

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

TUESDAY, February 16, 2010

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:00 p.m. by Mayor Stratford in Hoyer Hall of the Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Stratford, Vice Mayor Shuey, Councilmembers Geller, Medrano, and Pierce. Staff present: City Manager Gary Napper, City Attorney Dan Adams, Finance Manager Merry Pelletier, and City Clerk Laci Jackson.
2. **CLOSED SESSION** – None.
3. **PLEDGE OF ALLEGIANCE** – led by Mayor Stratford.
4. **CONSENT CALENDAR-** It was moved by Councilmember Pierce, seconded by Councilmember Medrano to approve the Consent Calendar as submitted (Passed; 5-0 vote).
 - (a) Approved the minutes of the regular meeting of February 2, 2010.
 - (b) Approved Financial Demands and Obligations of the City.
 - (c) Rejected the liability claim of Mr. Manuel Bagnaschi for alleged losses incurred October 2, 2010.
 - (d) Authorized Mayoral notification to the Contra Costa County Auditor that the City of Clayton intends, under protest, for its Redevelopment Agency to remit directly the State-imposed theft of local tax increment revenues (property taxes) in the amount of \$1,966,954 for FY 2009-2010 to aid State Budget deficits.
 - (e) Accepted the City Investment Portfolio Report for the 2nd Quarter of FY 2009-10.
5. **RECOGNITIONS AND PRESENTATIONS** – None.
6. **REPORTS**
 - (a) Planning Commission – Commissioner Dan Richardson reported on the February 9th meeting of the Planning commission. The Commission reviewed a Site Plan Review Permit for an existing retaining wall on Ohlone Heights. He stated the applicant has shown great progress to correct the non-compliant condition. The Commission also provided staff feedback on a draft Water Efficient Landscape Ordinance.
 - (b) Trails and Landscaping Committee – Committee Member Lorraine Mole reported on the February 8th meeting of the Trails and Landscaping Committee. She stated the Adopt-a-Trail program was in its 2nd year and the Committee was receiving positive feedback. The Committee is still actively pursuing more donors. The Committee reviewed the concepts for replacement of landscaping and hardscape for certain median island noses. The Committee is reviewing the Fountain area and prioritizing the replacement of plants or turf. She concluded by stating the Committee reviewed a master street tree list. The next Trails and Landscaping Committee meeting is scheduled for May 17, 2010.

- (c) The City Manager had no report.
- (d) City Council

Councilmember Pierce attended an ABAG Regional Planning Committee meeting, a Transportation Authority meeting, the Mayors' Conference, and a Transpac meeting. She stated she has been appointed to the Transportation Authority through 2012.

Councilmember Geller attended a Budget Sub-committee meeting, the Mayors' Conference, and reported 8 of 10 bands had been booked for the Concerts in The Grove in 2010.

Mayor Stratford attended the Mayors' Conference, the Trails and Landscaping Committee meeting, the Budget Sub-committee meeting and the military service homecoming for Jason Gardner. He stated the CERT program will be changing soon.

Other – None.

7. PUBLIC COMMENT ON NON-AGENDA ITEMS

Joe Partanski, Clayton resident, stated he is working with the Bay Area Air Quality Management District to inform cities about the new regulations coming out. He stated the staff has been invited to upcoming trainings regarding the changes. He stated regarding open government, the controversy regarding the *Contra Costa Times* editorial would be a good case study on journalism ethics and government transparency.

Dan Richardson stated he wanted to publicly express his displeasure with the *Contra Costa Times* editorial. He stated he read it multiple times and became angry. He stated he is a retired public servant and has a lifetime of providing public information. He stated the City of Clayton has nothing to hide and has done the best of managing a budget with few resources. He stated he was outraged by the reporter's accusations because he was completely off base. He thanked Don Blublaugh for his rebuttal editorial which he believed was spot on.

8. PUBLIC HEARINGS – None.

9. ACTION ITEMS

- (a) Presentation of the Mid-Year City Budget status report for Fiscal Year 2009-2010 with recommendation by the Council Budget Sub-Committee to amend the adopted Budget to incorporate new General Fund revenue of \$45,000 in 2% election payment pursuant to the Clayton Redevelopment Plan.

The Finance Manager presented the staff report which outlined and explained the variances in the funds as of December 31, 2009. She stated that expenditures were with budget but revenues were not coming in as expected particularly with property taxes and planning services. She stated staff and the Sub-committee are recommending that \$45,000 of new money from the Redevelopment Agencies 2% election payment, not included originally in the budget, be added to the budget at this time.

The City Manager thanked Merry for the analysis and stated that along with the economic downturn this year the City had to absorb the termination of a \$100,000 sewer

in lieu fee and an additional \$100,000 from the general fund for dispatch services provided by the City of Concord. He also stated Motor Vehicle In Lieu Fees were decreased because the State found a way to take more for their DMV operational costs. He stated staff is projecting a \$45,000 gap (1.2% of the budget).

Councilmember Shuey asked if reserves could cover this shortfall. The City Manager stated the General Fund reserve is \$5.1 million, more than the annual General Fund budget of \$3.6 million.

Councilmember Geller thanked the Finance Manager and stated she knows her job inside out and is hopeful that the City will not have to dip into reserves because of how conservative staff projects the numbers.

Mayor Stratford stated the reason for only bringing the \$45,000 in Redevelopment Agency 2% transfer money to the General Fund projected gap is because we do not know exactly where finances will end up at year end.

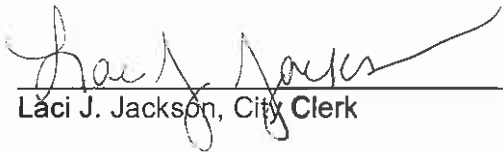
No public comments were received.

It was moved by Councilmember Geller, seconded by Councilmember Pierce to approve the Mid-Year City Budget status report for Fiscal Year 2009-2010 with recommendation by the Council Budget Sub-Committee to amend the adopted Budget to incorporate new General Fund revenue of \$45,000 in 2% Redevelopment Agency election payment pursuant to the Clayton Redevelopment Plan (Passed: 5-0 vote).

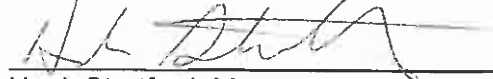
10. **COUNCIL ITEMS**- None.

11. **ADJOURNMENT**- On call by Mayor Stratford the meeting adjourned at 7:40 p.m.

Respectfully submitted,


Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL


Hank Stratford, Mayor