August, attended the open house on June 26th and then the date was changed. The information given at the meeting was one piece of paper that showed the detour.

Her concerns involve the significant traffic on St. Mary's Road which exceeds 6,000 vehicles a day. If PG&E routes all traffic to go through Burton Valley, people will use it all the time. She asked one of the engineers about the road being closed and they told her it could not be closed, and she believes that neighborhood roads cannot handle the traffic as well as schools and residents living in Burton Valley. She cited the Lafayette Weekly report regarding the City struggling with maintenance of roads and the PCI and this project affects that. She asked to close St. Mary's Road and detour traffic and to start the project next summer.

Vice Mayor Candell asked if any work was done last year to divert people away from Burton Valley.

Ms. Burns said last year it went very smoothly. However, this project will have more traffic through Burton Valley if PG&E or the City does nothing about it.

Mayor Anderson cited options for timing and work hours and he thinks it would be important to delay the project until next year because permits are tricky and time-sensitive. Once all permits are lined up, he suggested the City have a discussion with PG&E about the firm start date, public outreach and traffic management options and he thought the delay to next summer would have the least impact on the community.

In terms of options, the least number of hours the road is closed, the better and he would support Option 6, but this can happen once PG&E has a date and permits. The impact on schools is also serious and he thought delaying the project to next summer would provide more lead time.

Vice Mayor Candell asked Mr. Montes to return with feedback on her questions and Mr. Montes agreed. He agreed to follow-up with questions regarding other issues besides permits and other Councilmember questions.

Councilmember Bliss said he would like to ensure that PG&E returns with a plan to educate people to not use the cut-through in Burton Valley.

Mr. Montes commented that the biggest issue is people's use of technology and apps for directions, but PG&E will work to do whatever they can and work with the City.

9. CONSENT CALENDAR

Councilmember Burks requested removal of Item 9C for Townsend Public Affairs to provide a legislative update.

Mayor Anderson opened the public comment period, and there were no speakers or requests from the public to remove any items.

A. Minutes

June 24, 2019

Recommendation: Approve.

B. Council Assignments 2019 – July Revision

Naming Council Member Bliss as the primary and Council Member Gerringer as the alternate Council liaison to the Lafayette Library and Learning Center Foundation

Recommendation: Adopt the Council Assignments 2019 July Revision.

ACTION: It was M/S/C (Gerringer/Candell) to approve Consent Calendar Items A and B. Vote: 5-0 (Ayes: Anderson, Candell, Bliss, Burks, and Gerringer; Noes: None).

10. OLD BUSINESS

A. Councilmembers Gerringer and Burks

Objective 2: Develop a Strategy to Broaden Senior Community Inclusion

Recommendation: Receive and file.

Councilmember Gerringer reported that the subcommittee has developed the report with the PTR Commission and have brought forward goals and how the strategic objective ties nicely with the work that the Senior Services Commission was doing.

Councilmember Burks commended PTR staff and the Senior Services Commission for getting a head start in advance of declaring the strategic objective. The report is focused on the 8 domains of livability which is at the heart and core of the objective, and there is a plan forward.

He said they visited three senior living communities in town and held Town Halls and Forums with residents of those facilities, and a few recommendations are included if funds could be identified to pursue them. Overall, the action plan is also laid out well and he thinks it is ready to be finalized for policy promulgation.

Vice Mayor Candell asked what the City's current livability score is.

Senior Services Commissioner Dorothy Walker replied that the City's current score is 56 out of 100, which is comparable to Moraga and Orinda. They have scheduled a follow-up meeting to their kick off which was in February and they are going to be meeting here October 16th to hold a follow-up discussion and presenting what they have found through individual meetings. They will inform the community as to how they are proceeding in developing that plan.

Vice Mayor Candell referred to the Spirit Van and asked about the residents of Chateau Lafayette and Bella Terra receiving a discounted rate. She questioned why Merrill Gardens or Lafayette Convalescent did not receive the same.

Ms. Robinson explained that the discounts for seniors are for the low income units, and Merrill Gardens is not low income.

Councilmember Burks referred to the Spirit Van and voiced his concern for continued funding to continue to sustain its viability, as well as work with the County Transit Authority to ensure there are bus lines and available modes of travel for seniors.

Mayor Anderson opened the public comment period, and there were no speakers.

Mayor Anderson recognized sidewalks and walkability and believed this could be reviewed in the FY 2021/22 budget cycle as well as others. He thanked Councilmembers and Commissioners for their work on the report.

Councilmember Gerringer said she looks forward to the follow-up and continued work of the Senior Services Commission with Age-Friendly Community and increasing the City's score, noting that by making the community livable for older adults, it also makes it better for everyone.

11. STAFF REPORTS

A. Mike Moran, Engineering and Public Works Director 2020 Transportation Expenditure Plan (TEP)

Recommendation: Discuss and provide comments and suggestions for the proposed Transportation Expenditure Plan (TEP) to the Council's SWAT and CCTA Liaison for future input at SWAT and CCTA meetings.

Engineering and Public Works Director Mike Moran presented the preliminary draft of the Transportation Expenditure Plan (TEP) which is a list of projects and programs with estimates and sometimes timeframes that could be supported by a tax measure should it be passed by Contra Costa County voters. Measure C was set to expire in 2009 and Measure J extended this to 25 years, or until 2024.

There remains funding needs for many improvements and some of the types of projects that the sales tax measure has helped fund include: The 4th Bore of the Caldecott Tunnel, BART extensions, Fastrak lanes, local streets and roads improvements, the Lamorinda School Bus Program, and other broad-reaching projects. CCTA is the administrator of the program and they have let everybody know that more funding is needed to keep programs robust and to keep adding to various needs.

He said Measure X was put before the voters in 2016 and it had a similar transportation expenditure plan behind it. Given that and the fact it did not pass, CCTA is making the rounds and talking with stakeholders as they can to try and receive consensus on what the program should include. The sub-region for Lafayette is SWAT and CCTA has been including all sub-regional areas in the TEP because it is important to have either the program or specific project listed on the TEP. It is also important to get uniform consensus and support for this, as well.

Within SWAT there are differing opinions in what is in the plan, and he referred to the bullet points in his report, such as the return-to-source funds where, in the proposed plan is 15.2% and some in SWAT want this to be 23% which was proposed in Measure X that failed. There are those that would have it be less because they want this to be specifically more for signature projects in each region like the

Caldecott Tunnel or I-680/Hwy 24 improvement that helps to the point where traffic flows through Walnut Creek and where Pleasant Hill Road will not be used so much as a cut-through. There are varying opinions on how much should go to BART or EBRPD and opinions on the duration of the tax measure.

He provided attachments in his staff report for the Council's review and said the table includes the projects proposed. What have been up for discussion are percentages, amounts, and which region it goes to. In going through the two pages there are numerous projects and programs. CCTA still has difficulty sharing with the voters how their lives will be improved should this measure pass transportation-wise, and this is what voters want to see.

Mayor Anderson asked if Mr. Tatzin would like to add to the presentation, noting that he did not see anything in the report that would be palatable and a benefit to those in Lafayette.

DON TATZIN, CCTA consultant, said when Measure X went to the voters in 2016 he was asked by members of the CCTA to be the Chair of the special sessions held to put the measure together. The TEP talks about how funds will be allocated and, more importantly, the rules and guidelines that will drive how funds are distributed and what they are supposed to go for.

For example, since 2016 the voters approved BART's Measure RR which took the \$300 million they were going to put in BART cars off of the table because now BART is getting that funded differently. Voters passed a regional Measure 3 which is an increase in bridge tolls. Contra Costa felt it was cheated on that, but it still gets \$400 million. Then, the State approved SB 1 which provides substantial funds for local jurisdictions and some of the projects they are looking at. Taking that into account, the TEP is a bit different.

What guides the TEP was that they did some market research in May and they found there is a narrow window for this measure to pass for the two-thirds approval needed, with no room for error. What voters want congestion and their transit times reduced. What they say is more important than anything is that they want to hold CCTA, and by extension the Council, accountable for doing that. They have therefore tried to build the plan accordingly. There are no highway expansion projects of any size and what they are trying to do is make what they have worked better for everybody.

Mr. Tatzin indicated that the chart Mr. Moran presented is already outdated and the new one has organized it around 3 broad categories: 1) Hwy 4 and the 242 corridor; 2) I-680 and Hwy 24; and 3) I-80 corridor. In each of those, they will do things to relieve bottlenecks and congestions like add auxiliary lanes where it makes sense, do bus on shoulder operations, and put money into major streets.

Where Lafayette benefits from this is there is about \$10 million reserved for the Lamorinda area in major streets which could help fund recommendations from the Downtown Traffic Improvement Program, as well as things that might come up along Pleasant Hill Road. There is money for parking and access improvements to BART and this is a major concern as indicated by a local poll, and this does not mean BART will build more parking at the stations, but perhaps Lafayette and other jurisdictions can find outer places to have coordinated parking and then provide access to the BART station, whether it be the Lafayette station, Walnut Creek, Dublin, etc.

One of the things they are trying to build in is being ready for new technology. The next car someone buys will be a lot smarter than the current one. There are things CCTA can do which can make technology like smart cars more effective.

Also, there is another major category improving transportation which provides for cleaner, safer BART as what they hear is traffic is going down because people are concerned about safety in the stations and on BART cars. About \$30 million is available for accommodation of the Lamorinda School Bus Program and the Traffic Program and this is in addition to what Measure J will provide, along with incremental funds. In listening to discussions about seniors, there is about \$25 million in the region for transportation for seniors, veterans, and the disabled.

Regarding where they are in the process, they are releasing a comment draft plan later this week with the updated chart, the current drafts of all of the policies, addition of a transit policy, modification of the complete streets policy, a stronger growth management element, addition of a Vision Zero policy which is a move to eliminate death and serious injuries, and then they go into a listening mode and receipt of comments. The circulation draft cities must approve goes out in August and he asked that this Council place the item back on its July 22nd agenda for review and comment.

Regarding other policies, historically they continue to divide the money by sub-region or by region, and now some of the categories will be competitive by region. Not only is it the best project but the best project that meets specified standards that will be developed in a public process. So, if someone has a project and it does not meet the specified standard they can either modify the project or find another one. There is not the intent to move money from one sub-region to another.

There will be 10-year reviews where CCTA can sit back and look broadly about what has gone on and what is and is not working, and this is a time when they could make some re-allocations within categories. There will be a Telephone Town Hall for this SWAT region on August 6th from 5:30 to 7:30 p.m. They will be issuing an on-line survey as well, and he asked if the Council would allow him to approach Communications Analyst Jeff Heyman and use the City offices to spread the word about the survey, and he was available for questions of the Council.

Councilmember Gerringer thanked Mr. Tatzin and Mr. Moran for their reports and asked for information regarding the timeline to provide comments.

Mr. Tatzin said the filing deadline is December 6, 2019. The Board of Supervisors puts the measure on the ballot which must do that by holding two hearings in November. Prior to that, CCTA must recommend it be placed on the ballot by late October, and it needs to be approved by a majority of the cities containing a majority of the population. They envision this will occur between the release of a final draft in August and early October. If significant requests for changes are received mid-way through that process it must go back to all cities and they are working towards an August date for a final draft.

Vice Mayor Candell asked whether it should be brought back after it has been finalized.

Mr. Tatzin stated there is a draft for people to comment on and questions can be taken this evening.

Vice Mayor Candell referred to the policy statements and requirements on the City to fulfill them to obtain funding. She asked which policies the City already has and which ones needed to be created, and suggested identifying which ones the City already has and need to create in order to determine how

much extra work this will cost the City. Also, she asked if, in the history of Measure J, the City ever tried to seek funding.

Mr. Moran said although this will be different than Measure C and Measure J, it will be a continuation of the same types of things to fund. Every two years, staff must present before CCTA a Measure J checklist which is extensive. There are requirements for a safe routes to school type of project and the City must comply, and this will be competitive either Countywide or sub-regionally. There have been discussions about SWAT getting a first round cycle but then lose points when applying next for another county to have a better chance of obtaining funds. All requirements must still be met, report on, and voters want accountability.

Councilmember Bliss said he was intrigued by what was described as the evolving thinking about what level to put the return to source range. He asked staff to describe how this evolved.

Mr. Tatzin said after much discussion regarding Measure X which failed, the return to source percentage was 23%, and some people suggested leaving what was contained in Measure X and others have said the situation has changed because cities now get SB 1 money, some needs should be met by RM3. Additionally, voters want things that reduce congestion and time delay and to what extent fixing potholes advance achievement of that goal. At this time, the western region has adopted a 15% return to source. He thinks East County is heading towards 18%, and neither of the Central County regions has made a decision, but it is mostly between 15% and 18% with SWAT based on discussions. In the Northern Central it is between 15% and 23%.

Councilmember Bliss asked about the process.

Mr. Tatzin stated they are trying to walk the fine line to bring everybody on board and get 2/3 voter support. In his view, there are many organizations including cities that have the power to defeat this measure. No one has the power to pass it alone. Therefore, it is important to lead with one's ears and see what happens. Some cities may be dissatisfied for one reason or another not to vote to put it on the ballot and they probably suppress support in that jurisdiction. At the same time, there are many stakeholder groups who are not cities who have an interest in senior transportation, building roads or BART and they are trying to address their concerns.

Councilmember Bliss referred to the relationship between return to source and the regional funds and he pointed to the table. One of the things mentioned in the staff report was a local project for improving traffic flow on Pleasant Hill Road which would be a benefit to Lafayette and also regional benefits. If there were dollars for the City to undertake some of the strategies for improving traffic flow and reducing travel times particularly for residents on Pleasant Hill Road he asked if this would come under return to source funds or under some of the regional funds.

Mr. Tatzin said for a sizeable project a jurisdiction would apply under what is called "improved traffic flow on major streets" category and there is just under \$10 million in the current expenditure draft for the Lamorinda area. Those are the kinds of projects where they can get matching funds, as well. Also, there are funds for walking and biking on streets and trails, and this is another category where money can be used from a variety of sources in this measure as well as other sources.

Councilmember Bliss referred to page 11 of table in the staff report regarding SWAT's positions on different categories within the funding. One amendment would be to fund the Caldecott Tunnel

modernization at \$5 million which would be used as matching funds. He asked and confirmed this would be matching funds to Caltrans dollars.

Mr. Tatzin added that there may be federal money, noting that the California Transportation Commission and Caltrans puts together a biannual plan of which projects they are going to fund and agencies can apply.

Vice Mayor Candell said people want to reduce delays and she asked where it shows how the delays are tackled and an assessment of how each would be improved would be helpful.

Mr. Tatzin said CCTA has a countywide transportation model. They are going to take this draft project and program list and modify the transportation modeling to get a sense of how much delay and congestion is reduced.

Vice Mayor Candell said in taking the route from Antioch to San Francisco and the methods shown are to help I-80 which would get people off of Hwy 24. Otherwise, it seems every single one is going to increase traffic on Hwy 24 to the Caldecott Tunnel and invariably plug up Mt. Diablo Boulevard. Therefore, personally she would see how that one particular route survives through this for Lafayette.

Mr. Tatzin explained that the goal in Hwy 4 and I-680 is to get more people onto transit. In East County they talk about extending some form of transit out to Brentwood so people do not have to drive, either e-BART or bus. BART may not be the operator, and they are trying to come up with alternatives to personal vehicles to make them attractive so people are willing to switch.

Mayor Anderson said it seems like in Lafayette there is a good blueprint as to what can help congestion internally. He asked if it was possible to get some analysis on the fundability of that plan in totality, given the kinds of allocation of dollars and indicate the goal to CCTA.

Mr. Tatzin said he thinks the City can indicate it qualifies under public categories, and most funding for this comes from either the sub-region of Lafayette or the Lamorinda sub-region or the rest of SWAT. So, not know what the other jurisdiction will propose, it is complicated. The one thing that is clear is there is \$10 million reserved for Lamorinda in the major streets category and much of what the Downtown Congestion Management Relief Plan talks about is that there is funding for synchronizing signals which the plan talks about. So, they want the jurisdictions to take the lead.

Mayor Anderson opened the public comment period.

Public Comments:

CHERYL MACDONALD said if the Pleasant Hill corridor is between different cities she asked if it could be considered regional.

Councilmember Gerringer said solutions can be regional. The \$10 million is allocated towards Lamorinda roads or projects and Pleasant Hill is not in Lamorinda or in SWAT transportation area. To the Mayor's point, in the Lamorinda discussions through their LPMC they have identified what projects would benefit Moraga and Lafayette and very specifically to the Downtown Congestion Plan and how it could qualify for Complete Streets or Livable Communities such as completing the trail along School Street and over to BART and the improvements that could be made as schools improve. They are holding these

discussions Lamorinda-wide and talking about Hwy 24 projects that could improve traffic--getting people out of their cars is one objective along with improving flows along Hwy 24 and I-680 through HOV lanes, buses on the shoulder and hopefully receiving matching funds for infrastructure improvements, and this is the message to share to be competitive in grants.

Mayor Anderson said the suggestion has been made to bring this back at the July 22nd Council meeting to consider further improvements to the overall strategy to consider. They also need to decide if they want to have the on-line survey advertised on the City's website which he supported.

Vice Mayor Candell said besides asking Mr. Tatzin to determine what the traffic studies show, there is a lot of money but not a lot for Lafayette. She thinks a way to think about it is that they are one of the few of the last legs out of Contra Costa County and they get everybody impacting their City. Therefore, she thinks monies should be biased in their favor because Lafayette takes the bulk of the impacts.

Mayor Anderson likened the City as a portal. As criteria for allocation of funds, he suggested CCTA considers these areas noting there is a great deal of drag in those areas, and solving it helps make things a lot better. He suggested agendizing the item for July 22nd and asked staff to post something on the City's website to direct people to the on-line survey.

**B. Tracy Robinson, Administrative Services Director
Employee Evaluation Rating for Interim City Manager**

Recommendation: Deem the evaluation rating to be at least a 3.0 for Interim City Manager Niroop Srivatsa.

Ms. Robinson said the City has not found itself in this situation over the last 20 years. At the beginning of every new fiscal year, all employees receive performance evaluations on a 4 point scale. If they receive a rating of 3 out of 4 from the evaluation they receive a step increase. However, employees who are at the highest step which is Step 10 do not receive any step increases. If their evaluation is 3 out of 4 they receive a lump sum merit bonus of 2.5%.

The issue at this time is when Ms. Srivatsa, who was the Director of Planning and Building Services was appointed as Interim City Manager, she no longer has a supervisor who can evaluate her. It is not necessarily appropriate for the Council to evaluate her as an Interim City Manager; however, she does need some kind of rating in order to receive her merit bonus because she was at Step 10 under her classification.

The City Attorney has provided a way to do this which is the Council can deem that she is at least a 3 or more by virtue of the fact that the Council appointed her as Interim City Manager, and assuming she has done well. This is staff's request. For purposes of calculating the lump sum bonus for her this year, she asked the Council to deem her performance for FY 2018/19 to be at least a 3.

City Attorney Mala Subramanian clarified that the City Council can only evaluate 2 positions; the City Manager and City Attorney positions. In order to avoid the situation of where Ms. Srivatsa may be out of a bonus because of this vacancy, staff recommends the Council deem her at least a 3 by virtue of the fact the Council appointed her as the Interim City Manager. To the extent the Council may want to have a larger discussion on her performance evaluation as the Director of Planning and Building Services, she asked to curtail that because the Council does not evaluate that position.

Mayor Anderson asked to what extent the Council could discuss the item versus simply vote on the item.

Ms. Subramanian said the Council can discuss the fact that by virtue of the fact the Council appointed her unanimously as the Interim City Manager that they presume she was serving at least a 3 or higher. But, if more discussions are undertaken regarding her level of performance, she would stop that discussion.

Councilmember Burks asked what 2.5% represents in dollars.

Ms. Robinson said she would have to go back and confirm but she believes it is roughly approximately \$5,000 more or less.

Vice Mayor Candell asked what does a 3 out of 4 means in terms of evaluation rating.

Ms. Robinson stated a 4 is the highest, a 3 would "exceed expectations".

Mayor Anderson opened the public comment period.

Public Comments:

GEORGE RILEY said from what he has seen, he would rate Ms. Srivatsa as a "4".

ACTION: It was M/S/C (Burks/Candell) to deem the evaluation rating to be at least a 3.0 for Interim City Manager Niroop Srivatsa. Vote: 5-0 (Ayes: Anderson, Candell, Bliss, Burks, and Gerringer; Noes: None).

12. PUBLIC HEARINGS - None

13. ITEMS REMOVED FROM CONSENT CALENDAR

- A. **Resolution 2019-38 Approving the City's Legislative Agenda for 2019 and 2020**
Recommendation: Adopt Resolution 2019-38.

Councilmember Burks stated he was supportive of the Legislative Agenda and was hoping to receive a status update on land use or other bills from Townsend Public Affairs.

Councilmember Bliss voiced support for an update and thanked staff on the great work in taking numerous comments from the last meeting and integrating them into the Legislative Agenda.

Vice Mayor Candell referred to page 4 under Legislative Principles, Preserving Local Control, number 4 states, "Opposing legislation that ties transportation with the production of housing." She suggested it state "Opposing legislation that ties transportation funding or any other funding with the production of housing."

Councilmember Bliss said he thinks being broader in how to describe that policy is a good way to go. He said if there were incentives such as Redevelopment 2.0 type of legislation that incentivizes or ties a per unit funding source to the creation of actual housing, he would think the Council might support that.

Vice Mayor Candell suggested rewording it to tie transportation funding or "other negatively impacted funding" or just "reduces funding."

Under Legislative Principles after number 10, it states "Monitoring legislation that could impact commercial and/or recreational drone usage." She asked how broad this goes in terms of adding 5G network deployment.

Ms. Srivatsa suggested broadening that to "telecommunications and monitoring for 5G network deployment."

Councilmember Gerringer referred to page 2 of 4; the top area above Housing, and Ms. Srivatsa stated she will expand that.

Ms. Srivatsa referred to Fiscal Matters, Number 10, "Monitoring legislation that could impact local telecommunications infrastructure." She could place this under Fiscal Matters or under Local Control, and she would agree it should go under Local Control.

Vice Mayor Candell referred to Environmental Protection further down, Number 6 states, "Monitoring of legislation that impacts environmental review policy or CEQA." She suggested adding something specific about health and safety adverse impacts that may occur outside of CEQA such as in the HAA. Health and safety impacts are not just CEQA and she asked if general health and safety impacts could be added under Environmental Protection.

Ms. Srivatsa confirmed that this can relate to monitoring legislation on health and safety impacts regardless of the land use. If there is a certain bill that restricts a city's ability to approve or deny a project based on health and safety impacts regardless of CEQA, the City would want to monitor that.

Vice Mayor Candell referred to natural disaster mitigation under #2, "Support legislation to ban the sale of flavored tobacco products." She knows San Francisco is going farther and she asked if the Council wished to expand it further to say anything regarding e-cigarettes.

Ms. Srivatsa stated this is a policy decision.

Vice Mayor Candell suggested stating "Supporting legislation to ban the sale of flavored tobacco products and monitoring any policies regarding e-cigarettes."

Mayor Anderson said staff would need to revise the draft to include these potential additions so the Council can read and understand them. This will require the item to return, and he thought it was difficult to craft these things at the meeting. He confirmed Vice Mayor Candell had no other changes.

Mayor Anderson referred to the election question that came up and emails received which was Elections number 2 and the question about their supporting legislation that lowers the voter requirements for passage of local special purpose agency funding propositions. The concern is that this is part of AB 1487 effort to have a lower voting requirement to get that particular bill passed and the agency established. He asked if the Council wished to change that or not.

He asked for other revisions, and there were none. He asked staff to revise the draft and return the document for the July 22nd meeting in a redlined version.

Alex Gibbs, Sr. with Townsend Public Affairs, said since he was last before the Council there has been some movement on some priority bills, as follows:

AB 1487: The bill is currently set to be heard on Wednesday, July 10th in the Senate Governance and Finance Committee. The bill had had several meetings between the author and Chair McGuire and Senator McGuire has communicated to the author and staff he is not prepared to support the bill in its current form and has asked for certain accommodations to be made to allow for more time to discuss the bill with stakeholders. During that hearing, the bill will be amended and watered down to just "intent" language. It will remove all provisions in the bill that would have affected policy. This will then allow the bill to move out of the committee pursuant to deadlines, although it will be an intent bill and not have any language of substance.

An intent bill would simply state the intentions of the author; however, it does not have any language that would provide for legal mechanisms for that to take place. It can be likened to a resolution. This bill would simply state the intent of the author. It would then meet the deadline to allow for it to be voted on in policy committee and be alive and moving through the process in 2019 as opposed to having it not acted on where the bill would remain until 2020. By amending it, it is still live for 2019; however, it would be pursuant to other rules including waivers that would need to be heard in order for the bill to continue to advance in the traditional legislative process.

Councilmember Burks asked if there were opportunities for additional amendments to the bill once it moves out of Senator McGuire's committee.

Mr. Gibbs said there will be opportunities for amendments in both the Appropriations Committee and through other mechanisms, including having the bill pulled back to the Policy Committee which would need to happen if the bill was to be amended in the fashion the author would like to see. This is where amendments get put back into the bill after the working session concludes over the summer. There would then be rule waivers at that time if the legislature deems it necessary and the bill would be re-referred back to policy committee for another hearing not subject to the previous Policy Committee deadlines.

Councilmember Burks asked if intent bills are considered laws.

Mr. Gibbs said yes, if it was passed and signed by the Governor. It would be the intent of the State to perform "x, y and z"; however, there would be no legal function for it to take place.

Mayor Anderson said in other words, it allows Assemblymember Chiu to continue to work on this without it being a 2-year bill and delayed completely. Then, he would have to come back to the Policy Committee when he is ready to put forward his fully amended bill for it to go through this step, given waivers that would have to occur also. Mr. Gibbs confirmed.

Councilmember Burks asked if Mr. Gibbs was aware of any other bills Senators McGuire or Assemblymember Chiu were working on together or have discussed.

Mr. Gibbs said no, not in this fashion. But, as the Chair of the Governance and Finance Committee, any bill that would be referred to that committee they would need to work on in some capacity. He said he

knows other bills have made it through his committee successfully and none have been held in this fashion.

Councilmember Burks asked what Mr. Gibbs' opinion was of the probability for the bill going back to the Policy Committee for new amendments based on side bar discussions between the two members.

Mr. Gibbs said this would depend on conversations that take place over recess, whether the author can get the appropriate members into a room to have a constructive conversation. If they can get it to a place where the other legislators would be comfortable bringing it back there are mechanisms to do so. Candidly, he feels there are many hurdles to jump if it were to make it back into 2019. He would say at the moment that it should be an uphill battle should all of these things take place on Wednesday for the bill to be amended with substantive language back into it and have it meet all of the policy deadlines for 2019.

Ms. Srivatsa added that she had some email exchanges with Councilmember Amy Worth, MTC representative, and Councilmember Julie Pierce, ABAG representative. Ms. Pierce indicated that the Ad-Hoc Committee of ABAG and MTC has been working with Assemblymember Chiu on the changes proposed by the Contra Costa Mayors and she is confident he is listening and will incorporate the changes.

Mayor Anderson noted they had the public comment from Mr. DeBusschere indicating that MTC would control the money but ABAG would collect it. He asked if Ms. Srivatsa had any further information on that comment, as this is a fear that would not be consistent with what the County Mayors asked for.

Ms. Srivatsa said she indicated this to Ms. Pierce and Ms. Worth and it is an on-going discussion with Assemblymember Chiu. In response to her email, she was told, "The language authorizes MTC to place a measure on the ballot and to do the banking and bonding. All other decisions and requirements for how the money will be spent are required to have approval of both executive boards. We ask for language requiring a 55% approval from both boards." Ms. Pierce goes on to say that "Some of the requests have been incorporated into the bill and they are continuing to work with the Assemblymember."

Mr. Gibbs stated his understanding is that this legislative ad-hoc or group will be meeting again this Friday and they have two additional meetings scheduled for July at which point they will be discussing the bill and getting back to the author.

Vice Mayor Candell noted that the City's position on the bill is one of opposition which has not changed.

Ms. Srivatsa stated they are in a watch position. Mayor Anderson confirmed and said they had the conversations with Assemblymember Chiu, put their amendments on the table and were waiting to see if amendments were to come about. At this point, it sounds like they are getting some traction and hopefully it will work and they will get something much better than they had presented to them a month ago in San Ramon.

Mr. Gibbs stated they have communicated this position to their authors as well as members of the various committees the bill has gone through. They have been meeting with them regularly and have re-assured our legislators that we reserve the right to move from a "watch" back to an "opposed" position if they are not feeling the bill is making any progress.

Councilmember Bliss said in terms of how this intersects with the Appropriations Committee process, they would be the next stop for an intent bill. He asked if intent legislation would have to go through the Appropriations Committee given there would not be fiscal impact absent any actual policy change for an intent bill.

Mr. Gibbs said it was currently referred to multiple committees; however, if the bill does get amended in such a fashion such that it would no longer bear any fiscal impact to the State, it would not be deemed fiscal nor need to go through the Appropriations Committee.

Councilmember Burks referred to the statement of policy of the Council on a "watch" position, and he asked why they would want to watch either a bill pass they know their constituents are against in addition to watching a bill pass that has the intent of what their constituents do not want.

Mayor Anderson said when they met with Assemblymember Chiu with all Mayors in attendance they put forward several amendments to be considered by him. At that time, he said he would consider them. This is why they went to a "watch" position. He wanted to signal to them that they put things on the table that are fairly specific. If he would follow those things, they can change their position to one of being positive. ABAG would control the actual funding and not MTC as an example. Also, 75% of the money collected goes to return-to-source and they asked for it to go to the cities but at the moment it goes to the counties. They will continue to work on this. They moved to "watch" because they wanted to show them that they are serious and will watch to see what happens. So far, they have not moved from this position because they have not seen things implemented. But, there is clearly movement in the right direction and they need to press on them to have cities get their 75% return, on ABAG being the controlling factor for money and they will need to find out about the sales tax.

Ms. Srivatsa noted the sales tax provision has been removed.

Mayor Anderson said at some level he was hoping the Legislative Committee could have been more involved in that process but it did not happen, and he wants to ensure it is done in the future; to be fully engaged in the process. He thinks the Council needs to see what Assemblymember Chiu will do, given what has been put on the table.

Ms. Srivatsa added that there would be no HABBA or separate regional housing entity. If the voters agreed to some tax, Lafayette's position was that rather than creating a new agency, ABAG would be the entity already in place so another level of bureaucracy would not need to be created.

Mr. Gibbs clarified that a "watch" position is different from a "support if amended" position. A "watch" position allows them the right to "oppose" should any additional language be introduced or should not all of the proposed language be accepted.

Mayor Anderson added that he thinks this is a move he was comfortable with at the time, but they can have more conversations on it as it unfolds.

SB 592: As an update to when he was previously before the Council, Mr. Gibbs said there have been some significant amendments introduced into the bill. The bill would no longer expand the definition of housing development project to include single unit projects. This had been particularly problematic. Any failures to meet the PSA deadlines would no longer be expanded for approvals of ministerial projects. This was also of concern.

Another was the economic viability portion and language that said any conditions that would have the same effect or impact upon the ability of the housing development project to include housing. This has since been removed and instead, it defines lower density as a reduction in the number of bedrooms. Previously there was no concrete definition of "economic viability" and that could have been interpreted in a number of different ways.

Finally, the bill no longer includes the language stating that General Plan, zoning and subdivision standards and criteria are not applicable if an application is discretionary or the project can be approved without standard or criteria being met.

There are still some concerning portions of language, including compensatory damages which is very significant for the City. Currently, the bill is scheduled to be heard on the 10th and this is one where they are meeting with the author's office and also they have been in conversations with the Housing Policy Committee staff and working closely with the lead consultant and Assemblywoman Aguiar Curry's office who is the Chair of that Committee, who is the former Mayor of Winters, California. Their position remains "opposed". Even though the bill has moved forward significantly in their favor with amendments, there are some provisions far too concerning for them not to be active.

Councilmember Gerringer thanked Mr. Gibbs for continuing to work on bills. Beyond letters of opposition she asked what recommendations he had for those public members and Councilmembers who want to be more proactive such as building coalitions.

Mr. Gibbs encouraged members of the general public to reach out directly to legislators. There are also policy committees where bills are heard. Each committee has some mechanism for people to submit letters of opposition or support. Several have instituted on-line portals this year which will allow letters to be submitted. Those are factored into the committee analysis. Typically for members of the public it would say at the end of the analysis "97 individuals in opposition or support" depending on what position is being taken.

He would also recommend phone calls to locally elected officials at the State level, members of the Committee and phone calls to staff as well to let them know. As bills move forward they go through various policy committees and this is an opportunity to do this once again at each committee step.

For Councilmembers, he would recommend additional letters if appropriate. There are times a Council chooses not to take a position or may have a different position. They accept individual letters from elected officials and it would not be on behalf of the City but on behalf of the specified Councilmember. To the point about coalition-building, he highly encouraged that, especially working through existing organizations such as the California League of Cities. This was one where last year coalition-building was very influential for some of the larger bills and some of the more Bay-area specific bills. He also suggested getting some colleagues in terms of elected officials from Southern California or coastal communities outside of the Bay Area to weigh in, it would be very helpful.

This would extend similarly to SB 592, stating he has seen members doing op-eds and press releases which are always helpful, and he would be willing to review this type of outreach to provide additional feedback or comments. Obviously, they would like to keep it as constructive as possible for bills to have a favorable outcome.

Councilmember Gerringer said the League of California Cities would create those coalitions, and Townsend Public Affairs has a number of clients, and she asked if they ever been a conduit for helping to build those coalitions.

Mr. Gibbs said this is something they are currently doing in reaching out to people all over the State, especially Southern California to get a broader coalition while being sensitive to each municipality.

Councilmember Burks said it would be very helpful for Mr. Gibbs to identify specific members that could have the most influence with SB 592 and Councilmembers could engage Councilmembers within that member's district via personally or other means. Mr. Gibbs said he can provide this.

Councilmember Bliss asked to also provide information of other cities and staffs to leverage those as well.

Mr. Gibbs agreed and said he knows Councilmember Burks is traveling to Sacramento this Friday. This is something they would love to work with him on, provide talking points, and reach out to set up meetings with staff, as well.

Mayor Anderson recognized the efforts of Councilmember Burks and for Mr. Gibbs to provide contact information.

Councilmember Gerringer asked the City Attorney on how to legally under the Brown Act to be involved in the advocacy efforts, along with the Legislative Committee of Councilmember Burks and Bliss.

Ms. Subramanian said the individual calls would be appropriate, but she cautioned group meetings held with more than two Councilmembers. She suggested holding individual meetings as an alternative without the Legislative Committee.

Ms. Srivatsa thanked the Legislation Committee for working on letters for SB 330, 592, SB 5 and AB 1497 in the span of one week, and she appreciates the feedback, noting the letters came out looking stronger and better as a result of their review.

Mr. Gibbs echoed this feedback, stating he has been working with the City for just 3 months now and it has been a whirlwind. He voiced huge appreciation for the Council and staff, noting that they act in the best interests of the community more than what they have seen with other agencies.

SB 330: Mr. Gibbs said there has been the least amount of action and movement out of the three bills, although there were some amendments taken including the removal of parking caps for new developments. They reinstated local voter approval requirements for housing developments. The bill initially did away with any form of local voter approval for housing regulation for new development. This has since been put back into the bill. Also, any residential development that is demolished the developer would have to meet new requirements to replace that housing for tenants. The City's position on this is still "oppose" and the bill is being heard on the 10th.

Mayor Anderson and Councilmembers thanked Mr. Gibbs for his thorough follow-up. Mayor Anderson confirmed with Ms. Srivatsa that staff will bring back the resolution and the revised Legislative Agenda at the next meeting.

14. COUNCIL / COMMISSION REPORTS

- A. Councilmembers report on activities and consideration of matters a Councilmember wishes to initiate for placement on a future agenda.

Vice Mayor Candell stated they will hopefully schedule the Downtown objectives for the next meeting.

Councilmember Bliss said at the last Council meeting it was reported that in following up on the recent LAFCO action concerning the Sphere of Influence process there would be a subcommittee formed and planned to meet in late July. He asked if it was possible to ensure there is a robust report back as to deliberations and discussions from the subcommittee meeting. He was concerned that the Council sent a signal to certain parts of the city that we didn't feel they were part of the Lafayette community in a broader sense. As we step back and look at the Sphere of Influence issue in the long term, including fiscal considerations, he believes it would be important to signal to parts of the community that they are very much part of Lafayette as they attend our schools. Speaking for himself, personally he hoped that we could find a reasonable way to create a pathway to bring them into the fold.

Ms. Srivatsa clarified the subcommittee is meeting after the July 22nd Council meeting and staff will report back in August.

Mayor Anderson stated the Council had a committee reviewing City offices and Councilmembers Mitchell and Burks were assigned to that. He asked if this should be re-activated. Ms. Srivatsa agreed to agendaize this for the next meeting.

Vice Mayor Candell reported a resident asked her about 350 Bay Area, and she reported that 11 cities in the Bay Area have declared a climate crisis. She asked if this was something the Council would want to consider.

Mayor Anderson suggested having the Environmental Task Force to review this and then they provide a recommendation to the Council.

B. City Manager Update

Ms. Srivatsa reported that staff is sending out a doodle poll for the Plaza Way Overlay Subcommittee meeting with the Park Theater Trust to discuss details about how they could opt into the overlay. It will be held sometime this month.

C. Councilmember Gerringer and Mayor Anderson

Resolution 2019-37 Appointing one member to the Parks Trails and Recreation Commission
Recommendation: Adopt Resolution 2019-37.

Councilmember Gerringer reported that she and Mayor Anderson, along with PTR Commissioner Carol Singer and Jonathan Katayanagi interviewed a number of applicants and they recommended the appointment of Geoffrey Bellenger.

ACTION: It was M/S/C (Gerringer/Anderson) to appoint Geoffrey Bellenger to the Parks Trails and Recreation Commission. Vote: 5-0 (Ayes: Anderson, Candell, Bliss, Burks, and Gerringer; Noes: None).

D. Steven Heinsma, Staff Liaison to the Youth Commission

Youth Commission request to use Lafayette Plaza for the 3rd Annual Lafayette Youth Commission Movie in the Plaza on August 23rd including the closure of Plaza Way from Moraga Road to Golden Gate Way from 5pm to 10pm

Recommendation: Adopt Resolution 2019-36 authorizing the closure of Plaza Way between 5pm to 10pm on Friday, August 23rd for the 3rd Annual Lafayette Youth Commission Movie in the Plaza.

ACTION: It was M/S/C (Gerringer/Candell) to adopt Resolution 2019-36 authorizing the closure of Plaza Way between 5pm to 10pm on Friday, August 23rd for the 3rd Annual Lafayette Youth Commission Movie in the Plaza. Vote: 5-0 (Ayes: Anderson, Candell, Bliss, Burks, and Gerringer; Noes: None).

15. WRITTEN COMMUNICATIONS - None

16. ADJOURNMENT – 9:30 p.m.

APPROVED:

Mike Anderson, Mayor

ATTEST:

Joanne Robbins, City Clerk

July 2, 2019
CITY OF ORINDA
CITY COUNCIL MINUTES

6:30 P.M. – SPECIAL SESSION - GARDEN ROOM, ORINDA LIBRARY

CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6, conference with the City's designated labor negotiators, Steve Salomon (City Manager), Gregory Ramirez (IEDA), Paul Rankin, Finance Director, Larry Theis (Assistant to City Manager), Ginger Staton (Human Resources Manager), to review the City's position and instruct the City's designated representatives regarding negotiations with the City's employees represented by Teamsters Local Union No. 856

CLOSED SESSION

1. OPEN SESSION IDENTIFICATION of Closed Session Matters
2. PUBLIC COMMENTS of Closed Session Matters - None
3. CLOSED SESSION – GARDEN ROOM

7:00 P.M. – REGULAR SESSION - LIBRARY AUDITORIUM

A. CALL TO ORDER / ROLL CALL:

Mayor Miller called the regular meeting to order at approximately 7:00 p.m.

COUNCILMEMBERS PRESENT: Dennis Fay, Nick Kosla
Vice Mayor Darlene Gee, Mayor Inga Miller

COUNCILMEMBERS ABSENT: Amy Worth

B. PLEDGE OF ALLEGIANCE: (Led by Max and Ryan of Troop 57)

C. CLOSED SESSION REPORT –There was no reportable action taken in Closed Session.

D. ADOPTION OF AGENDA

Mayor Miller announced that Item E.1 would not be heard this evening.

City Clerk Sheri Smith announced there were revisions to the June 18th minutes under the Consent Calendar as proposed by Councilmember Fay, which were outlined in the yellow packet.

MOTION by Councilmember Kosla and seconded by Vice Mayor Gee to **adopt the agenda, as amended.** Said motion carried by unanimous (4-0) voice vote.

E. ITEMS FOR THE GOOD OF THE CITY

E.1. Library Annual Report - Sierra Campagna, Senior Community Library Manager

This item was not heard.

F. PUBLIC FORUM

There were no speakers.

G. CONSENT CALENDAR

Vice Mayor Gee announced her abstention on Item G.1.a. City Manager Salomon announced a small correction on Item G.3 to change the date from "December 31, 2018" to "March 31, 2019".

There were no public comments.

G.1. City Council Minutes

Recommendation:

Approve City Council Minutes of:

- a. June 4, 2019
- b. June 18, 2019

G.2. Adoption of Updated Reserve Policy and Fiscal Policies Related To Funding Retiree Medical Insurance Liabilities

Recommendation:

Adopt Resolution No. 35-19 Adopting an updated fiscal policy related to financial reserves and Adopt Resolution No. 36-19 Establishing a funding policy for Retiree Medical (OPEB) liabilities.

G.3. Quarterly Investment Report For Period Ending December 31, 2018

Recommendation:

Staff recommends that the City Council accept the Quarterly Investment Report for the period ending March 31, 2019.

G.4. Award of On-Call Services Contracts to CSG Consultants, Inc.; CSW/Struber-Stroeh Engineering Group, Inc.; Harris & Associates, Inc.; and LCC Engineering & Surveying, Inc.

Recommendation:

Staff recommends that the City Council award On-Call Services Contracts to CSG Consultants, Inc. (CSG); CSW/Struber-Stroeh Engineering Group, Inc.; Harris & Associates, Inc.; and LCC Engineering & Surveying, Inc. (LCC) for fiscal years 2019-2020 and 2020-2021 and authorize the City Manager and City Clerk to execute the contracts on behalf of the City, subject to approval as to form by the City Attorney.

G.5. Award a Professional Services Contract for the Design of the Lavenida Dr. Culvert Repair Project (#4148) to Drake Haglan and Associates, Inc. of Rancho Cordova, CA

Recommendation:

Staff recommends that City Council award said contract for an amount of \$ 69,963, authorize program expenditure up to \$75,000 (includes contingency) and authorize the City Manager to execute the contract on behalf of the City, subject to approval as to form by the City Attorney.

MOTION by Councilmember Kosla and seconded by Councilmember Fay to approve Consent Calendar Item G.1.a as amended, G.1 b., G.2, G.3 as amended, G.4 and G.5. Said motion carried by unanimous (4-0) voice vote, with Vice Mayor Gee abstaining from G.1.b.

H. PUBLIC HEARINGS – None

I. POLICY MATTERS – None

J. COUNCILMEMBERS' REPORTS – Vice Mayor Gee reported on her attendance last week to a League of California Cities' training session regarding ballot measures.

Mayor Miller reported on letters she prepared on various housing measures. She stated AB 1487 was "opposed unless amended", and the bill has not yet been amended. Assemblymember Chu has promised amendments that would give more representation to Contra Costa and outlying counties.

She opposed SB 592 unless amended and the Council may want to discuss proposed amendments. SB 330 is similar to SB 50 and posed specific problems for Orinda. The bill now does not eliminate the City from requiring parking. A change to height limits was also made and with these changes, she submitted a letter rescinding her opposition to the bill but not on behalf of the City Council. She therefore will make a motion to request initiating an item on these bills for discussion at a future meeting.

K. CITY MANAGER'S REPORT – Mr. Salomon had no report.

L. MATTERS INITIATED

MOTION by Mayor Miller and seconded by Vice Mayor Gee to initiate a future agenda item to discuss the status of AB1487, SB592 and SB330. Said motion carried by unanimous (4-0) voice vote.

Councilmember Fay read that PG&E is planning on shutting off power in areas where they deem dangerous. It stated it might affect areas not normally assumed to be affected.

He asked to have PG&E to attend a meeting about the consequences for Orinda and under what circumstances they will lose power.

Councilmember Kosla noted PG&E made a presentation at a Lafayette Council meeting, and he voiced support.

MOTION by Councilmember Fay and seconded by Councilmember Kosla to **initiate a future agenda item to request PG&E make a presentation regarding proposed power outages.** Said motion carried by unanimous (4-0) voice vote.

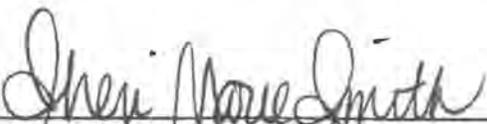
Mr. Salomon stated a meeting was held last week with PG&E, the Fire District, Moraga and Lafayette. PG&E has said they could shut off power for up to 5 days depending on certain factors most likely in September and October. Staff discussed how to prepare the community, where there are emergency generators and fuel, disposal of food items, schools, and more meetings will be held to obtain more certainty. Staff may need to request an allocation of funds to purchase potential items to address the outages.

PG&E also wants communities to designate a place where people could come during the 5-day period to charge devices and obtain information and address medical needs due to heat conditions. The Community Center was identified as the designated place for residents.

Vice Mayor Gee asked Mr. Salomon to ask PG&E what they will do in paying back residents and businesses for losses of perishable foods and other related losses.

M. ADJOURNMENT

The meeting was adjourned at approximately 7:20 p.m. to the next meeting of the Orinda City Council on Tuesday, July 16, 2019 at 7:00 p.m.



Sheri/Marie Smith, City Clerk



Agenda Date: 8-20-2019

Agenda Item: Bb



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

**FROM: SCOTT ALMAN, CITY ENGINEER
LYNNE FILSON, CITY TRAFFIC ENGINEER**

DATE: August 20, 2019

SUBJECT: DISCUSSION ON TRAFFIC AND PEDESTRIAN SAFETY AROUND MT. DIABLO ELEMENTARY SCHOOL AND DIABLO VIEW MIDDLE SCHOOL

RECOMMENDATION

Staff recommends that this discussion regarding traffic and pedestrian safety be an on-going discussion that allows staff to bring ideas and recommendations for increased traffic and pedestrian safety forward to Council for their consideration and allows staff to research funding opportunities to make Council approved improvements for increased safety throughout the City.

BACKGROUND

On Friday, March 22, 2019, at 7:25 AM, there was a vehicle vs. pedestrian collision at the intersection of Mitchell Canyon Road and Four Oaks Lane. The pedestrian was a 10 year old boy who did not stop at the stop sign as he rode his bike on Four Oaks Lane eastbound (towards the elementary school) across Mitchell Canyon Road. Thankfully, he was not seriously injured.

This incident has heightened the awareness of pedestrian safety in and around the schools in the City.

DISCUSSION

On August 7, 2019, the City Engineer and Traffic Engineer met with the Principal and Vice-Principal of Mt. Diablo Elementary School in the morning and the City Engineer and City Manager met with the Vice-Principal of Diablo View Middle School in the afternoon to discuss pedestrian safety around the school and pick-up/drop-off procedures as they relate to the public roadway.

The Traffic Engineer is scheduled to be at the schools on the first day of school (August 15th, prior to the writing of this report) to observe the flow of vehicular traffic and pedestrians. Additional observations will be conducted once the traffic patterns have stabilized.

Recommendations on modifications to traffic control devices may be forthcoming based on the observations and continued discussions with school officials.

City Council has provided some questions to staff to begin the discussion on school traffic safety. The following are the questions and staff answers:

Q1: What would be the marginal cost of each additional crossing guard if we were to contract additional services?

A1: The yearly cost for a crossing guard is approximately \$12,000.

Q2: What is the feasibility of street painting in various intersections - either for diagonal cross walks at Clayton Rd. and Marsh Creek Rd., or "no crossing" at Mitchell Canyon and Four Oaks Ln.? Is this an option we have, and if so, what are the logistics of doing so?

A2: Diagonal or ladder striping are condoned by the California Manual of Uniform Traffic Control Devices (CA MUTCD) and can be used in the City of Clayton. For consistency and liability concerns, if the Council would like to pursue this, it is recommend that Council adopt a general City-wide policy on when and where diagonal or ladder striping is to be used.

Examples of the policy could be that diagonal markings are used:

- where crosswalks cross more than 2 lanes of traffic at locations not controlled by stop signs or traffic signals;
- where crosswalks are within 600' of a school;
- where the average daily traffic (ADT) exceeds 10,000 vehicles per day;
- when there have been 2 or more pedestrian collisions in the past 3 years;
- or any combination of the above.

At Mitchell Canyon Road and Four Oaks Lane, there are north-south crosswalks across Four Oaks Lane. There were pedestrian barricades with signs to direct pedestrians to adjacent controlled intersect who want to cross Mitchell Canyon Road. Due to the configuration of the intersection and lack of curbs to protect the barricades, the barricades are subject to being hit by vehicles. Four new barricades with signs are being installed prior to the start of school.

Q3: What would be the cost and logistical steps to make the intersection in front of Diablo View Middle (Clayton Rd. and Marsh Creek Rd.) an "all ways" pedestrian crossing intersection, including adding signage for no right turns, painting, etc.

A3: It is estimated that the entire reconfiguration including striping and lighted "No Right Turn" signs that come on only when the walk and flashing don't walk indications are active would be less than \$50,000. The logistics would be to direct staff to have it done and a possible funding source such as Measure J funds. County Signal Maintenance can do the signal modifications; the striping will need to be done by a striping contractor (which we do not have on an on-call contract at this time).

Q4: What is the cost and logistics of adding pedestrian crossing beacons at various crosswalks?

A4: There are two standards for pedestrian crossing beacons: The first is the Rectangular Rapid Flashing Beacons (RRFB). This type has very bright strobe type

flashing yellow lights that warn motorists of a pedestrian crossing the street. The cost for this type is approximately \$30,000 to \$40,000 and can be solar.

The second type is the Pedestrian Hybrid Beacon (HAWK). This acts more like a standard traffic signal except it is dark when there is no pedestrian push button actuation, there are two red lights side by side, a yellow light centered below the two reds, and no green light. This type of beacon also has walk and don't walk lights for the pedestrians. This type is in the \$100,000 to \$150,000 range depending on the size and configuration of the intersection.

There are guidelines in the CA MUTCD for the installation of HAWK Beacons. There are no guidelines for the installation of RRFB's in the CA MUTCD.

- Q5: What is the cost of an additional "no pedestrian crossing" barrier similar to what already exists at Mitchell Canyon and Four Oaks Ln.?
- A5: The cost for the four barricades with two back to back signs on each that were recently purchased for Four Oaks Lane at Mitchell Canyon Road was approximately \$2,900 (\$660 per installation plus tax).
- Q6: Currently there is a prohibition on east bound turns on Four Oaks Ln during certain school pickup and drop off times. Was it previously considered to limit west bound turns onto Four Oaks Ln as well? What would be the logistical steps in prohibiting west bound turns onto four oaks?
- A6: The current signing was installed under the previous City Engineer so the specific logistics are unknown. Engineering staff will observe this situation and report to the Council at the meeting.
- Q7: Is a median ½ fence viable running north/south on Mitchell Canyon between Four Oaks Ln to prevent crossing of any kind? What would be the cost?
- A7: This would be very difficult to do. Mitchell Canyon is very narrow so there is no room to install a median island on which to install the ½ fence. Installing a fence directly on the pavement would introduce hazards to the motorists who could possibly hit it head on or with a sideswipe. Regardless of how reflective the fence might be, it would be vulnerable to a collision during darkness, inclement weather, inattentive driving or DUI. Staff recommends against this alternative due to potential liability.

FISCAL IMPACT

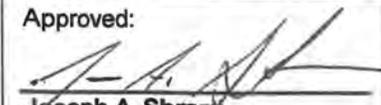
None at this time.



Agenda Date: 8-20-2019

Agenda Item: 8c

STAFF REPORT

Approved:

Joseph A. Sbranti
Interim City Manager

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: City Manager
DATE: August 20, 2019
SUBJECT: Consideration of the Formation of a Land Use Sub-Committee

RECOMMENDATION

Following a staff report and opportunity for public comment, it is recommended that the City Council approve the formation of a Land Use Sub-Committee, and authorize the Mayor to appoint two (2) members of Council participate on this subcommittee along with the Chair and Vice Chair of the Planning Commission.

BACKGROUND

There are currently four (4) housing developments in various stages of the development process in Clayton. In addition, Council Members have recently discussed the potential of a new Accessory Dwelling Unit Ordinance. All of these items relate to land use. Although the Planning Commission is Clayton's primary decision making body as it relates to land use, it is understood that in many cases Council Members also have a desire to provide input on projects and policies.

In an effort to provide both staff and developers more comprehensive and timely feedback on potential developments and land use policies, staff is proposing the formation of a Land Use Sub-Committee. A description of the structure, function and application of a Land Use Sub-Committee is detailed below:

Structure and Function

The Land Use Sub Committee would be made up of Two (2) Council Members and Two (2) Planning Commissioners. The Council representatives on the committee could be as appointed by the Mayor. It would be recommended that one (1) additional Council Member be named as an alternate to the Committee. Initially, the Planning Commissioner members appointed to the Committee could be the Chair and Vice Chair. It would be recommended that one (1) additional Planning Commission Member be named as an alternate to the Committee at a later date and as determined by the Planning Commission. It should be noted that these members would not be making decisions on any items that come before

them. They would instead be providing non-binding feedback to developers and staff in an effort to more efficiently guide projects and policy through the existing process.

Application

Land Use Sub-Committees meetings would be held on an as – needed basis. Meetings would be noticed and open to the public. However, Land use sub-committee meetings would be much less formal than City Council or Planning Commission meetings. The reduced level of formality of the meetings would offer more of a collaborative discussion of the issues and concerns of each project or policy.

Potential Benefit

For Staff, the opportunity to gain feedback from a sampling of decision makers can help to guide staff toward a more efficient development of policies that are shaped to meet the preferences of the City leadership. Considering the extremely limited staffing available to Clayton, improving staff efficiency is critically important.

For developers, the opportunity to gain feedback on their projects at the earliest possible stage is a welcomed improvement in customer service.

For the Planning Commission and City Council, the formation of a Land Use Subcommittee can result in a streamlined process which also creates a set of policies and development that more thoroughly reflects values of the City leaders.

FISCAL IMPACT

None anticipated.

Attachment: