

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

TUESDAY, June 19, 2018

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 5:45 p.m. by Mayor Haydon in Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Haydon, and Councilmembers Catalano, Diaz and Pierce. Councilmembers absent: Vice Mayor Shuey. Staff present: Assistant to the City Manager Laura Hoffmeister, and City Clerk/HR Manager Janet Brown.

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

The City Council separately interviewed four (4) candidates who had applied for appointment to the City Planning Commission:

Bassam Altwal
William Gall
Carl Wolfe
Kevin Dern

RECESS: The City Council took a short recess from 7:02 – 7:08 p.m.

7:00 P.M. REGULAR PUBLIC MEETING

3. **RECALL TO ORDER THE CITY COUNCIL** – The meeting was recalled to order at 7:08 p.m. by Mayor Haydon in Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Haydon, and Councilmembers Catalano, Diaz, and Pierce. Councilmembers absent: Vice Mayor Shuey. Staff present: Assistant to the City Manager Laura Hoffmeister, City Attorney Mala Subramanian, Finance Manager Kevin Mizuno, City Engineer Scott Alman, and City Clerk/HR Manager Janet Brown.

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

5. **CONSENT CALENDAR**

Mayor Haydon noted Item 5 (g) contains a correction which has been benched and copies on the back table for the public, therefore the Memorandum of Understanding (MOU) with the Clayton Police Officers' Association (POA) is proposed to be approved "as amended", as part of the consent calendar.

It was moved by Councilmember Catalano, seconded by Councilmember Pierce, to approve the Consent Calendar with Item 5 (g) as amended.

- (a) Approved the minutes of the regular meeting of June 5, 2018.

- (b) Approved Financial Demands and Obligations of the City.
- (c) Adopted Resolution No. 18-2018 authorizing the levy of annual real property tax assessments for Community Facility District No. 2006-1 (Downtown "The Grove" Park O & M; Fund No. 211) in Fiscal Year 2018-2019.
- (d) Adopted Resolution No. 19-2018 authorizing the levy of annual real property tax assessments for Community Facility District No. 2007-1 (Citywide Landscape Maintenance District; Fund No. 210) in Fiscal Year 2018-2019.
- (e) Adopted Resolution No. 20-2018 authorizing the levy of annual real property tax assessments for the Middle School Community Facilities District (CFD 1990-1R, 2007 Special Tax Refunding Bonds; Fund No. 420) in Fiscal Year 2018-2019.
- (f) Adopted Resolution No. 21-2018 regarding negotiated employer pick-up of employee contributions towards employer pension costs concerning the City's contract with the California Public Employees Retirement System.
- (g) Adopted Resolution No. 22-2018 approving a 3-year Memorandum of Understanding (MOU) with the Clayton Police Officers' Association (POA) effective July 1, 2018 regarding negotiated terms and conditions of employment, compensation and benefits.
- (h) Adopted Resolution No. 23-2018 and Resolution No. 24-2018 related to the regularly-scheduled General Municipal Election to be held this year on November 6, 2018 to elect two (2) City Council Members at large to public office for 4-year terms ending December 2022.
- (i) Approved the award of sole-source vendor contract to Site One in the amount of \$28,035 for the purchase and installation of two (2) Rain Master wireless-communication irrigation controllers for the Landscape Maintenance District and authorize the appropriation of an additional \$8,035 from the District's fund balance (Fund 210) to gap-fund the capital replacement project.

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 – No Report.
- (d) City Council - Reports from Council liaisons to Regional Committees, Commissions and Boards.

Councilmember Catalano indicated "No Report".

Councilmember Diaz attended the League of California Cities' Public Safety Policy Committee meeting, the Wednesday Classic Car Show event in downtown Clayton, the County Connection Board meeting, the retired Contra Costa and Alameda County FBI agents meeting, the Clayton Business and Community Association Art & Wine Festival

debrief with the Clayton Police Chief, and announced the Clayton Business and Community Association upcoming BBQ Cook-Off on July 14.

Councilmember Pierce attended the Association of Bay Area Governments Executive Committee, the ABAG General Assembly meeting, several Metropolitan Transportation Committee meetings, the E-Bart opening at the Antioch Station, two Concerts in The Grove, the California Council of Governments Association Board meeting, the National Association of Regional Councils Board meeting, and announced the continued need of volunteers for the upcoming 4th of July Parade in downtown Clayton.

Mayor Haydon attended the Contra Costa County Mayors' Conference, the Saturday Concerts in The Grove, and the County Connection Finance Committee meeting.

- (e) Other – None.

8. PUBLIC COMMENT ON NON - AGENDA ITEMS

Ann Stanaway, 1553 Haviland Place, expressed her concern about parking over fire lanes by inconsiderate residents. She felt if Clayton's Code Enforcement would ticket or tow these vehicles, it would deter this situation from happening.

Frank Gavidia, Gold Rush Court, expressed even though Fulcrum Development decided not to pursue a project application filing he was troubled, along with other citizens, by the way it was handled, and especially the way citizenry was informed. He obtained campaign contribution records of the City Council for the last five (5) years, and shared his concerns regarding the contribution information being largely from out-of-town donors; with such mistrust of the City Council, how can he be sure Fulcrum has not contributed monies to campaign treasuries. He indicated he would attend future meetings so the public can be more informed of what is going on in their city. Mr. Gavidia stated he and others prefer the downtown city owned parcel to be used for festivals and events, not a big building.

9. PUBLIC HEARINGS

- (a) Public Hearing on the proposed City of Clayton Budget for Fiscal Year 2018-19, and its 5-year Capital Improvement Project Budget (CIP) for Fiscal Years 2018-2023.

Finance Manager Kevin Mizuno provided a brief overview of the proposed Clayton City Budget for Fiscal Year 2018-19 that was introduced at the Council meeting on June 5, 2018. Since that June 5, 2018 meeting there have been no revisions incorporated into the Budget.

Mr. Mizuno reviewed the 5-Year Consolidated Budget trend analytical table, which is part of the Budget Message. Mr. Mizuno noted the total budget for FY 2018-19 is \$13,447,028 which includes the budget categories of the General Fund, Other Funds, Capital Improvement Project (CIP) and Successor Agency. The Budget also includes the establishment of a new fund, (Fund 202), for the Road Maintenance Rehabilitation Account for California, Senate Bill 1; the additional gas tax the State approved and allocated to local agencies.

Mr. Mizuno provided a summary of Expenditures by fund noting the largest volume of expenditures being the General Fund at 50.87%, and the Landscape Maintenance District at 17.47%.

Mr. Mizuno indicated the proposed FY 2018-19 is a balanced budget with a projected excess of \$101,970 for the General Fund. The General Fund reserve balance ending June 30, 2019 is calculated to be \$5,552,798, which is 1.3 times the proposed FY 18-19 General Fund expenditures of the City.

Finance Manager Mizuno provided a summary of the Landscape -Maintenance Projects noting consistency with last year's budget. During FY 2017-18 there was a shift of priorities due to unexpected turnover in the City Maintenance Department and City Engineering. The City is re-appropriating those projects hoping to have them accomplished this Fiscal Year. He noted improvement plans in the Landscape Maintenance District with the largest monetary project of the four being the proposed Downtown Planters Replacement Project; the second project is removal of 18 Eucalyptus trees in open space/trails areas; the third project is purchase of more centralized irrigation control field panel, and the fourth is seed money for Sub-Division Entry Landscaping.

Mr. Mizuno provided a summary planned CIP projects consisting of the 2018 Neighborhood Street Repave project, the Keller Ridge Collector Street Rehabilitation project, the El Molino Drive Sanitary Sewer Improvement, the North Valley Playground Rehabilitation, the Clayton Community Park Lower Field Rehabilitation, the Pine Hollow Road Upgrades, and then the City Hall ADA Accessibility Project.

Mr. Mizuno referenced the Appropriations (GANN) Limit of the City which is an annually required calculation under Proposition 4 adopted by California voters in 1979. The calculation results in Fiscal Year 2018-19 Appropriations Limit [tax limit] of \$10,485,299. When compared to estimated appropriations subject to the Limit for next fiscal year, Clayton is only at 43.6% of the maximum limit, which means the City's available annual tax expenditure gap is \$6,186,925.

Mayor Haydon opened the Public Hearing; no comments were offered.
Mayor Haydon then closed the Public Hearing.

Councilmembers offered its support and praise to staff for its consistent financial management acumen.

It was moved by Councilmember Pierce, seconded by Councilmember Catalano, to adopt Resolution No. 25-2018 approving the Annual Budget for the City of Clayton for the 2018-2019 Fiscal Year, commencing July 1, 2018 and ending June 30, 2019; adopting the 2018-2019 appropriation limit and employee compensation schedule; and approving the City 5-year CIP Budget for Fiscal Years 2018-2023. (Passed; 4-0 vote).

- (b) Public Hearing on the proposed real property tax assessments in FY 2018-19 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 provided a brief background. He noted at the meeting of May 15, 2018, the Engineers Report was submitted with the proposed levies and approval to issue notice to each residence in that assessment district of this Public Hearing; no comments were received. Mr. Alman stated the assessment includes the allowable increase of the Consumer Price Index increase of 3.22% for the period of April 2017 to April 2018.

Mayor Haydon opened the Public Hearing; no comments were offered.
Mayor Haydon then closed the Public Hearing.

It was moved by Councilmember Pierce, seconded by Councilmember Diaz, to adopt Resolution No. 26-2018 confirming the levying of assessments for the operation and maintenance of improvements within the Diablo Estates at Clayton Benefit Assessment District for Fiscal Year 2018-19. (Passed; 4-0 vote).

10. ACTION ITEMS

- (a) Consider the Introduction and First Reading or proposed City-initiated Ordinance No. 482 amending Chapter 6.04 to adopt by reference the Contra Costa County Animal Control Code, including County Ordinances Nos. 80-97 (“Revised Animal Control Ordinance”), 83-10 (“Animal Control Ordinance Amendments”), 85-23 (“Animal Services Contracting”), 87-74 (“Regulation of Dangerous Animals and Potentially Dangerous Animals”), 97-33 (“Penalty for Abandonment of Animal”), 2005-24 (“Dangerous Animals”), 2006-05 (“Amendment to Dangerous Animal Ordinance”), 2011-08 (“Spaying and Neutering Dogs Impounded Dogs Prior to Release”), 2011-09 (Microchipping Impounded Dogs and Cats Before Release”), 2016-02 (“Exemptions For Animal License Fees”), and 2017-12 (“Amendments to Division 416 (Animals) of the County Ordinance Code”), and Adopting Penalties therefor as provided in County Ordinance Nos. 97-33 and 2017-12 of the *Clayton Municipal Code* for conformity with recent Contra Costa County animal control laws.

City Attorney Mala Subramanian presented the staff report noting the City receives Animal Control Services through Contra Costa County by contract; as part of that arrangement, codes are adopted by reference to have a consistency in enforcement as this service is provided to multiple cities in Contra Costa County. The last time the City of Clayton adopted any revisions or updates to its code related to Animal Control was in 2005. There have been several ordinances that Contra Costa County has adopted since that time, and the City of Clayton needs to adopt by reference. In addition, staff research determined it was unclear whether the City had affirmatively adopted some of the ordinances that were in effect pre-2005. Lastly, there are penalty provisions from the County and City that need to be adopted.

Mayor Haydon clarified the City of Clayton uses the County for Animal Control service; therefore the intent is for each jurisdiction that contracts with the County to have uniform or consistency in ordinances.

Councilmember Catalano asked if someone violates the codes and penalties or fine results, where do any monies go, to the county or the city?

Assistant to the City Manager Laura Hoffmeister advised if the County issues a fine or penalty the County retains any funds collected as they are performing the service by enforcing those codes.

Mayor Haydon opened the item for Public Comment; no comments were offered. Mayor Haydon then closed the Public Comment.

It was moved by Councilmember Pierce, seconded by Councilmember Diaz, to have the City Clerk read Ordinance No. 482, by title and number only and waive further reading. (Passed; 4-0 vote).

The City Clerk read Ordinance No. 482 by title and number only.

It was moved by Councilmember Pierce, seconded by Councilmember Diaz, to approve for introduction Ordinance No. 482 with the finding the action does not constitute a project under CEQA and this activity will not have a significant effect or physical change to the environment. (Passed; 4-0 vote).

It was moved by Councilmember Pierce, seconded by Councilmember Diaz, to set July 17, 2018 at 7:00 p.m. in Hoyer Hall of the Clayton Community Library as the date, time and location of a Public Hearing to consider the adoption of Ordinance No. 482. (Passed; 4-0 vote).

- (b) City Council discussion and determination of citizen appointments to three (3) openings on the Clayton Planning Commission for 2-year terms of appointed office from July 1, 2018 through June 30, 2020.

Mayor Haydon indicated earlier this evening the City Council interviewed four candidates Bassam Altwal, William Gall, Carl Wolfe and Kevin Dern, who had applied for the three vacant positions on the City Planning Commission. Mr. Atwal, Mr. Gall and Mr. Wolfe are incumbents and Mr. Dern is an interested citizen.

Mayor Haydon opened matter for public comments; no comments were offered.

Councilmember Pierce advised she was very impressed with all four (4) candidates; suggesting re-appointment of Mr. Bassam Altwal, Mr. William Gall and Mr. Carl Wolfe. She invited Mr. Kevin Dern to apply for a position on the Trails and Landscaping Committee or other city advisory committee openings.

Councilmember Catalano added she had an opportunity to serve on the Planning Commission with the three (3) incumbents for approximately five (5) months prior to her seat on the City Council, and is impressed with how far they have come along.

Frank Gavidia inquired if the Planning Commission is a paid or volunteer position?

Mayor Haydon advised the Planning Commission is paid a small stipend which helps offset expenses expected to be incurred driving around and inspect throughout the City of various projects and meeting time.

Councilmember Pierce added generally the Planning Commissioners spend approximately twenty (20) hours per month dedicated to preparing, reviewing packets, plans, ordinances and their meetings.

It was moved by Councilmember Pierce, seconded by Councilmember Diaz, to approve Resolution No. 26-2018 appointing Mr. Bassam Altwal, Mr. William Gall and Mr. Carl Wolfe to the offices on the Clayton Planning Commission, each with a term of office to expire June 30, 2020. (Passed; 4-0 vote).

11. **COUNCIL ITEMS** - None.

12. **CLOSED SESSION** – None.

13. **ADJOURNMENT**– on call by Mayor Haydon, the City Council adjourned its meeting at 7:59 p.m.

The City Council of July 3, 2018 has been canceled.
The next regularly scheduled meeting of the City Council will be July 17, 2018.

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Respectfully submitted,



Janet Brown, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL



Keith Haydon, Mayor

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