

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

**TUESDAY, February 7, 2017**

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 6:31 p.m. by Mayor Diaz in Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Diaz, Vice Mayor Haydon and Councilmembers Catalano, Pierce. Councilmembers absent: Councilmember Shuey. Staff present: City Manager Gary Napper and City Clerk/HR Manager Janet Brown.

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

The City Council interviewed one (1) candidate who had applied for appointment to the City Planning Commission:

Peter Cloven

**RECESS:** The City Council took a short recess from 6:50 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 Diaz in Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Diaz, Vice Mayor Haydon and Councilmembers Catalano, Pierce, and Shuey (arrived at 7:20 p.m.). Councilmembers absent: None. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, Police Chief Chris Wenzel, and City Clerk/HR Manager Janet Brown.

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

5. **CONSENT CALENDAR**

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

- (a) Approved the minutes of the regular meeting of January 17, 2017.
- (b) Approved Financial Demands and Obligations of the City.
- (c) Accepted the City's Investment Portfolio Report for the Second Quarter of FY 2016-17 ending December 31, 2016.
- (d) Approved a time extension to the multi-year competitively-bid contract with Cropper Accountancy Corporation (Walnut Creek) in the base amount of \$79,950 (3-year total) for independent auditing services for Fiscal Years 2017, 2018, and an option for 2019.

- (e) Adopted Resolution No. 02-2017 declaring a 2001 Kawasaki Police Motorcycle (Unit 1046) as surplus property to the City's needs and authorizing the City Manager to dispose of the vehicle at public auction.

**6. RECOGNITIONS AND PRESENTATIONS –None.**

**7. REPORTS**

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

City Manager Napper remarked one of the long-stated missions of this City is to have one of the best streets/roads conditions in Contra Costa County. The industry measurement standard for street conditions is called a "Pavement Condition Index" (PCI); when this rating system was initiated, using Metropolitan Transportation Commission (MTC) assistance in rating streets, Clayton's pavement conditions were down in the lower seventies about ten to twelve years ago. Since then we have been aggressively pursuing the reconditioning of our streets with City Council financial allocations.

The most recent PCI index has been released showing Clayton is now at PCI of 85. City Manager Napper advised this rating covers all of the streets in town collectively such as arterial streets being the main corridors through the City, collector streets which collect the traffic from residential neighborhoods and funnels it to the arterials, and then the actual neighborhood streets themselves. Clayton's overall PCI rating of 85 comes in as best overall in Contra Costa County, tied with the City of Brentwood. Of all of our streets, 96.7% are in the "Good to Very Good" category with the remaining 3.3% in Fair PCI condition; none are in "Poor" or "Failed" status. Thank you to the City Council leadership and its prudent use of our Measure J tax monies as well as other allocations to keep Clayton streets in great condition.

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

Vice Mayor Haydon attended the Clayton Library Foundation's monthly meeting, the Clayton Business and Community Association's general membership meeting, the Contra Costa County Mayors' Conference, and the Clayton Budget sub-committee meeting.

Councilmember Catalano attended the Clayton Budget Sub-Committee meeting.

Councilmember Pierce attended the Contra Costa Transportation Authority Board meeting, several Association of Bay Area Governments' meetings, attended a seminar regarding a program called UrbanSim developed by Professor Waddell in Berkeley which is a forecasting tool for populations and jobs based on a market analysis of existing data, and a Metropolitan Transportation Commission Board meeting.

Mayor Diaz attended the Clayton Library Foundation's meeting, a County Connection Board meeting, the California League of Cities' Public Safety Policy Committee meeting, the Clayton Business and Community Association's Art and Wine 2017 planning meeting, the Clayton Business and Community Association's general membership

meeting, the League of California Cities' East Bay Division meeting, and a County Connection marketing planning meeting.

(e) Other – None.

**8. PUBLIC COMMENT ON NON - AGENDA ITEMS – None.**

**9. PUBLIC HEARINGS – None.**

**10. ACTION ITEMS**

(a) City Council discussion and determination of a citizen appointment to the one vacated term of office on the City Planning Commission (term expires June 30, 2017).

Mayor Diaz indicated earlier this evening the City Council interviewed the one candidate who had applied for consideration to the vacant position on the City Planning Commission. He inquired among the City Councilmembers whether they wished to select this citizen for appointment to the vacancy on the Planning Commission. The general consensus is Peter Cloven would be a positive addition to the Commission.

Mayor Diaz opened that intent to appoint for public comments; no comments were offered.

**It was moved by Councilmember Pierce, seconded by Vice Mayor Haydon, to approve Resolution No. 03-2017 appointing Mr. Peter Cloven to the vacant position on the Clayton Planning Commission, with a term of office to expire June 30, 2017. (Passed; 4-0 vote).**

(b) Consider the research findings report on the City's prospective installation and use of roadway cameras and automated license plate readers (ALPRs) at entrances/exits to the City of Clayton to enhance local law enforcement effectiveness and public safety.

Police Chief Chris Wenzel provided a brief background on the proposal to install cameras in the City as other local enforcement agencies have already done and others throughout Contra Costa County are looking at similar technology as a way to provide better public safety services and security for our residents. The two (2) cameras systems for consideration are a post-time investigative tool plus real time license plate readers that alert law enforcement staff to stolen vehicles, abductions or anything that is important to be alerted on. He emphasized these are situational-based cameras, not 24/7 monitored cameras; it would be used based on information which is input into the system to create an alert on particular crimes and capture vehicle facts after an incident to continue law enforcement investigation and to apprehend a suspect.

Some citizens have asked if the proposed cameras will be used to write traffic citations for not stopping at a stop sign or running through a red light? The answer is absolutely not; such is not the purpose for the installation of the cameras and would constitute an invasion to the right of privacy. Chief Wenzel then introduced Mike McGee from LEHR Auto Electric to provide more information regarding Vigilant Solutions and the Automatic License Plate Reader cameras.

[Councilmember Shuey arrived – 7:20 p.m.]

Mr. McGee advised LEHR Auto Electric is a retailer of Vigilant Solutions. For the City of Clayton's needs, Vigilant offers license plate recognition, a securely-hosted server known as LEARN, Big Analytics, Mobile Companion, Mobile Hit Hunter and Target Alert Service. Vigilant Solutions will provide access to tools and data not available anywhere else, additional investigative leads, saves law enforcement agency time and resources, improves efficiencies of field operations and investigations, increases case closure time, improves safety of the officers and community, and saves lives. Mr. McGee also noted Vigilant Solutions, founded in 2005, is the fastest growing company within the market segment of U.S. public safety technology solutions; over 3,200 agencies and 30,000 sworn officers is their company's base; it uses innovative and agile development methodology, headquartered in Livermore, CA with global operations and has majority ownership of Digital Recognition Network (DRN). Some of its larger customers include the Department of Homeland Security, the Department of Defense, the Department of Justice, and the Asset Recovery [repos] arm for Bank of America, JP Morgan Chase, and Mercedes-Benz.

Mr. McGee provided information on the fixed ALPR for the perimeter security of the City, unmanned for high traffic volume locations and strategic chokepoints offering seamless integration with LEARN for automated alerting, hotlist management, data sharing, remote updates and Target Alert Service for remote alerting on virtually any device. Mr. McGee provided information regarding its Reaper Camera with one side of the unit having the Automatic License Plate Reader camera and a color photo of the vehicle. The camera is powered over the Internet, with low-power consumption and a one year warranty with an additional two year warranty requested by the Chief.

Councilmember Shuey inquired on the general life-span of the cameras? Mr. McGee responded currently the same camera on his personal vehicle is seven years old but they are currently quoting five years on operational cameras mounted on a pole. Vigilant Solutions projects the exterior camera life-span to be five to seven years.

Mr. McGee outlined the proposed locations in Clayton for camera installations: at inbound Clayton Road (2 cameras), inbound Pine Hollow Road (1 camera), inbound Oakhurst Drive (2 cameras), and inbound Marsh Creek Road at Diablo Parkway (1 camera). He explained that data is stored to a web-based ALPR centralized secured hosted management solution. Vigilant owns the server and their proprietary software and database; anything a local law enforcement agency contributes is property of the agency and subject to that agency's retention policy. The participating agency has system capability to share its data.

Mayor Diaz inquired on the location of the server? Mr. McGee responded for understandable reasons, the data is stored in an undisclosed location. Mr. McGee elaborated on the flexibility the agency has on the retention of images collected.

Councilmember Pierce inquired if the data collected could possibly be used in conjunction with traffic counts? Mr. McGee responded the system works off of the rear license plate and may not be able to collect data on vehicles that do not have a license plate.

Mr. McGee provided further details on how the system alerts law enforcement to license plate matches through a wireless system generating a siren sound through the Vigilant software. Mayor Diaz inquired if there are different alerts for specific matches based on the priority importance over other types of alerts? Mr. McGee responded the Department of Justice updates its database at least three times a day providing the information to the system; it is up to the local agency to input other alerts such as a hit and run, amber alert or stolen mail into the system. The local agency has the ability to assign the alert as high, medium or low.

Vice Mayor Haydon inquired if the make and model of the vehicle is detected with the License Plate Reader? Mr. McGee responded it does if it is a triggered event that is assigned to a hotlist when they are inside the system. If local law enforcement does not have license plate information it can then enter in the vehicle's make and model along with a day and time frame and manually review the images in the collected system.

Councilmember Shuey inquired if there is not a license plate on the vehicle, is the vehicle detected by other means? Mr. McGee advised other markings on the vehicle can be detected such as contractor license; the system is looking for reflective imaging like a license plate for character recognition or vehicle emblems, however that operation mode is not guaranteed.

Mr. McGee outlined the process on setting user credentials into the system with unique user identifications. He also explained virtual stakeout where an address and license plate could be input into the system, then tracked for how many times it has been at that location. He further explained some of the search features available and a mobile companion app allowing license plates to be scanned from Android or iPhone through an application, shared with agencies nationwide, add to hot plates and receive hotlist alerts.

Chief Wenzel inquired on the camera's ability to read license plates that have the clear plastic cover mounted over them? Mr. McGee advised that plastic covers do negatively affect the camera's ability to read a license plate.

Chief Wenzel then introduced Kirk Brown, Director of Sales with Hitachi Insight Group, who will explain the Situational Awareness Cameras to be installed outbound of town.

Mr. Brown indicated the complete public safety enhancement solution is at the same locations and poles by providing Situational Awareness Cameras covering multiple lanes and entire intersections; this system can detect the whole car and occupants and more specifically what lane the vehicle came from and what direction it is headed. The information is stored in the unit's housing with the information being transported on-demand and on the same system as Vigilant Solutions, and displays the overall activity.

City Manager Napper emphasized this camera system will not be monitored by any personnel and will only be used after a local law incident has occurred; the camera photos capture the short-term history of the intersections and are reviewed when investigation a crime.

Chief Wenzel then provided images of the selected intersections where the camera installations would occur: Tara Drive at Clayton Road; Yolanda Circle at Oakhurst Drive; and Marsh Creek Road at Diablo Parkway. For Pine Hollow Road at Pine Shadow, which is in Concord, a Concord encroachment permit would be needed. Council Member Pierce suggested the Chief look at installing the unit on the street light pole at Pardi Lane, which is in the city of Clayton, to minimize any inter-agency complications.

Chief Wenzel explained how the two cameras work together, one as the identifier and the other providing an image of the vehicle and occupants. He further explained staff is continuing to work with PG&E to arrange its approval and our use of power from the adjacent street lights at a fixed flat rate, and he is also in communication with a local cellular provider to determine annual costs for a SIM card for each camera. There would also be system training provided to our law enforcement staff during a staff development day to occur in the spring.

Vice Mayor Haydon inquired on the success of the implantation of these services in other cities. Mr. Wenzel advised he has spoken to other police chiefs in the area confirming the effectiveness of the cameras and solving local crimes.

Councilmember Shuey inquired on the annual operating costs of the private data after the first year and what those additional costs would be? Mr. McGee confirmed the City was quoted on the Intelligence Led Policing (IEP) bundle to allow police agencies of all sizes to afford and deploy a comprehensive suite of technologies in a tiered structure. The quote includes three (3) cameras, one (1) year of private data and mobile companion in the fewer than 50 sworn officers category. After the first year the annual cost would be around \$4,500.00 for access to the commercial data bank.

Councilmember Shuey indicated he will require a very detailed report from staff on the additional annual fees and recurring costs this project imposes on the City's General Fund each year, along with funding resources, before he will vote on this item.

City Manager Napper added the information this evening was to launch the concept prior to staff refining the numbers. The purpose was to inform the City Council and the public about this law enforcement tool before it is installed, and to receive City Council direction on whether to proceed. He noted just to hire one additional police officer will cost the City more than the annual costs associated with the purchase and installation of these cameras. Further, to deploy one additional police officer on each shift 24/7, the City would need to hire 4.2 officers, or actually 5 more officers to the Department, an annual expense well over the recurring costs of this alternative crime prevention project. He noted the Fiscal Year 14-15 General Fund excess monies were \$388,000, and the Fiscal Year 15-16 General Fund excess monies is \$205,000, which financial facts reveal there is breathing room in each annual budget to absorb this small annual expense. He added the City Council and management have long favored an operational policy of not working harder but smarter, and this type of technology is a perfect alternative to hiring additional law enforcement personnel. Despite all the other variables the City is faced with, this system is one of those capital items, including its deterrent factors, which will maintain Clayton's community safety. He noted there are opportunities to find funding sources within the City's Budget.

Mayor Diaz opened the item for Public Comment. No comments were offered.

By general consensus, City Council directed staff to return to Council at its regular meeting of March 7, 2017 with final details for implementation of the program and award of contracts.

11. **COUNCIL ITEMS** – None.

12. **CLOSED SESSION**

Mayor Diaz announced the City Council will adjourn to a closed session to discuss the subject matter listed below [8:40 p.m.]:

- (a) *Government Code Section 54956.8*, Conference with Real Property Negotiator.  
Real Properties: 6005 Main Street (APNs 119-011-002-1; 118-560-010-1; 118-370-041-6).  
Instructions to City Negotiators: Council Members Pierce and Shuey, and Ed Del Beccaro, Managing Director, Transwestern, concerning price and terms of payment.  
Negotiating Party: Pacific Union Land Investors, LLC (Joshua Reed).

Report out from Closed Session (9:17 p.m.)

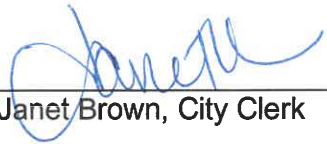
Mayor Diaz reported the City Council received and discussed information, and then directed its negotiators regarding these matters but no reportable action was taken.

13. **ADJOURNMENT**– on call by Mayor Diaz, the City Council adjourned its meeting at 9:18 p.m..

The next regularly scheduled meeting of the City Council will be February 21, 2017.

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Respectfully submitted,

  
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Janet Brown, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL

  
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Jim Diaz, Mayor

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