

MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

TUESDAY, May 21, 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, Interim Community Development Director David Woltering, City Engineer Scott Alman, and City Clerk/HR Manager Janet Calderon.

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

3. **CONSENT CALENDAR**
Mayor Catalano noted there was a correction made to item 3(a).
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 April 16, 2019 and May 7, 2019.
 - (b) Approved the Financial Demands and Obligations of the City.
 - (c) Adopted Resolution No. 16-2019 approving the City of Clayton's list of local transportation improvement projects for Fiscal Year 2019-20 using Road Maintenance and Rehabilitation Account – Local Streets and Road Funds (RMRA-LSR; SB 1), and rescission of prior Road Maintenance and Rehabilitation Account Resolution No. 12-2019.
 - (d) Adopted Resolution No. 17-2019 approving the Engineer's Report and declaring intent to levy and collect real property tax assessments in FY 2019-20 for Diablo Estates at Clayton Benefit Assessment District (BAD), and setting July 16, 2019 at or about 7:00 p.m. as the date and time for a noticed Public Hearing on the proposed fiscal year tax assessment levies.

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

5. **REPORTS**
 - (a) Planning Commission – Chairman Bassam Altwal indicated the Commission's agenda at its meeting of May 14, 2019, included consideration of a proposed Ordinance extending the Town Center Parking Wavier for three years. This item passed although Commissioners Peter Cloven and A.J. Chippero were absent.

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

- (c) City Manager/Staff

Assistant to the City Manager Laura Hoffmeister announced Finance Manager Kevin Mizuno has welcomed a new member to his family at 1:00 am this morning.

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

Councilmember Diaz attended the East Bay Regional Communication Authority meeting, he toured the Oakland Mormon Temple, attended the Concerts in The Grove featuring Boston Rocks, the Travis Credit Union Shred Day event, the Clayton Business and Community Association BBQ Committee meeting, and he announced the upcoming Concert in The Grove featuring Brickhouse.

Councilmember Wolfe attended the Clayton Business and Community Association Oktoberfest committee meeting, the Concert in The Grove featuring Boston Rocks, the Clayton Library Foundation meeting, and the Travis Credit Union e-waste and shred event.

Vice Mayor Pierce congratulated the Mizuno Family, she attended the Travis Credit Union Shred event, the Central County TRANSPAC meeting, the Joint Association of Bay Area Governments and Metropolitan Transportation Commission meeting, the Concerts in The Grove featuring Boston Rocks, the 4th of July Parade Committee meeting, she met along with Mayor Catalano the new owners of Oakhurst Country Club, the Contra Costa Transportation Authority Administrative Committee meeting, the East Bay Leadership Council meeting, the Association of Bay Area Governments Legislative Committee meeting, and she announced the upcoming Concerts in The Grove featuring Brickhouse. Vice Mayor Pierce provided the members of the City Council her talking points at the Association of Bay Area Governments meeting including the votes on various Assembly Bills.

[The City Council took a five (5) minute recess due to a recording issue]

Councilmember Wan indicated "No Report".

Mayor Catalano met with the new owners of Oakhurst Country Club, held Mayors' Office hours announcing upcoming hours of 3-4 this Friday at City Hall, as a sub-committee member for the recruitment of Clayton's next City Manager met with four executive search firms, attended ULI Housing Summit meeting, and a breakfast event with Senator Weiner.

- (e) Other – None.

6. PUBLIC COMMENT ON NON - AGENDA ITEMS

Ann Stanaway, 1553 Haviland Place, expressed her concern regarding a un-agenized presentation at the last City Council meeting regarding parking violations presented by the City Manager.

Brian Buddell expressed his continued his concern with the use of Glyphosate in the city of Clayton. He advised the State of California is working on a proposal to ban the use of glyphosate suggesting the City of Clayton propose their own ban.

Mayor Catalano requested more clarification regarding the State of California's proposal to ban the use of glyphosate.

Mr. Buddell understands the proposal is regarding the sale and use of glyphosate, noting New York is the only state he knows of that has an outright ban as seen in advertisements.

7. PUBLIC HEARINGS

- (a) Conduct a noticed Public Hearing to consider the adoption of a Resolution approving and imposing annual sewer service charges and rate increases on real properties within the city of Clayton commencing Fiscal Year 2019-20 through Fiscal Year 2022-23 for the operation, treatment, maintenance and repair of the municipal sewerage system.

Director of Public Works, Justin Ezell, City of Concord presented the report.

Following questions by the Council, Mayor Catalano opened the item to public comments.

Denis Weil 1543 O'Hara Court, is concerned as the proposal does not allocate for the size of the home, as a smaller home does not use as much service as a larger home. He downsized to be able to remain in Clayton on his fixed income.

Joe Beaty 110 Crow Place, suggested a comparison of a fixed rate sewer charge versus a proportional use sewer charge by comparing each residence usage to their water statement.

Brian Buddell added without knowing the percentage of Clayton's waste going to Contra Costa Water District for treatment the proposed sewer rate is arbitrary. He also inquired on basis of the operating costs, if that includes salaries. He also feels the fixed rate is unfair to those that are using less.

Mayor Catalano closed public comment.

The City Council had additional questions of Mr. Ezell who explained the different tiers of usage including irrigation.

Joe Beaty provided a suggestion of installation of an additional meter specifically for irrigation.

Mayor Catalano closed public comment.

City Attorney Mala Subramanian clarified the rate structure is based on the agreement the city has with the city of Concord. She also clarified if the council decided to change the rate structure, they would still owe the difference to Concord, likely coming from General Fund Revenue.

It was moved by Vice Mayor Pierce, seconded by Councilmember Wan, to adopt Resolution No. 18-2019 approving and imposing annual sewer service charges on

real properties within the city of Clayton commencing Fiscal Year 2019-20 through Fiscal Year 2022-23. (Passed; 4-1; Diaz opposed).

8. ACTION ITEMS

- (a) Consider the Introduction/Presentation of the proposed City of Clayton Budget for Fiscal Year 2019-20 and the proposed Capital Improvement Program (CIP) 5-Year Budget, and set the date of Tuesday, June 4, 2019 for a Public Hearing to review and adopt the proposed City Budget.

Finance Manager Kevin Mizuno presented the report.

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

It was moved by Councilmember Diaz, seconded by Councilmember Wan, to set Tuesday, June 4, 2019 at 7:00 pm in Hoyer Hall as the date, time and location of a Public Hearing on the proposed FY 2019-20 City Budget. (Passed; 5-0 vote).

- (b) Consider the Second Reading and Adoption of City-initiated Ordinance No. 487 to amend the Clayton Municipal Code, Title 12 – Streets and Sidewalks to add Chapter 12.05, "Wireless Facilities in Public Right of Way."

Interim Community Development Director David Woltering presented the report.

Following questions by the Council, Mayor Catalano opened the item to public comment.

Janice Hester 7 Mount Eden, inquired if the antennas would be installed on PG&E owned or City owned poles. She is concerned about PG&E owned poles and the approvals required for installation and the manner in which the transmitters will be installed.

Interim Community Development Director David Woltering advised the Ordinance addresses poles in the public right-of-way whether city or utility owned. The carriers would have to work with the owners of the poles complying with Design Guidelines.

Ann Stanaway suggested electronic copies submitted in searchable PDF format could be searched for any modifications, without the need of red-lined documents.

Mark Kelson added the FCC sets the radio frequency energy levels, other than determining the location of the antenna installation. The City really has no authority otherwise.

It was moved by Vice Mayor Pierce, seconded by Councilmember Wan, to have the City Clerk read Ordinance No 487 by title and number only and waive further reading. (Passed; 5-0 vote).

The City Clerk read Ordinance No. 487 by title and number only.

It was moved by Vice Mayor Pierce, seconded by Councilmember Wan, to adopt Ordinance No. 487 to amend the Clayton Municipal Code, Title 12 – Streets and Sidewalks, to add Chapter 12.05, "Wireless Facilities in the Public Rights-of Way". (Passed; 5-0).

- (c) Consider the adoption of amendments to the City Council Guidelines and Procedures to add a new policy prohibiting City Council Members or Planning Commissioners use of or receipt of digital or electronic communication to/from the public related to items on the respective agenda during a City Council or Planning Commission meeting.

City Attorney Mala Subramanian presented the report.

Following questions by the Council, Mayor Catalano opened the item to public comment.

Brian Buddell feels this amendment is an infringement on Freedom of Speech Rights by restricting the public's right to contact the City Council members during a Council meeting.

Mayor Catalano closed public comment.

Ms. Subramanian clarified members of the public have the ability to contact the City Council in advance of the meeting, they can also speak to the Council during public comment on any item that is not ajenized along with any ajenized item providing many opportunities to provide comment.

It was moved by Vice Mayor Pierce, seconded by Councilmember Diaz, to amend its Council Guidelines and Procedures to incorporate new policy prohibiting the use of or receipt of digital or electronic communications to/from the public related to items on the respective agenda during a City Council or Planning Commission meeting. (Passed; 5-0).

9. **COUNCIL ITEMS**

Mayor Catalano requested more information regarding installation of EV Chargers in the downtown area as suggested by a citizen via email.

Vice Mayor Pierce advised staff to contact TRANSPAC TDM staff for possible funding sources.

Councilmember Wolfe requested staff to follow up on the State ban on glyphosate.

10. **CLOSED SESSION** – None.

11. **ADJOURNMENT**– on call by Mayor Catalano, the City Council adjourned its meeting at 9:37 p.m.

The next regularly scheduled meeting of the City Council will be June 4, 2019.

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Respectfully submitted,



Janet Calderon, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL



Tuija Catalano, Mayor

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