

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

TUESDAY, October 2, 2018

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:00 p.m. by Mayor Haydon in Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Haydon, Vice Mayor Shuey, and Councilmembers Pierce, Diaz, and Catalano. Councilmembers absent: None. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, and City Clerk/HR Manager Janet Calderon.

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

3. **CONSENT CALENDAR**

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

(a) Approved the minutes of the City Council’s regular meeting of September 18, 2018.

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

4. **RECOGNITIONS AND PRESENTATIONS**

(a) Certificates of Recognition to “Do the Right Thing” public school students selected for exemplifying the character trait of “Responsibility” during August and September 2018.

Mayor Haydon and Diablo View Middle School Principal Patti Bannister presented certificates to Campbell McGee and Mathis Smith.

Mayor Haydon and Clayton Valley Charter High School Athletic Director Bob Ralston presented certificates to Trevor Bluth and Sydney Skow.

5. **REPORTS**

(a) Planning Commission – No meeting held.

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

(c) City Manager/Staff

City Manager Gary Napper advised each year the Metropolitan Transportation Commission contracts with a 3rd party to evaluate the condition of all streets in every community in the entire Bay Area. The latest report was released September 2018 with an overall Bay Area average of 67 Pavement Condition Index (PCI). The United States Army Corps of Engineers formulated a PCI Ranking for determining the condition of roads and streets within its jurisdiction. Using uniform standards, the MTC contractor evaluates all streets; with our City’s recent repaving contracts and the cape seal on

Keller Ridge Drive, Clayton now has an average PCI ranking of 84/100, which falls into the “Very Good” range having slight or moderate distress. The number one ranked PCI city is the City of Dublin at 85 PCI; Clayton actually tied for 2nd with the City of El Cerrito. The significance of this rating system provides a guide to each city in determining which streets are in need for overlay. Citizens may recognize a difference in the surface of the streets that were recently done; for the first time through a grant the City introduced cut pieces of rubberized material into the mix to help its resiliency and extend the life of the street. Clayton strives to keep its streets in very good condition; a delay in repaving streets requires more money to reconstruct the street than it costs to slurry seal them.

Mayor Haydon advised he thinks people have seen the results of the recent repaving by driving on the streets of Clayton. He also noted his neighborhood street was resurfaced, many streets and neighborhoods have seen this improvement and he is glad that Clayton received a high PCI ranking.

City Manager Napper added the City starts with repaving the worst streets first and works its way up the PCI list, noting the Mayor’s street repaving had nothing to do with his seating as the mayor. Mr. Napper thinks the lowest PCI-ranked street in Clayton is now at 70 PCI. He also noted there are streets in the Bay Area below a 25 PCI.

Councilmember Diaz added the downtown is preliminary marked for striping on Main Street and Center Street and he is happy to report a full parking space has been gained on Main Street. Councilmember Diaz inquired if the re-striping of the City’s parking lot located by the church, if that will be done as well. Mr. Napper confirmed with the City Engineer the lot’s re-striping will take place.

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

Councilmember Diaz attended Clayton Business and Community Association’s downtown curb marking clean-up effort, the Clayton Club’s Fallen Cowboy Memorial BBQ, the League of Woman Voters of Diablo Valley Candidates Night Forum, the Clayton Business and Community Association’s Mixer, and the 3rd Annual Skip Ipsen Memorial Bocce Tournament.

Councilmember Pierce attended the Association of Bay Area Government’s Finance Committee and Executive Board meetings, the Bay Area Regional Collaborative meeting, four Metropolitan Transportation Committee meetings, and the Martinez Archives Crawl hosted by the Martinez Historical Society and the Contra Costa County Historical Society.

Vice Mayor Shuey noted he has been working on his re-election campaign and attended the 3rd Annual Skip Ipsen Memorial Bocce Tournament.

Councilmember Catalano announced the Clayton Business and Community Association’s Oktoberfest event is still in need of volunteers and encouraged people to sign up online.

Mayor Haydon attended the League of Woman Voters of Diablo Valley Candidates Night Forum and the 3rd Annual Skip Ipsen Memorial Bocce Tournament.

(e) Other – Introduction of City Council candidates (present at the meeting).

Mayor Haydon noted that during City elections it is City Council Policy that candidates for City Council are allowed 3 minutes to introduce themselves and share a few remarks at each City Council meeting if they are in attendance and wish to do so.

Jeff Wan stated is an active CPA in private industry, treasurer for his HOA, and a Clayton resident for the past nine (9) years. His family moved to Clayton to raise their children due to the great schools, safe neighborhoods, and small town feel and charm. Mr. Wan said it is really important that people have the opportunity to participate in their government, the opportunity to be heard, and a commitment from its leadership they will respond as appropriate. For example, at a previous Council meeting Mr. Wan prepared a list of questions and posed them during his three minutes and provided each council member a copy in written format so they could respond during their turn, but the Council declined the opportunity to address or even acknowledge those questions. When sustained questions and comments go repeatedly unaddressed and unanswered it creates a sense of being ignored. With today's technology, those who are charged with governance should meet the people where they are and provide as many means of communication as reasonably possible on venues such as Next-door, Twitter or Facebook, which have with extremely low barriers of entry and opportunity to participate. Mr. Wan commented while he wants to preserve all of the wonderful things about this city, there are some areas that more of the same is no longer okay. At some point the Council lost its way and he is running for City Council to correct that.

Vice Mayor David Shuey advised he has been serving for sixteen years on the City Council and has helped run the City with 4 years before that serving on the Clayton Community Services Commission. Mr. Shuey has been a part of what Clayton has been for the last twenty years, which attracted both of his opponents to Clayton as one of the safest cities in California. Mr. Shuey attended Clayton Valley High School, and is pleased with the "Do the Right Thing" Program, and students graduating from the conversion High School Charter have a wonderful bright future ahead of them. There are a lot of promises and statements being made during election season but you can't fact-check the future; what you do have is to look forward or look back and see if somebody stands by what they say. There are only two candidates that have a proven commitment to Clayton over decades and that is himself and CW. Voters should demand somebody with the experience and knowledge and commitment to Clayton and those are the only two candidates for that. Mr. Shuey commented on the Pavement Condition Index report presented this evening as a result of funds that provided by the state; his opponents would like Clayton to fight the state on any issue they do not agree with. When you fight the state, you do not get transportation funds, you do not get housing funds, and our streets would not be in the condition they are in. You fight the fights that you need to, you fight the fights you can win, and we have done that for over twenty years and he is proud of the record that we have. Finally, we on the Council talk to people every day who ask us questions; we see people in the store, we have done an amazing job of getting our City website updated, and we are trying to take advantage of new technologies and give people the opportunity to be heard. It is just false the city and the citizens are not being heard by the Council. They are, and will continue to do so. He looks forward to your vote on the November 6th.

Brian Buddell stated has lived in Clayton a little over three (3) years and wants to keep it the wonderful place it is, that is why he moved here. We are now about halfway into election season and he think it's pretty well known that candidates have divided into two (2) campaigns; the newcomers, himself and Jeff, and the establishment candidates of Mr. Shuey and Mr. Wolfe. We have heard specifics from Mr. Wan; Mr. Wolfe has said he has a vision with responsible growth, but hasn't said what those things mean. Clayton voters deserve explanations, they deserve specifics as to what is each

candidate going to deliver. Mr. Buddell asked if Mr. Shuey and Mr. Wolfe's vision includes high density housing, development on the empty lot, and three-story buildings in Clayton's downtown. His answer is "no." Mr. Buddell also inquired on re-visiting the parolee housing ordinance to strengthen it so all residents of Clayton are protected. Finally, at times this campaign has become pretty vitriolic and one-sided; win or lose, he will sit down with Mr. Shuey and Mr. Wolfe, shake their hands and move forward. The problem is when you call people "newcomers" it's really hard to do that because once you single someone out you alienate them; whether it's him or another family that has moved to Clayton, that is divisive and that does not help anybody.

Carl Wolfe advised on November 6 the voters will have to make some very difficult choices in Clayton; regardless of one's motivation, this is not an easy thing to take on. Mr. Wolfe is running for City Council as a thirty year resident of Clayton who wants to protect the lifestyle Clayton offers and the values the community. Upon recently retiring from his creative director marketing role for a major corporation, he wanted to find a way to give back to Clayton in a more meaningful way and he applied for a seat on the Planning Commission; lucky enough to be appointed and then elected chairperson for one year. Being on the Planning Commission is an advisory position to the City Council and for himself, he is a more independent thinker and finds that role a little bit frustrating because he would like to have more of a voice on what is actually happening concerning the issues of our City. So that is why he is running for the City Council, to have more of a voice and actually be a decision maker. Voters need to hear facts and understand the complexities and legalities of every single issue. Our future depends on us coming together to make solid decisions so we can become an even better community. Remember the debate we had on the gas station issue which is now a CVS Pharmacy; that's what the people decided. The Clayton Station Shopping Center or even our Grove Park: people didn't want to have a park, and now people enjoy it every day; even this Library building wasn't here thirty years ago. Mr. Wolfe noted he is a proud CBCA volunteer connecting him more with our community, and he will serve all of Clayton with his two ears and one voice. Clayton is his new life's work and he is just getting started.

6. PUBLIC COMMENT ON NON - AGENDA ITEMS

Marci Longchamps, Coyote Circle, inquired what has been done since the parolee housing ordinance was passed in regards to public vs private parks and protection from convicted felons living near private parks. Ms. Longchamps is concerned for the safety of everyone using the park located on Coyote Circle; it is used every day by children. It seems the focus of the sign ordinance is now more important for the City Council to consider rather than convicted felons living next to a park and a playground? When she listened to a taped meeting regarding the sign ordinance Mr. Shuey said, "It's a risk I am willing to take." It's okay to take a legal risk with yard signs, but it's not okay to take a legal risk to ensure the safety of all of the children in Clayton, not just the ones that live in certain areas? To no surprise the City continues to disappoint again and again.

Jeff Wan was hoping the City Council could elaborate when the Council plans to address the sign ordinance, since the ordinance is no longer being enforced. From the latest *Mercury News* article the problematic ordinance would not be taken up until after November; he wonders why that is. Mr. Wan noted in the *Mercury News* there were comments by Councilmember Catalano, and also posted on Next-door, and Councilmember Pierce insisted that when they were voting on the sign ordinance she thought they were only voting on the size on individual signs. That is what he read from their quotes, and not voting on the aggregate signage on a property. Mr. Wan cannot reconcile that with the evidence record that clearly demonstrates understanding and

direction that the restriction was to apply to aggregate signage and not individual signage as is now stated. One of those statements has to be false.

Brian Buddell referenced the parolee housing ordinance that will go into effect in 2 days, singling out the neighborhoods of Keller Ridge and Shell Lane area and exposing them to the threat of parolee housing, the threat of safety, the threat of criminals among them and their children. He found it particularly appalling at a Friday night taped roundtable session, found on YouTube, his website and Facebook page that Councilmember Shuey cattily said in passing the parolee housing ordinance, "we made lemonade out of lemons." Even if the City Council is correct, the residents of Keller Ridge and Shell Lane have had their world changed forever or at least until that Ordinance is changed. Mr. Buddell spoke to a few real estate agents and they have estimated their property values could be impacted as much as 10% with the parolee housing disclosure. He thinks it is symbolic that at Oktoberfest there's a stand that sells the all-you-can-drink yard sized lemonades; he will be there and will be having some of that lemonade, not as a mockery to the Keller Ridge folks, but in sympathy for them. If elected to this City Council, the first thing he wants to address is changing the parolee housing ordinance.

H. Abraham Wilson introduced himself as a candidate for the Contra Costa Community College Board. He has lived in Contra Costa County for almost forty years. He was an investment banker with Bank of America securities, the first elected Mayor of the City of San Ramon and was chair of the Contra Costa County Mayors Conference. Contra Costa Community College is one of the best in the United States and is essential to the future of our students and our country. Mr. Wilson started a new program, Veterans Small Business Management. He plans to work with the college staff to improve relations with students by making sure staff is taken care of. He would appreciate your vote and support and he will work for you.

Frank Gavidia, 104 Gold Rush Court, noted he has been consistently attending meetings since May, and he wanted to address Councilmember Shuey's statement tonight the Council is totally available to the community and they do talk to all of us. Mr. Gavidia disagreed as only one councilmember has ever spoken to him; although the first conversation was spirited, they have had several since and he really likes this councilmember. The other four councilmembers have made no effort. Mr. Gavidia has not been a member of CBCA since 2004, after listening to the officers of CBCA make some comments about "newcomers" and questioning why they don't volunteer, questioning why lots of us do not volunteer. He volunteers somewhere else and just like Brian, and will not say where. When he observes councilmembers huddled together at the free concerts with their sponsors, it's not inviting to the greater masses. There is one other councilmember that he has met and only because he attends the Memorial Day ceremony, which he attends every year for obvious reasons. There are members of the community that are unhappy; he does not know what the percentage is but we will find out when the election happens.

Mayor Haydon concluded the Public Comment Period and asked if any members of the City Council had any comments.

Councilmember Pierce referenced some items that were brought up during Public Comment. There was a comment about responsible growth and where are we going; she was reading a report tonight about the number of housing permits issued in all the various cities over the last several years. In the last four years, Clayton has issued ten permits; one for a second granny unit; two for the housing down on Southbrook; six for the units off of Pine Hollow, and one outside of town on Pine Lane. The reason the City bought the downtown lot from the church was to control what happens on that piece of property; before any development could ever occur on that parcel, a potential developer must present the project to the community for comment before it is presented to the

Planning Commission or City Council. Now for the remarks that nothing can happen on that property because it will impact the community festivals: as someone whose husband makes the maps of the festivals' layouts and permits, she has seen the placement and spacing of all activities and she asked him to rearrange the event, taking everything off of that parcel. It won't look exactly the same but it still all fits in downtown; the carnival still fits, the vendor booths still fit, all the activities still fit in downtown Clayton. Councilmember Pierce next addressed the issue of three-story buildings in downtown: whether it is a three story building or a two or one story, the City has an absolute height limit. She also noted when the City Council receives an email about a matter that will come before it as the City Council on a future agenda, such as the Fulcrum project, members are precluded from answering and providing any type of opinion. It is much safer for the Council to not reply and refer to staff for responses. Otherwise members can jeopardize their ability to vote on any future project. Councilmember Pierce felt it was really important to get some of the facts out there.

Councilmember Catalano added there was a comment tonight made on how to contact councilmembers; if one goes to the City's website, all of our contact information is there, email addresses and phone numbers for every member, and her phone number rings directly to her cell phone. People do contact us; she receives emails and phone calls on everything from wild turkeys to traffic conditions. She also echoed Councilmember Pierce in there are some limitations in what members can communicate; if there is an item about to go on an agenda she will not prejudice herself by forming an opinion before a hearing and before she has all the information in front of her. If she formed an opinion before having the information, she would not be able to vote on that matter. She urged people just pull her aside if one has a question on something.

Mr. Gavidia wished to clarify a matter, and Mayor Haydon allowed him to approach the microphone. Mr. Gavidia said Councilmember Pierce mentioned she heard from many of her constituents before the parolee housing ordinance. Those weren't people here, they get to speak to her; she mentioned her dentist specifically, so he gets to talk to her while Mr. Gavidia doesn't? That is what he was referring to: he doesn't get to talk to you. When he has seen her huddled with sponsors who appear to have a whole lot to say, that is what he was referring to.

Councilmember Diaz advised he has chaired the Art & Wine Festival over the past two years and they purposely changed the footprint for the festival in anticipation should that vacant property evolve as they wanted to see if they could still put on the event without utilizing that open space behind the church property. That's the reason why the music relocated by Kinder-Care and placed other activities in the park. If that ever happened, the piece of property which the City controls ever gets developed, festival planners know how to put those events on, not utilizing that parcel, as it did the last two years.

Mayor Haydon confirmed CBCA's efforts to address any potential changes to the footprint of its events; he understands the popularity of the events and the club wants to continue offering them. We are trying to anticipate our evolving downtown area so we can continue to do that. Councilmembers are all available and he invites anyone who has questions to contact them and if we are able to, we will attempt to respond.

7. **PUBLIC HEARINGS** – None.

8. **ACTION ITEMS** – None.

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

10. **CLOSED SESSION** - None.

11. **ADJOURNMENT**– on call by Mayor Haydon, the City Council adjourned its meeting at 8:00 p.m.

The next regularly scheduled meeting of the City Council is October 16, 2018.

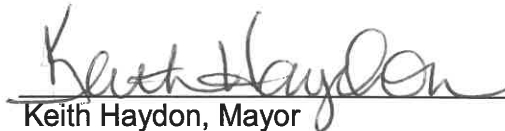
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Respectfully submitted,



Janet Calderon, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL


Keith Haydon, Mayor

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