

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

TUESDAY, May 3, 2011

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 6:00 p.m. by Mayor Shuey in Hoyer Hall of the Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Shuey, Vice Mayor Geller, Councilmembers Medrano, Pierce, and Stratford. Staff present: City Manager Gary Napper, Assistant City Attorney Maury Huguet (7:00 p.m.), Community Development Director David Woltering, and City Clerk Laci Jackson.

2. **CLOSED SESSION**- Mayor Shuey announced the following purpose for Closed Session and then adjourned into Closed Session at 6:00 p.m.

- (a) Conference with Legal Counsel- attorney Mike Treppa.
Government Code Section 54956.9(c)
Consider Initiation of Litigation – 1 case

Report out of Closed Session: 7:00 p.m. Mayor Shuey reported the Council received advice and gave direction to its legal counsel.

3. **PLEDGE OF ALLEGIANCE** – led by Mayor Shuey.

4. **CONSENT CALENDAR**- It was moved by Councilmember Stratford, seconded by Vice Mayor Geller to approve the Consent Calendar as submitted (Passed; 5-0 vote).

- (a) Approved the minutes of the regular meeting of April 19, 2011.
- (b) Approved Financial Demands and Obligations of the City.
- (c) Accepted the 3rd Quarter City Investment earnings and portfolio report of FY 2010-2011 for the period ending March 31, 2011.
- (d) Adopted Resolution 11-2011 calling for the preparation of the annual Engineer's Report for the levy of FY 2011-2012 assessments in the Clayton Street Lighting Assessment District (pursuant to the Street Lighting Act of 1919).

5. **RECOGNITIONS AND PRESENTATIONS**

- (a) Mayor Shuey presented Charles "Chuck" Evans with a plaque for serving 16 years as Clayton's representative to the County Connection Citizens' Advisory Committee of CCCTA.

Mr. Evans stated the Citizens' Advisory Committee provided recommendations to the elected board of the County Connection. He stated he hopes the next person to serve on the committee is enthusiastic and committed to bus transportation.

Councilmember Pierce stated Mr. Evans continues to serve on the Contra Costa Transportation Authority Citizens Advisory Committee and thanked him for his years of service.

6. REPORTS

- (a) Planning Commission – Vice Chairman Dan Richardson reported the Commission held three public hearings. The first hearing was on the proposed changes to the Temporary Use Permit process, second for an amendment to the Municipal Code regarding setbacks for accessory structures, and lastly the Commission reviewed the proposed update to the City's Growth Management Element, a portion of the City's General Plan.

Mayor Shuey asked what sparked the concern over the accessory structure setbacks?

Commissioner Richardson stated the Commission approved a shade structure and when the applicant went to the County they were told they could not build unless the setback was 5 feet in order to meet current Fire Codes. He stated the Commission wants local laws consistent with the County Code for builders and homeowners.

- (b) Trails and Landscaping Committee – No meeting held to report.
- (c) The City Manager stated the State Legislature is back in session and noted there is a new Legislative Counsel opinion that Governor Brown's proposal for the elimination of RDA's is illegal and unconstitutional, but other legislation is in the works that would reform RDA laws, such as no money allowed to be spent on attracting or accommodating pro sport teams. He reminded everyone the Farmers' Market starts Saturday as well as the first Concert in The Grove.

- (d) City Council

Councilmember Medrano attended the League of California Cities bocce ball fundraiser. He also volunteered at the Art and Wine Festival and stated it was well attended and there were no public fights.

Councilmember Pierce attended the Art and Wine Festival and extended congratulations to CBCA on a great event. She attended a Transportation Authority meeting, a TRANSPAC meeting, Contra Costa Council Transportation Task Force luncheon, and a California Councils of Government meeting. She stated Thursday evening she will be the presenter for the Mayors' Conference and on Friday and Saturday she will be volunteering at the Historical Society's Garden Tour. She reported Caltrans is one-third of the way through the mountain for the fourth bore of the Caldecott Tunnel.

Vice Mayor Geller attended the Mount Diablo Unified Sports fundraiser, worked at the Art and Wine Festival, attended a CERT class, and reminded everyone Saturday is the first concert featuring the band Cover to Cover.

Mayor Shuey attended League of California Cities' bocce ball fundraiser.

- (e) Other – None.

7. PUBLIC COMMENTS

Keith Haydon reported the CBCA had a very successful Art and Wine Festival. He stated the 16th annual event had a very good crowd and the very few incidents. He thanked the City staff for their work on this event and stated the money raised funds local charities, scholarships and schools. He stated the CBCA is also in the process of interviewing scholarship applicants at this time.

8. **PUBLIC HEARINGS** – None.

9. **ACTION ITEMS-** Mayor Shuey announced the Council will take Item 9 (b) first as someone from the public is in attendance to address this issue.

- (b) Consideration of City Council support or endorsement of the local campaign and community effort for the conversion of Clayton Valley High School into a California Charter School.

Dylan Pereira a teacher from Clayton Valley High School explained that the concept to convert to a Charter School started with a small group of teachers who wanted to improve the school. He stated this group of teachers realized the problems were systemic and they had to do something big to make an impact. He stated some of the teachers did research on the possibility of converting to a Charter School which takes 50% of the faculty vote. He stated the group consulted with a law firm and are working on establishing the required 16 element position. He stated there have been community and informational meetings held and they are on their way to having a teacher vote this month and are hopeful the implementation could occur by Fall 2012.

Councilmember Stratford asked what the opinion of the teachers had been so far? Mr. Pereira stated teacher acceptance is growing everyday. He stated the group has a representative from X-Ed working have some preliminary numbers to go on. For more information there is a Facebook page for Clayton Valley Charter, and information can be found by googling Clayton Valley Charter High School.

Councilmember Medrano stated normally something like this would be brought by the parents but this is being brought by the teachers of the school. Mr. Pereira stated the teachers feel empowerment and it feels like this is the way it is supposed to work.

Councilmember Pierce stated in principle it sounds like a great idea, but when it comes to administering a school it is not easy. Mr. Pereira stated there are consultants doing a five year budget and feasibility study which may help ease concerns.

Councilmember Pierce asked about the response of the school board. Mr. Pereira stated the hope is the Board to be involved and the committee has met with the District Superintendent and the Board President.

Councilmember Pierce stated she hopes it all works out financially but is afraid it might be setting aside one set of problems for another.

Mayor Shuey asked about the involvement with the District after the conversion. Mr. Pereira stated there are many options available to the school after conversion, they can use the District or not.

The City Manager stated the City has an obvious interest for a successful public high school, though he asked, in order to present a balanced perspective, what are the pitfalls or downsides of conversion? Mr. Pereira stated most of the risk is for the teachers because it opens them up for more accountability. He also stated the money has to be managed well and there has to be community, teacher, and parent buy-in as the stakeholders.

Vice Mayor Geller stated a charter school would receive more money per student with conversion and these are funds the school will be able to control. He asked what the success rate was for conversion schools? Mr. Pereira stated this will be a conversion charter schools and they have a higher success rates than new charter schools for profit.

Vice Mayor Geller stated the school could set higher standards, have uniforms, but he asked if other students would be able to come to the school? Mr. Pereira stated students in the school's attendance boundary already would have first priority, then students in the district, and lastly if space exists students from the surrounding area.

Vice Mayor Geller asked if there are any other conversion high school charters in the area? Mr. Pereira stated this would be the first conversion charter in the bay area.

Vice Mayor Geller stated this means the real estate values will be improved because of a better school.

No other public comments were received.

Mayor Shuey stated he attended the meeting with Board President Eberhardt and District Superintendent Lawrence and they were surprised how fast things were moving forward. He stated at the beginning he had similar questions about budgeting and mechanisms of control. Charter schools are held to the same standards statewide. He stated Superintendent Lawrence was open to listening to the plan but the discussion will be ongoing. Subsequently, parents and teachers have been off and running with this plan and are out soliciting support.

Councilmember Pierce stated she needed more information before she put her whole support behind it.

Councilmember Stratford stated he would like to see the budget numbers but is in favor of sending a letter from the Mayor supporting the concept and encouraging the school board to be positive and embrace the plan.

Mayor Shuey stated the contracts could be changed and going forward both civic leaders, parents, and teachers form the board for the school. There will be pressure from the teachers to perform. The teachers that are in the school now who do not want to follow to the charter, are allowed to stay within the District and can maintain their seniority by transferring to other District schools. This bumping right might mean some of the younger and more energetic teachers could become part of the faculty at the new charter high school.

It was moved by Mayor Shuey, seconded by Councilmember Stratford to support the concept of Clayton Valley High School becoming a charter high school and send a letter from the Mayor to the District stating the action taken and asking them to be supportive of process (Passed; 5-0 vote).

- (a) Consideration and review of the Initial Vision Scenario for the Sustainable Communities Strategy (SCS) in the draft Bay Area Plan mandate required by Senate Bill 375 (2008).

The Community Development Director stated in 2006 the legislature approved AB 32 the Global Warming Solutions Act. To reduce greenhouse gas emissions, in 2008 SB 375 was passed and supported. The goal of AB 32 is to further help reduce the greenhouse gasses, and to provide housing near transportation and employment opportunities. This Scenario assumes the housing needs can be met and it is an "unconstrained" scenario, meaning it assumes money is available to accomplish it. The plan was developed by checking with local communities as to as how they wanted their growth to happen. He stated 97% of the growth would be in areas that are already urbanized and in Priority Development Areas. The focus of this plan is to see where housing should be placed. The plan is expecting a 39% increase in jobs and an increase in transit services. The

goal is to have a shift to public transit. There should be a 15% reduction per capita of greenhouse gases as required by AB 32 but even with this unconstrained scenario the plan only produces a 12% reduction. There will need to be plan modifications to achieve a greater reduction in greenhouse gases. This vision creates more affordable housing and brings more people into the region. The only target this scenario fully meets is the housing target which tells ABAG and MTC there will be a need for a variety of modifications to meet these targets. He stated there is an increase in walking and biking transit in this scenario. In conclusion this plan will need to be refined and housing will be a key issue. In the next few months it will be interesting to see how the plan changes with the changed economy.

Councilmember Pierce stated these numbers are very fluid based on projections of 2011. Due to the Census the numbers will be refined and it is expected that both the housing and jobs numbers will go down as they refine the assumptions. The economy has definitely played a part in this plan and it was built upon all of our general plans and our desire for where we want to see development in our cities. She stated this plan is not going to change the character of existing communities.

Councilmember Stratford noted the projected job growth for Clayton is high. Councilmember Pierce stated with Clayton Station and the hope of mixed use in downtown we could have more jobs. She stated this also includes people who work from home.

Vice Mayor Geller stated the numbers are somewhat high and these are regional plans and the State is forcing this plan to be developed. The City Manager stated the goals and objectives are to achieve and sustain a higher and preferred quality of life. He stated there are monetary sanctions tied to transportation funding if this Plan is not approved and implemented.

It was moved by Councilmember Pierce, seconded by Mayor Shuey to applaud ABAG for the work and direction to date and to have them move forward (Passed; 5-0 vote).

- (c) Review and approval of the City's draft Request for Proposals (RFP) for the solicitation of law firm and/or individual qualification submittals for consideration as the City's replacement city attorney to provide contract legal services.

The City Manager stated the Council sub-committee and he met and discussed the key criteria in the RFP. He stated the City needs legal services for approximately 525 work hours a year and are looking at a contract City Attorney. There was some discussion as to whether candidates need prior or current service as a City Attorney or Assistant City Attorney, and it was decided that it was preferred but not mandatory. Mayor Shuey also thought possibly that a reduced retainer could be obtained if the attorney did not have to be present at every Council meeting, so the RFP reads that the attorney must be physically present for at least one meeting per month. The retainer is presently \$96,000 and last year the City paid \$110,000 total including extra hours outside of the retainer. He stated staff would send the RFP out to the top 5-10 firms in the state as well as general publicity.

Councilmember Pierce stated we ought to put it out there widely and see what kind of responses come in.

Councilmember Stratford stated there are times when we do not need a City Attorney at every meeting and the City could save some costs. Assistant City Attorney Huguet stated you could use an Assistant at a lower hourly rate to attend some if not all of the meetings in order to save money.

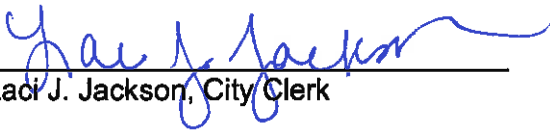
The City Manager asked the Council for feedback on how long the advertisement should be out for? By consensus the Council thought 45 days should be enough time to solicit responses.

It was moved by Councilmember Pierce, seconded Councilmember Stratford to approve for advertisement the City's Request for Proposals for Contract City Attorney Services as submitted and authorize staff to commence with advertising (Passed; 5-0 vote).

10. **COUNCIL ITEMS**- None.

11. **ADJOURNMENT**— On call by Mayor Shuey the meeting adjourned at 9:00 p.m.

Respectfully submitted,



Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL



David T. Shuey, Mayor