

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

TUESDAY, February 21, 2017

1. **CALL TO ORDER & ROLL CALL** – The meeting was called 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. Councilmembers absent: None. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, Finance Manager Kevin Mizuno, City Engineer Rick Angrisani (arrived at 7:07 p.m.), and City Clerk/HR Manager Janet Brown.

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

3. **CONSENT CALENDAR**

It was moved by Vice Mayor Haydon, seconded by Councilmember Shuey, to approve the Consent Calendar as submitted. (Passed; 5-0 vote).

- (a) Approved the minutes of the regular meeting of February 7, 2017 and its special meeting of February 7, 2017.
- (b) Approved Financial Demands and Obligations of the City.

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.

Vice Mayor Haydon attended the Clayton Library Foundation Board's monthly meeting.

Councilmember Shuey met with the President of the Clayton Valley Charter High School Board who advised him of some changes at the school, such as Dr. Gaffney resigning to assist Mr. McChesney with the Contra Costa School of Performing Arts, and the teacher turnover rate is normal and is very optimistic the school is improving with the changes.

Councilmember Catalano attended the Clayton Business and Community Association's Art and Wine Committee meeting, and met with representatives from the Clayton Valley Village.

Councilmember Pierce attended three Metropolitan Transportation Commission meetings, a TRANSPAC meeting, a CCTA meeting, the Association of Bay Area Governments' Executive Board meeting, a Bay Area Regional Collaborative meeting, and she announced the latest Clayton Historical Society's "School Days" exhibit.

Mayor Diaz attended a presentation by Contra Costa County Health Services Department that was made to community groups regarding regulations on vendor food booths, the Fire Protection District's academy graduation, and a County Connection Board meeting.

(e) Other – None.

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

[City Engineer Rick Angrisani arrived – 7:07 p.m.]

7. **PUBLIC HEARINGS** – None.

8. **ACTION ITEMS**

(a) Consideration of matters concerning the financial status of the City's Mid-Year Budget Report for Fiscal Year 2016-2017:

1. Review of the mid-year revenue and operating expenditure funds and accounts and the recommendation for mid-year budget adjustments in The Grove Park and the Successor Housing Agency Funds; and
2. Consideration of the recommended expenditure plan for use of FY 2015-16 General Fund surplus of \$204,902 on four (4) one-time unmet needs.

Finance Manager Kevin Mizuno provided the financial summary noting the current budget was adopted by the City Council on June 21, 2016; at that time FY 2016-17 General Fund Revenues were projected at \$4,300,620 with authorized total appropriations of \$4,261,720, which resulted in an anticipated annual surplus of \$38,900.

The City Council Budget Sub-Committee recently met with the City Manager and the Finance Manager on February 3rd to review the Mid-Year Budget results. Mr. Mizuno noted since adoption of the FY 2016-17 City Budget there have been four (4) amendments approved by the City Council: 1. A new contract for police vehicle maintenance with the City of Concord costing \$6,430 more to the General Fund; 2. A permanent full-time Maintenance Worker 1 in the Landscape Maintenance District at a cost of \$45,400 per year; 3. The adoption of Ordinance No. 468 revising the City Council stipend (\$2,800 more per year total); and 4. Augmented the Keller Ridge Tree Replacement Project contract by \$18,200 more.

General Fund Revenues at mid-year: Mr. Mizuno explained some of the variances in the Secured Property Taxes and Sales and Use Tax revenues prompted by the CA Department of Finance's unwinding of its "Triple Flip" act that commenced January 1, 2016. The Redevelopment Property Tax Trust Fund distribution also had an effect on the revenues and is based on the Successor Agency's request of its Recognized Obligation Payment Schedule (ROPS). Mr. Mizuno indicated General Fund Expenditures at mid-year are consistent with previous years with the exception of higher water consumption by the new water play feature at The Grove Park (\$21,500 needed), and the Successor Housing Agency higher demand for legal services in affordable housing compliance

monitoring (\$15,000 needed). He noted the General Fund's unassigned equity position is \$5,338,121, which amount is more than a full year of its operations budget.

Mr. Mizuno provided a project status of FY 2014-15 General Fund earmarked surplus projects approved by the City Council on February 2, 2016 with nine (9) completed, four (4) still in progress and one (1) not started. Mr. Mizuno turned the item to City Manager Napper concerning recommendations on use of the FY 2015-16 General Fund surplus of \$204,902.

City Manager Napper proposed four (4) Options for Consideration for use of these General Fund excess monies on one-time expenditures: 1. FY 2017-18 Successor Agency Administrative Fee Gap of \$110,000; 2. Preparation of bid specifications and drawings to replace the failed City Hall commercial AC units (5) and the failing heater for \$7,950; 3. Earmark \$61,500 for replacement of AC unit at City Hall as it is 19 years old with a service life of 15 years and 3 of the 5 units are not working; and 4. Earmark \$23,875 to replace the 19 year old heating boiler at City Hall that needs re-tubing to keep at a cost of \$10,900. Mr. Napper advised there is an additional item for information only to create a reserve buffer for unavoidable CalPERS pension rates in FY 2017-18 but that amount of \$39,000 would exceed the available General Fund excess monies. The total appropriation recommended is \$202,325.

Vice Mayor Haydon thanked Mr. Mizuno and Mr. Napper for taking the time during the Budget Sub-Committee meeting to explain the "Triple Flip" and all of the acronyms used in the staff report. He also appreciated the thoroughness of the financial report and indicated he concurs with the recommendations for the Mid-Year Budget adjustments and the allocations of FY 2015-16 General Fund excess monies.

Councilmember Catalano also appreciated appreciation for staff's time spent during the Budget Sub-Committee meeting in answering their questions, and she too is supportive of the budget adjustments and the allocation of General Fund excess monies for the necessary one-time expenditures.

Mayor Diaz opened the item for public comments; no comments were offered.

It was moved by Councilmember Pierce, seconded by Vice Mayor Haydon, to accept the Mid-Year Budget staff report of the City's General Fund and Special (Restricted-Use) Funds for Fiscal Year 2016-17. (Passed; 5-0 vote).

It was moved by Councilmember Pierce, seconded by Councilmember Catalano, to adopt Resolution No. 04-2017 amending as proposed the Annual Operating Budget of the City of Clayton for the 2016-2017 Fiscal Year commencing July 1, 2016. (Passed; 5-0 vote).

It was moved by Councilmember Pierce, seconded by Vice Mayor Haydon, to adopt the staff-recommended allocation of \$203,325 in FY 2015-16 General Fund surplus monies to address the specific unmet financial needs outlined in Attachment 4 of the report, as proposed by the City Manager. (Passed; 5-0 vote).

- (b) Consider a Resolution approving the addition of a new Capital Improvement Project entitled "El Portal Drive Restoration Project No. 10439" [sidewalk repairs and street rehab] with the identification and allocation of project funding sources.

City Engineer Rick Angrisani presented the staff report noting the pavement in El Portal Drive was last overlaid in 2004, and portions are still in good condition; however, the first

900 feet east from Regency Drive has failed and is need of reconstruction. Further, the south side curbs and sidewalks have settled creating an uneven sidewalk surface and unprotected drop off adjacent to the Mount Diablo Creek bed. While Uretex USA, Inc. was onsite performing its polymer fill work on the City's arterials, staff requested the company investigate the uneven roadway and sidewalk surface issues on El Portal Drive. Uretex found significant voids beneath the street pavement and provided an estimate of approximately \$31,000 to stabilize the subgrade materials.

Uretex's work on the 2016 Arterial Rehabilitation Project went well and a change order was approved to perform similar work in this segment of El Portal Drive. However, the subgrade voids there were larger than expected and required an additional \$23,000 in materials to complete, bringing the total El Portal Drive remedial cost to approximately \$54,000.

There is approximately \$379,000 in available Measure J funds for transportation improvement projects. Staff is recommending a new capital improvement project, the El Portal Drive Restoration Project (CIP No. 10439), be approved to reconstruct the associated surface improvements, namely the pavement and sidewalk areas, at an estimated cost of \$250,000 plus the installation of a sidewalk safety rail for a total project cost of \$304,000. The proposed project will also require the reconstruction of the eight (8) handicap ramps at each nearby street intersection along the project length as required by recent state law to meet revised ADA standards. The ADA component of the new project can be funded by the annual set-aside monies in CIP No 10394A, ADA Sidewalk/Parking Improvements. City Engineer Angrisani provided an anticipated project schedule for advertisement of competitive bids starting March 15, the bid opening on April 7, award of contract on April 18, construction commencing May 15, and construction completed by June 30.

Councilmember Shuey asked what happened on El Portal Drive? Mr. Angrisani responded best that staff can tell is when the subdivision was originally built in the early 1970s a lot of large rock was piled up and was filled over; normally that process is done on deep fills. This action occurred toward the outside of the street along the creek; maybe they thought there were reinforcing the slope, however it is assumed over the years the underground soils filtered out and back towards the creek, leaving voids between the large rock left behind.

Councilmember Shuey asked how will we prevent the erosion from occurring again? Mr. Angrisani reaffirmed there is no erosion on that side of the road; what happened is the soils under the street migrated out leaving a lot of voids under the street pavement, the rock and pavement section then just started moving downward breaking the pavement up into 2" to 4" squares. City Engineer Angrisani indicated using Uretex's injection process it filled all the voids creating one big mass, and the work is guaranteed for five (5) years.

Vice Mayor Haydon inquired on the Uretex process. Mr. Angrisani advised Uretex drills down approximately five (5) feet through the existing pavement; the polymer then migrates under the pavement through the soils filling the voids and brings it all together as one big mass. He noted this work has already been performed on El Portal Drive through a change order on Uretex's work on the 2016 Arterial Rehabilitation Project.

Mayor Diaz opened the item for public comments; no comments were offered.

It was moved by Councilmember Pierce, seconded by Vice Mayor Haydon, to adopt Resolution No. 05-2017 adding the El Portal Drive Restoration Project to the City of Clayton Capital Improvement Project as Project No. 10439 in the total amount of \$304,000, and transferring \$284,000 in Measure J Per Capita Funds from the 2016 Arterial Rehabilitation project (CIP #10437) and \$20,000 from the ADA sidewalk/parking improvements (CIP #10394A). (Passed; 5-0 vote).

- (c) City Council discussion to determine topics and subject matters for its annual joint special meeting with the Mount Diablo Unified School District Board of Education to be held in a Special Joint Meeting on Monday, March 6, 2017.
(City Manager)

City Manager Napper opened the discussion by suggesting possible talking points between the City Council and the Mt. Diablo Unified School District Board of Trustees. He noted the Staff Report outlined topics that were discussed at its last joint meeting with the Mt. Diablo Unified School District Board of Trustees and he asked if any of these items required any further discussion or updates. Mr. Napper requested the City Council indicate its agenda items, and then by motion set the date, time and location of the proposed special joint meeting with the Mt. Diablo School Board of Trustees.

Councilmember Pierce commented on the continued unsafe traffic hazards situations routinely occurring by drivers at Mount Diablo Elementary School during drop off and pick up times. She advised the communications by the school on its message board regarding after-school hour's events has gotten better; however she is unsure if they are doing any more than that.

Vice Mayor Haydon remarked he has received inquiries on revitalizing the grassy area by Diablo View Middle School by adding a multi-use facility; with frequent rains it has disrupted after-school sports and activities. Vice Mayor Haydon also requested a status report on the sports fields located at Mount Diablo Elementary School and the current community funding drive to take care of the field's safety issues during and after school hours.

Councilmember Catalano added unsafe traffic hazards situations are also occurring by drivers at Diablo View Middle School during drop off and pick up times. She further suggested adding the high school district does not have a designated high school and would like the MDUSD Board to provide more feedback on its recent decision for future students.

Councilmember Pierce indicated she also wants to invite representatives from the Parent Faculty Clubs and a member of the Board at Clayton Valley Charter High School to attend the joint meeting.

Mayor Diaz opened the item to receive public comments; no public comments were offered.

It was moved by Councilmember Pierce, and seconded by Vice Mayor Haydon, to approve a City Council special joint meeting with the Mt. Diablo Unified School District Board of Trustees to be held on March 6, 2017 starting at 6:30 pm in Hoyer Hall located at 6125 Clayton Road, Clayton, CA to include the six City Agenda Items outlined as follows:

- 1. Continued discussion of opportunities for improved protocols for area neighborhood notification when outdoor school and/or Parent-Faculty Club events on school campuses occur during non-traditional school hours.**
- 2. Continued discussion of unsafe driving issues occurring with the Mt. Diablo Elementary School and Diablo View Middle School traffic during drop-off and pick-up hours.**
- 3. Report/Update from MDUSD regarding its after-school intermural sports programs at Diablo View Middle School.**
- 4. Information/Status report for renovation of sports fields at Mt. Diablo Elementary School.**

5. Information regarding incoming freshman students and their designated High School options.
6. Discuss potential for a joint project to construct an all-weather mini-track and/or enclosed recreational building on Field No. 4 (City property) adjacent to the Clayton Community Gym on Diablo View Middle School campus.
(Passed; 5-0 vote).

9. **COUNCIL ITEMS** – None.

10. **CLOSED SESSION** – None.

11. **ADJOURNMENT**– on call by Mayor Diaz, the City Council adjourned its meeting at 8:04 p.m.

The next regularly scheduled meeting of the City Council will be March 7, 2017.

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Respectfully submitted,



Janet Brown, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL



Jim Diaz, Mayor

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