

MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

TUESDAY, February 19, 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: City Manager Gary Napper, City Attorney Mala Subramanian, Finance Manager Kevin Mizuno, and City Clerk/HR Manager Janet Calderon.

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

3. **CONSENT CALENDAR**

Mayor Catalano noted she had received a Speaker's card regarding Item 3(a) and invited the individual forward at this time.

Ann Stanaway, 1553 Haviland Place, expressed her concern of Special Meeting minutes presented this evening as she felt some conversations of importance were left out regarding environmental impacts and noise abatement studies. She also questioned the accuracy of minutes published by the City, concerned with possible legal challenges based on comments during Council open meetings.

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 regular meeting of February 5, 2019.

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

(c) Adopted Resolution No. 04-2019 declaring certain City Maintenance vehicles and equipment as property surplus to the City's needs and authorizing the City Manager to dispose of said assets by public auction.

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 – No Report.

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

Councilmember Wan attended the Council's Budget Sub-Committee meeting and completed his orientation meetings with City department heads.

Vice Mayor Pierce attended the Contra Costa Transportation Authority's Administrative and Planning Committee meeting, the Contra Costa County Mayors' Conference hosted in Concord, several meetings of the Metropolitan Transportation Commission including joint meetings with the Association of Bay Area Governments with both Administrative Committee and Legislative Committee, she met with some local residents working on an emergency preparedness meeting and to revive Neighborhood Watch programs and announcing a community meeting on these matters scheduled to take place on March 18th at 6:30 pm in Hoyer Hall, she met with Transportation Partnership and Cooperation for Central Contra Costa (TRANSPAC) approving its mid-year budget, a Bay Area Regional Collaborative meeting, and completed the Concerts in The Grove flyer for 2019. The Concerts series is looking for banner and hat sponsors again this year, and she thanked A.J. Chippero for his help with the Clayton Concerts website and Facebook updates.

Councilmember Wolfe attended the Contra Costa County Mayors' Conference in Concord, met with State Senator Glazier, and has been in contact with several constituents.

Councilmember Diaz attended the Council Budget Sub-Committee meeting.

Mayor Catalano attended the Contra Costa County Mayors' Conference in Concord, and held Mayor's office hours last Saturday at Cup O' Joe's; she announced upcoming Mayor's office hours will take place on Sunday from 2-4 p.m. near the Clayton Museum.

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

Keith Haydon, Central Contra Costa Transit Authority Board Member representing Clayton, provided a report of the previous month's Board meeting noting a few items of interest for Clayton: 1. Bus fares will be increasing from \$2.00 to \$2.50 for cash riders; 2. CCCTA is moving away from cash and paper transactions for greater efficiencies; and 3. CCCTA is re-structuring the entire route system with no expected changes to Clayton Route 10, and adding weekend service to Route 310 in Clayton. 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.

Councilmember Wan asked if Mr. Haydon had any ridership figures regarding Route 10. Mr. Haydon responded he will get that information but to keep in mind Route 10 travels all the way down Clayton Road into Concord.

6. PUBLIC COMMENT ON NON - AGENDA ITEMS

Allison Snow provided her thoughts regarding parolee housing; one situation to be considered is parolees have the ability to drive so when it is talked about limiting parolees to a park or a residential area, it is irrelevant. Ms. Snow requested consideration of the community's vulnerable populations of retirees, special needs children and young children who are not aware of what is going on; she recommended the City Council step back and get a larger perspective on this matter. She realizes the parolees have served their time and have difficulty in affording affordable housing but she does not want to incentivize private property owners in town to split up rooms that can generate an income upwards of \$9,000 per month. Ms. Snow also commented the

City operates with a small number of staff and perhaps should get the perspective of people outside its organization on this issue.

Marci Longchamps, Coyote Circle, expressed her concerns regarding parolee housing affecting all residents and all children everywhere as Clayton is less than 4 square miles. She felt the City Council made Coyote Circle's park the example to satisfy County and State requirements regarding AB109. Ms. Longchamps suggested the City Council, take a more in depth look at its current parolee housing ordinance as it relates to the park on Coyote Circle, whether amending the current ordinance or proposing something else to protect the safety of all children. It is way overdue.

Ann Stanaway, 1553 Haviland Place, expressed her continued concerns with the City's lack of enforcement of public safety ordinances pertaining to parolee housing, fire lanes, handicap requirements, and its capacity to enforce future parking permits on Regency Drive.

7. PUBLIC HEARINGS

- (a) Consider the City's Mid-Year Budget Report for Fiscal Year 2018-2019 and a recommended Resolution for mid-year General Fund adjustments and Trails and Landscape Committee proposed amendments for the Landscape Maintenance District; and consider the Council Sub-Committee's recommendation for proposed use of a portion of \$181,500 in General Fund excess monies from FY 2017-18 on one-time unmet priority-need expenditures, equipment or capital projects.

Finance Manager Kevin Mizuno provided the financial summary noting the current budget was adopted by the City Council on June 19, 2018, which included an anticipated budgetary excess of \$101,970 in the General Fund.

The City Council Budget Sub-Committee recently met with the City Manager and the Finance Manager on February 11th to review the Mid-Year Budget results. Mr. Mizuno noted mid-year expenditures (55.00%) are currently outpacing revenues (51.65%) yet all line items are on target with the budget projection and this measurement is not unusual as fixed annual costs are often paid in full at the beginning of the fiscal year. Expenditures are higher at the mid-year point as some obligations are non-linear in nature, such as insurance premiums, and the City prepaid its CalPERS unfunded liability actuarial expense upfront in July, which action results in some savings to the budget by not paying CalPERS any interest on the balance due.

General Fund revenues at mid-year: Mr. Mizuno explained revenues are generally on target at 51.65% noting some specific revenue variances with Franchise Fees lower due declining Comcast users caused by consumers using more internet or app options; and the Business Licenses are lower due to a cost savings for customers using the online process where the renewal fee is waived. Mr. Mizuno also noted slight decreases in allocations of Property Taxes and Sales and Use Tax are more than offset by other positive revenues at this time.

General Fund expenditures at mid-year: Mr. Mizuno explained revenues are generally on target at 55.00% noting appropriations as approved by the City Council are being controlled with two exceptions: requesting amendments to Maintenance Department of \$34,000 as a gap-fund for overages for the controller-system project having unanticipated communication issues on the new City Hall HVAC and Boiler Unit; and an \$18,000 expense in Community Development Department for a complex code enforcement case requiring an independent hearing officer and special legal services. Mr. Mizuno advised these amendments will still result in a balanced General Fund budget.

Other significant restricted-use funds revenues at mid-year: Mr. Mizuno advised overall results of these revenues are in-line with the adopted budget.

Other significant restricted-use funds expenditures at mid-year: Mr. Mizuno clarified the expenditures in the Landscape Maintenance District are reviewed by the citizens' advisory Trails and Landscaping Committee who have proposed some additional fund expansion for specific projects; the Highway Users Tax Account (HUTA) Gas Tax Fund and SB1 RMRA Gas Tax Fund are each slightly under the amount expected for the adopted budget, however the HUTA Gas Tax Fund status is explained by the recent completion of two very large street projects: the 2018 Neighborhood Streets Project and the Keller Ridge Rehabilitation Project were each crafted to be funded by most restrictive first to least restrictive funds.

Trails and Landscaping Committee Landscape Maintenance District Budgetary Amendments: based on the Committee's recommendations, Mr. Mizuno noted four additional projects are to be added totaling \$350,000 consisting of: 1. \$100,000 for additional tree trimming beyond scope of original budget on three arterial roads; 2. \$100,000 for median island landscaping on Marsh Creek Road, from Diablo View Lane to Regency Drive; 3. \$100,000 for clearing of dead brush as well as trimming and thinning of brush along creek areas and trails; and 4. \$50,000 to upgrade the Landscape Maintenance District irrigation controllers to wireless remote capabilities.

Options for use of FY 2017-18 General Fund Excess of \$181,500: Mr. Mizuno outlined the four options for City Council's consideration on use of General Fund Excess funds 1. Keep in Reserves; 2. Supplement Internal Service Funds; 3.) Fund Departmental Requests; and 4. City Council Budget Sub-Committee's recommendation.

Mayor Catalano noticed the decline in Building Permit fees inquiring if this is due to less homeowners are doing home projects or if it is not a significant change to be concerned about. Mr. Mizuno responded he would have to run further detail if it is the size or quantity of the projects.

Mayor Catalano inquired if there is any cost recovery on the Community Development Department's code enforcement case, as it was cost and time consuming. City Manager Napper responded in this particular case, cost recovery is not available because the Municipal Code indicates when there is a code enforcement issue and it goes to appeal, the requirement for an independent hearing officer is an expense funded by the City with each party responsible for its own legal costs.

Mayor Catalano also inquired if there is an immediate or future cost savings for the Trails and Landscaping Committee request to upgrade Landscape Maintenance District irrigation controllers to wireless. City Manager Napper noted the proposal will not upgrade all of the City's antiquated irrigation controllers to wireless; rather, the supplemental amount of \$50,000 will allow continuance of the upgrades to the City's controllers to the latest wireless technology. Doing so allows Maintenance to manage the controllers from any location at any time without the costs of someone coming out to respond on overtime, including addressing weather changes and patterns.

Mayor Catalano opened the Public Hearing for public comment.

Ann Stanaway, 1553 Haviland Place, favored the idea of continued upgrade to wireless irrigation controllers and alert software to warn of leaking or running water.

With no other public members wishing to speak, Mayor Catalano closed the Public Hearing to public comment.

Councilmember Diaz noted he has contacted the president of the Clayton Business and Community Association on funding an AED unit to be placed in Hoyer Hall at a cost of \$2,100.00, which the CBCA president found reasonable.

City Manager Napper suggested the City Council take up first the matter of the FY 20 Budget Amendments by Resolution and then discuss options on use of the one-time excess General Fund monies from FY 2017-18.

It was moved by Councilmember Wan, seconded by Vice Mayor Pierce, to adopt Resolution No. 5-2019 amending the Annual Operating Budget of the City of Clayton for the 2018-2019 Fiscal Year commencing July 1, 2018. (Passed; 5-0 vote).

Mayor Catalano opened for Council discussion the options regarding use of the General Fund excess monies from last fiscal year.

Councilmember Wan advised during the Budget Sub-Committee meeting he did not feel the departmental requests were urgent needs of the City; they were not heavily pushed. The Sub-Committee suggested transferring \$100,000 of the General Fund excess to the City's Pension Rate Stabilization fund and keep the balance of \$81,500 in the General Fund.

Vice Mayor Pierce agreed with the recommendation to transfer \$100,000 into the Pension Rate Stabilization Fund; of the remaining \$81,500 she felt the AED for Hoyer Hall is a prudent expenditure but should be funded anyway by the City as we are the primary user. Vice Mayor Pierce understands some of the departmental requests have been met since publication, such as the Police Station interior painting; while others can wait, she is most interested in the Community Development Department's requests for consultant services to implement SB 743 and SB 35. Those seem to have a more urgent need of compliance and she suggested funds be set aside for these needs.

Councilmember Wan suggested not appropriate the \$81,500 at this time as consultant contracts return to the City Council for approval anyway.

Councilmember Wolfe concurred with keeping the \$81,500 in the General Fund Reserves at this time for future appropriations.

Councilmember Diaz asked if the existing AED in the Library could be relocated to a more accessible location, for example in the foyer. City Manager Napper responded AEDs are typically located in areas not accessible by the general public to prevent tampering. The existing AED in the Library is located in the staff office room behind the check-in counter; it could be relocated to the foyer but then is not as accessible to Library staff if needed. City Manager Napper added this item came to light during the recent wildfire on Marsh Creek Road; when American Red Cross used Hoyer Hall as an evacuation center and going through its evac-center checklist, one of its questions was whether an accessible AED is physically located in the room? Without an AED in Hoyer Hall, staff had to keep the Library's secondary doors unlocked at all times. To be a sanctioned evacuation center by the American Red Cross, Hoyer Hall needs an AED.

City Manager Napper noted he wanted to daylight the need of an AED unit for Hoyer Hall, and staff will be able to find a funding source for this item from within existing budget allocations. Then, if it becomes the desire of the Clayton Business and Community Association to donate this item the City can purchase a plaque to mount on the cabinet to recognize its donation.

City Manager Napper clarified the proposed monies for the Community Development Department's consultant services to implement SB 743 and SB 35 are already in the General Fund. The question for Council is to assign them now or wait until contracts are ready for approval and then allocate the monies from the General Fund Reserve at that time.

It was moved by Councilmember Wan, seconded by Councilmember Pierce, to authorize the recommended transfer of \$100,000 in FY 2017-18 General Fund excess monies to the City's Pension Rate Stabilization Fund. (Passed; 5-0 vote).

8. **ACTION ITEMS** – None.

9. **COUNCIL ITEMS**

Councilmember Diaz provided a reminder that the presentation by the Contra Costa County Office of Realignment and Justice will be at the next regular meeting of the City Council on March 5th.

10. **CLOSED SESSION** – None.

11. **ADJOURNMENT**– on call by Mayor Catalano, the City Council adjourned its meeting at 8:16 p.m.

The next regularly scheduled meeting of the City Council will be March 5, 2019.

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Respectfully submitted,



Janet Calderon, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL



Tuija Catalano, Mayor

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