

MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

TUESDAY, August 20, 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: Interim City Manager Joseph Sbranti, City Attorney Mala Subramanian, City Engineer Scott Alman, and City Clerk/HR Manager Janet Calderon.

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

3. **CONSENT CALENDAR**

Councilmember Wolfe requested Item 3(d) be pulled from the Consent Calendar for separate discussion.

It was moved by Vice Mayor Pierce, seconded by Councilmember Wolfe, to approve the Consent Calendar Items 3(a) – 3(c) and 3(e) – 3(h). (Passed; 5-0 vote).

- (a) Approved the minutes of the City Council's regular meeting of July 16, 2019.
- (b) Approved the Financial Demands and Obligations of the City.
- (c) Approved the City's response letter to the FY 2018-19 Contra Costa County Civil Grand Jury's Report No. 1907, "Stormwater Trash Reduction."
- (e) Adopted Resolution No. 37-2019 approving the award o low-bid contract to Abacus Concrete in the amount of \$20,140.00 for a multi-year on-call concrete repair contract for various locations throughout the City (CIP#10452).
- (f) Authorized staff to negotiate agreeable construction unit pricing with a qualified contractor to provide multi-year as-needed on-call contract for as-needed street repairs at various locations (CIP #10453), pursuant to Public Contract Code Section 20166.
- (g) Authorized staff to negotiate agreeable construction unit pricing with a qualified contractor to provide multi-year as-needed on-call contract for as-needed signing and striping repairs at various locations (CIP #10454), pursuant to Public Contract Code Section 20166.
- (h) Adopted Resolution No. 38-2019 accepting the public improvement required by conditions of approval of Subdivision #9419 – Verna Way Subdivision and release Guarantee Bonds back to the Developer and Accept the 10% Maintenance Bond for one-year maintenance period.

Consent Calendar Pulled

- (d) Adopted Resolution No. 39-2019 approving the award of low-bid contract to Kerex Engineering, Inc. in the amount of \$237,420.00 for the Downtown Raised Planter Box Replacement Project including irrigation and power (Project # LMD 215-1).

City Engineer Scott Alman presented the staff report and a slideshow indicating the current condition of the Downtown Raised Planter Boxes.

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

Ann Stanaway, 1553 Haviland Place, advised glassy-winged sharpshooters are known to live Crepe Myrtle Trees and destroy vineyards. Ms. Stanaway suggested replacing the trees with large succulents.

Keith Haydon, 1542 O'Hara, wanted to remind the public of the research that has occurred on this project and exploration of all options were also considered.

Howard Kaplan, 1194 Easley Drive, suggested a detailed review before making a decision on this item. Mr. Kaplan indicated as a Trails and Landscaping Committee member this item was not reviewed by the committee prior to consideration by the City Council.

Councilmember Wan requested clarification of the Trails and Landscaping Committee lack of involvement on this item.

Jim Gamble suggested using the bush variation of the Crepe Myrtle.

Glenn Miller, 1005 Pebble Beach Drive, inquired on the source of funding for this project.

Roy Correra requested transparency on various items such as project status, sub-committee progress report regarding the City Manager Recruitment, and high-density projects.

Mayor Catalano closed public comments.

City Manager Joe Sbranti referred the City Council to staff report noting the Landscape Maintenance District has adequate funding for this project. He further noted a complete scope of work is also available for the public to review.

Assistant to the City Manager Laura Hoffmeister noted the City Council established details of the Trails and Landscaping Committee duties. She further noted bid plans and specifications are implemented by city staff. Ms. Hoffmeister also provided history of this specific item.

It was moved by Vice Mayor Pierce, seconded by Mayor Catalano, to approve Consent Calendar Item 3(d), as submitted. (Passed; 5-0 vote).

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 Diaz attended the Concert in The Grove featuring Club 90, the Classic Car Show and DJ event, the Clayton Business and Community Association BBQ Cook-off close-out meeting, the Annual Contra Costa County Sheriff Posse BBQ, the Mudville's Grill 21st Annual Golf Tournament, presented a Proclamation to a 27 year Gunnery sergeant from the Marine Corps, the Concert in The Grove featuring Apple Z, met with the Interim City Manager and City Staff, the Classic Car Show and DJ event which included the Veterans Center of Contra Costa County, the Grand re-opening of the Clayton Bocce Courts, met with the State Senator and various Contra Costa County Representatives, and the Concert in The Grove featuring Night Moves.

Councilmember Wolfe attended a meeting with Peacock Creek citizen with Maintenance Supervisor Jim Warburton, the Clayton Business and Community Association Oktoberfest meetings, responded to various emails from Clayton citizens, the Clayton Business and Community Association General Membership meeting, the Contra Costa County Mayors' Conference hosted in Brentwood, the Concert in The Grove featuring Apple Z, the KTVU Zip Trip Broadcast at the Bocce Ball Courts, the Grand Re-Opening of the Bocce Ball Courts, made calls to various constituents, and will be attending the Clayton Library Foundation meeting tomorrow.

Vice Mayor Pierce attended the Contra Costa Transportation Authority weekly Transportation Expenditure Plan meeting, the Transportation Partnership and Cooperation for Central Contra Costa (TRANSPAC) subcommittee meeting, the Association of Bay Area Governments (ABAG) Executive Board and Finance Committee meeting, the Association of Bay Area Governments and Metropolitan Transportation Commission (MTC) governance meeting, the California Council of Governments Board conference call, the Grand Re-Opening of the Bocce Courts, the League of California Cities East Bay Division meeting, two telephone town hall meetings regarding the Contra Costa Transportation Authority Transportation Expenditure Plan, the KTVU Zip Trips broadcast at The Grove Park, and the Concert in The Grove featuring Night Moves.

Councilmember Wan attended a meeting with the Executive Director of Clayton Valley Charter High School, and followed on-going legislative items ACA 1 which changes voting requirements from 2/3 to 55%, SB 330 freezes development fees for 5 years, and AB 1763 expands density bonus laws.

Mayor Catalano announced the Clayton Business and Community Association is still looking for volunteers for its upcoming Oktoberfest event, she also thanked Interim City Manager Joe Sbranti for assisting Clayton during its recruitment of City Manager set to close on August 26, 2019. She further announced the Community Survey is available on the City's website through August 26.

Councilmember Diaz added unanimously the elected officials of Walnut Creek, Concord, Antioch, Pittsburg, and Clayton requested the Senator as best he can to maintain local control.

- (e) Other – None.

6. PUBLIC COMMENT ON NON - AGENDA ITEMS

Ann Stanaway, 1553 Haviland Place, provided a brief description of the process in requesting records from the City through the Public Records Act.

Roy Correa suggested a document with specifics on projects occurring in Clayton including budget resources, progress, projected timeline and project manager information.

Glenn Miller requested follow up on conditions of paving in Peacock Creek, large areas of the citywide landscape maintenance district not receiving annual maintenance, and Oakhurst Geological Hazard Abatement District scope of work annual maintenance on drain inlets and swells.

Amy Hines-Shaikh expressed support for Mayor Catalano by herself and citizens of the Clayton community, although Clayton has made national news over racist and white supremacy sentiments, there are other citizens exist in the community. She noted Mayor Catalano has embodied the principles of the book “How to be an Anti-Racist” by Ibram X. Kendi. We are a diverse inclusive community.

Jim Gamble, Prospector, in the past Councilmember Diaz, Wolfe and Wan possibility supported a ballot measure to protect the parcel downtown Clayton that has been used for many community events. He noted Vice Mayor Pierce helped develop items going through State Legislature indicating secret meetings occurred with Association of Bay Area Government Officials. He feels a conflict of Interest would occur if Vice Mayor Pierce is selected to serve on the Land-Use Sub-Committee.

Mayor Catalano closed Public Comment.

Vice Mayor Pierce indicated she was appointed by the President of Association of Bay Area Governments to serve on the sub-committee to negotiate a better piece of legislation for the Bay Area; noting a bill has been re-written with new language by ABAG and MTC. She further noted Mayor Catalano and herself were selected by the City Council to assist with the hiring of a recruiter for the City Manager recruitment.

Councilmember Wan added recent comments of “Send her Back” and “This is not who we are” and more popular “to go back where you came from” has a long history as a race base insult, often directed toward Asian people. Racism and Bigotry has no place in public discourse. We may disagree from time to time, but on this matter there is no disagreement whatsoever. Speaking out against these things is always ok. It is the hope that these types of conversations bring awareness and hopefully increase understanding about the importance on how to treat others with respect.

7. PUBLIC HEARINGS – None.

8. **ACTION ITEMS**

- (a) Discussion and consideration of preparation options of the City Council Meeting Minutes.

City Manager Joe Sbranti presented the report.

Mayor Catalano opened the item to public comments.

Ann Stanaway, 1553 Haviland Place, added there was no video taken at the Special Meeting that occurred in January 2019 at City Hall; therefore Summary Minutes were prepared and did not address significant items that she felt the public should be aware of.

Mayor Catalano closed public comments.

It was moved by Councilmember Wan, no second vote received, to prepare discussion style minutes and conduct research of technology needed to assist in discussion style minute preparation. (Denied; 1-4 vote; Catalano, Diaz, Pierce and Wolfe, no).

- (b) Discussion on Traffic and Pedestrian Safety around Mt. Diablo Elementary School and Diablo View Middle School.

City Engineer Scott Alman presented the report. Mr. Alman introduced Lynne Filson, City Traffic Engineer who provided her observations and suggested improvements regarding first day of school drop-off and pick up at both Mt. Diablo Elementary School and Diablo View Middle School.

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

Unknown speaker suggested a "Caution Red Light" sign be placed from Oakhurst to Clayton Road towards the Middle School to advise drivers of the signal ahead.

Glenn Miller, 1005 Pebble Beach Drive, expressed his concerns over the Quarry trucks near Mt. Diablo Elementary School suggesting an alternate route. He also suggested a look at the sensitivity of the crossing buttons at the Regency crossing.

Laney King wanted to thank staff for the installation of "no crossing" signs. She also liked the suggestion of no right turns on Four Oaks. Ms. King further acknowledged the Traffic Safety Plan for Mt. Diablo Elementary School is in need of updating.

Mayor Catalano closed public comment.

No action was taken on this item as this is an informational report.

- (c) Discussion and consideration of the formation of a Land Use Sub Committee.

City Manager Joe Sbranti presented the report.

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

Brian Buddell expressed concern in the noticing requirements. He also expressed the members selected to serve on the committee be mindful of potential conflicts of interests.

Glenn Miller expressed concern over implied bias of the committee members. He suggested criteria on the selection process for the committee members.

Roy Corraera also suggested establishment of the process/policy/membership criteria for the Land Use Sub Committee.

Jim Gamble inquired if one of the functions of the Land Use Sub Committee would be developer recruitment or interest to a particular area in Clayton?

Mayor Catalano closed public comment.

It was moved by Vice Mayor Pierce, seconded by Councilmember Diaz, to approve formation of a Land Use Sub Committee. (Approved; 4-1 vote; wan, no).

It was further moved by Vice Mayor Pierce, seconded by Councilmember Wolfe, to appoint Mayor Catalano and Councilmember Wan to the Land Use Sub Committee and Councilmember Wolfe as an alternate. (Approved; 5-0 vote).

9. COUNCIL ITEMS

Councilmember Wan requested more information and Council action on the use of Glyphosate in Clayton.

Interim City Manager Joe Sbranti advised the City Council that there are no pending items for the next regular City Council meeting of September 3, 2019 and suggested cancellation.

There was no objection to the cancellation of the September 3, 2019 regular City Council meeting.

10. CLOSED SESSION – None.

11. ADJOURNMENT– on call by Mayor Catalano, the City Council adjourned its meeting at 10:10 p.m.

The next regularly scheduled meeting of the City Council will be September 17, 2019.
(as the regularly-scheduled meeting on September 3, 2019 was canceled by Council action).

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Respectfully submitted,



Janet Calderon, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL



Tuija Catalano, Mayor

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