

MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

TUESDAY, April 18, 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 Councilmember Catalano. Councilmembers absent: Councilmembers Pierce and Shuey. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, 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 Catalano, to approve the Consent Calendar as submitted. (Passed; 3-0 vote).

- (a) Approved the minutes of the City Council’s regular meeting of April 4, 2017.
- (b) Approved Financial Demands and Obligations of the City.
- (c) Adopted Resolution No 10-2017 appointing Ross E. “Hank” Stratford as the Clayton City Treasurer, effective April 19, 2017, for an indefinite term of office at the pleasure of the City Council.
- (d) Approved Mayor Diaz’s request to hold seven (7) Wednesday Night Classic Car Shows with a DJ in the off-street City parking lot at 6099 Main Street during selected dates in 2017, with all costs funded by private donations.

4. **RECOGNITIONS AND PRESENTATIONS**

- (a) Presentation of its Annual Report for 2016 by Joyce Atkinson, President of the Clayton Community Library Foundation.

Joyce Atkinson presented the 2016 Annual Report of the Clayton Community Library Foundation highlighting: 4,222.25 hours of in-library service hours provided by volunteers for daily needs and special events, valued at \$116,491.87; Boy Scout Troop 484 assistance with physical tasks; Clayton Valley Garden Club maintenance of flower boxes and garden areas; the twenty-first Birthday Celebration of the Clayton Community Library; local second grade classes visited the library and 93 students received their first library cards; Clayton Community Library Foundation generated income of \$40,739.93 from a variety of sources in 2016; the Foundation provided a \$2,000.00 donation to the City to assist in funding the extra Sunday operation hours of the Library paid by the City. Ms. Atkinson also announced the Foundation meets the 3rd Wednesday of each month at 7:00 p.m. in the Library Story Room and they are always seeking members and volunteers.

Members of the City Council expressed their appreciation for the wonderful works by the Clayton Community Library Foundation supporting the operation and existence of the library.

- (b) Proclamation declaring the week of April 18 – 23, 2017 as “Clayton Community Library Volunteer Recognition Week,” and recognition of Clayton’s “Library Volunteers of the Year” for 2017.

Mayor Diaz read the Proclamation declaring the week of April 18 – 23, 2017 as “Clayton Community Library Volunteer Recognition Week” and presented it to Joyce Atkinson, Clayton Library Foundation President, and Karen Hansen-Smith, Branch Librarian, who then thanked the City Council, community and volunteers for their continued support.

Vice Mayor Keith Haydon, Karen Hansen-Smith, Branch Librarian, and Joyce Atkinson Clayton Library Foundation President, assisted mayor Diaz in the presentation of Certificates of Recognition to “Library Volunteers of the Year 2016” Tim Delony and Lisi Norris, honoring their many hours of service to the Clayton Community Library.

- (c) Proclamation declaring May 1, 2017 as “Clayton Valley Village Day” in recognition of its official operation within the Clayton community.

Mayor Diaz read the Proclamation declaring the May 1, 2017 as “Clayton Valley Village Day” and presented it to Sonja Wilkin, Clayton Valley Village President. Ms. Wilkin thanked the City Council and also acknowledged members of the Clayton Valley Village in attendance: Kathy Geddes, Clayton Valley Village Board Member; Jeanne Boyd and Christine Jeffers, Clayton Valley Village Task Force Members.

5. REPORTS

- (a) Planning Commission – Vice Chairman Carl Wolfe indicated the Commission’s agenda at its meeting of April 11, 2017 included a Site Plan Review Permit at 1567 North Mitchell Canyon Road to allow the construction of a single-story addition on an existing single-story single-family residence; it was approved by the Commission. Mr. Wolfe advised there was also one Public Comment inquiring about the process of becoming a Planning Commissioner.

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

- (c) City Manager/Staff –

City Manager Gary Napper provided details regarding the upcoming “Clayton Cleans Up!” event taking place on Saturday, April 22nd from 9:00 am to Noon; meet in the City Hall courtyard for sign-ins, area assignments and trash bags. Mr. Napper advised there will be a social BBQ sponsored by the *Clayton Pioneer* at the conclusion of the event for the volunteers.

Mr. Napper also announced several upcoming community events such as the Clayton Business and Community Association’s Annual Art and Wine Festival, and the Saturday “Concerts in The Grove” series opening in May.

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

Vice Mayor Haydon attended Contra Costa County Mayors' Conference hosted by the City of Orinda.

Councilmember Catalano attended a Clayton Business and Community Association scholarship meeting and the Clayton Business and Community Association's Art and Wine Committee meeting; she noted volunteers are still needed at this community event.

Mayor Diaz attended the Clayton Business and Community Association's Art and Wine Committee meeting, and met with the Clayton Police Chief and a security company to review the security plan for the upcoming Art and Wine Festival.

- (e) Other – None.

6. PUBLIC COMMENT ON NON - AGENDA ITEMS

John Matney, resident since 2003, recently read in the *Clayton Pioneer* about a License Plate Reader System in Clayton and was not sure of its status and had some questions about that program. His first question was in regard to the cost; he understands it to be around \$200,000 and inquired on other associated costs like training for the officers to use the software and equipment? Are there monthly licensing fees? Is there additional hardware or software that has to be renewed or purchased? In the *Clayton Pioneer* article, those questions were not addressed.

His second question, given that Clayton has historically had one of the lowest crime rates in the state, why now? Why is there a pressing need to purchase this type of software and hardware? Mr. Matney stated he preferred an additional police officer on staff rather than these cameras. In his research the total amount of crime detection statewide at least has been a very minimal amount, including felony convictions from License Plate Readers. Mr. Matney could not imagine a pressing need for the City Council to purchase such an expensive piece of equipment.

His last question was if the decision to get the equipment had been already approved, how long is the data been collected stored? Where is it going to be stored, and by whom will it be stored? One of the main issues Mr. Matney found in his research in some of the state court cases is an invasion of privacy, issues of arrests being made, then later it was determined the officer relied 100% on what was in the License Plate Reader, then verified that information was incorrect; such does not happen often but as far as litigation issues it is a concern. It only has to happen once and it will cost the City a lot of money.

City Manager Napper invited Mr. Matney to visit the City's website and look under the City Council Agendas at the first meeting in March 2017 where a staff report outlined details not only the details of the contracts awarded for the Automated License Plate Readers but also for the Situational Awareness Cameras that will be in place as well. The staff reports answers almost all if not all of Mr. Matney's questions that were raised tonight. At this time the deal is done because the City Council already awarded the contracts in a public meeting. There are on-going license fees and proprietary licenses which are outlined in the staff report and the total capital expense is \$132,000. Regarding the preference to buy another police officer instead: the purchase of the cameras is a one-time capital expense while a police officer is a recurring expense and a top step police officer in just salary and benefits alone is \$125,000.00 per year, which does not include a gun on their side, the uniform, the police car, giving them the safety gear protections that are necessary as well as all of the mobile computers.

Mr. Napper indicated the other reason of “why cameras now?” is the City is finding that although felony crimes are not rampant there is continuing a rash of mailbox and mail thefts, and some petty thefts occurring out of cars. The Automated License Plate Readers will not be manned on a 24/7 basis and will only be utilized after those types of incidents occur, such as nuisances, petty thefts, misdemeanors. The Police Department will then review the License Plate Reader tapes to determine if there is a likely suspect based on any descriptions by victims or observers. In addition if there is a felony crime in Clayton, the situational awareness cameras tapes can be viewed for possible suspect vehicles matching provided descriptions. The company that collects and houses the data, for obvious reasons, will not disclose where the data is being collected and stored because they do not wish to be hacked. He added the staff reports indicate how long the data is stored, which meets the Public Records Act.

Vice Mayor Haydon recommended Mr. Matney also review the minutes from those Council meetings, one of which included a presentation by the companies selected and the staff report. The Council minutes also summarize the discussions before the City Council that include questions the Council raised and were addressed at the public meeting; the minutes will provide more background on how their decision was reached.

Mr. Matney responded the City is spending a lot of money just for potential mail thefts. Was there a determination of the dollar amount that was lost on people’s mailing being stolen?

7. **PUBLIC HEARINGS** – None.

8. **ACTION ITEMS** – None.

9. **COUNCIL ITEMS** – limited to requests and directives for future meetings.
None.

10. **CLOSED SESSION**

Mayor Diaz announced the City Council will adjourn into a closed session to discuss the subject matter listed below [7:39 p.m.]:

- (a) *Government Code Section 54956.8*, Conference with Real Property Negotiator.
Instructions to the City’s Negotiators concerning price and terms of payment.
Real Property: 222 Stranahan Circle (APN 119-620-012).
Real Property Owner: Dean Wilkinson.
City Negotiators: Gary Napper, City Manager; and
Mindy Gentry, Community Development Director.

Report out from Closed Session (7:57 p.m.)

Mayor Diaz reported the City Council received information and gave directions to its real property negotiators regarding this matter but no reportable action was taken.

11. **ADJOURNMENT**– on call by Mayor Diaz, the City Council adjourned its meeting at 7:58 p.m.

The next regularly scheduled meeting of the City Council will be May 2, 2017.

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Respectfully submitted,



Janet Brown, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL



Jim Diaz, Mayor

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