

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

TUESDAY, February 7, 2012

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:00 p.m. by Mayor Geller in Hoyer Hall of the Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Geller, Vice Mayor Medrano, Councilmembers Pierce and Stratford. Councilmember absent: Councilmember Shuey. Staff present: City Manager Gary Napper, Police Chief Dan Lawrence, City Attorney Mala Subramanian, and City Clerk Laci Jackson.
2. **PLEDGE OF ALLEGIANCE** – led by Mayor Geller.
3. **CLOSED SESSION** – None.
4. **CONSENT CALENDAR-** It was moved by Councilmember Pierce, seconded by Vice Mayor Medrano, to approve the Consent Calendar as amended on Item 4(d) (Passed; 4-0 vote).
 - (a) Approved the minutes of the regular and special meetings of January 17, 2012 and January 30, 2012.
 - (b) Approved Financial Demands and Obligations of the City.
 - (c) Approved the rejection of a liability claim by Alec Nemon received by the City on December 19, 2011.
 - (d) Adopted amended Resolution 04-2012 approving the formation of the Diablo Estates at Clayton Benefit Assessment District pursuant to the provisions of the Landscaping and Lighting Act of 1972 and the Benefit Assessment District Act of 1982.
5. **RECOGNITIONS AND PRESENTATIONS**
 - (a) Mayor Geller presented a Certificate of Recognition to “Do The Right Thing” student of the month Molly Avilez for exemplifying “Kindness” during November and December 2011.
 - (b) Mayor Geller read aloud a Proclamation declaring Saturday, February 11, 2012 as “Clayton Valley Charter High School Celebration Day.” The Proclamation was accepted by the Charter High School supporters. Pat Mittendorf and Neil McChesney thanked the City Council for their support and petition meetings attendance.

The Council took a short recess.

Mayor Geller called the meeting back to order at 7:25 p.m.

6. REPORTS

- (a) Planning Commission – Commissioner Dan Richardson stated at their last meeting the Commission approved changes to the building where Blockbuster used to be in the Clayton Station. He stated there will be changes to the storefront glass, accessibility work, and removal of some walls. He also thanked City staff for their accommodating solution to the ADA chickens in a single family residential zone.
- (b) Trails and Landscaping Committee – No meeting held.
- (c) The City Manager had no report but noted the Council had before them an amended Resolution for Item 4(d) which was approved as part of the Consent Calendar.
- (d) City Council

Councilmember Pierce attended Transportation Authority meetings, a League Committee meeting, ABAG meetings, Sustainable Communities Strategy workshops, a Disaster Resiliency workshop, and the Mayors' Conference in Pinole.

Councilmember Stratford attended the CERT Corp Council meeting and the Mayors' Conference.

Vice Mayor Medrano attended the League of California Cities East Bay Division meeting, and Councilmember Shuey and he attended the Mt. Diablo Unified School District Board meeting. At that meeting he asked to work together with the School Board on putting together a community type commission to meet with the School Board and build better relations. No comment were made by the School Board. He also refuted statements School District Board Member Eberhardt made in the paper about the Clayton Community Gym. He noted Mr. Eberhardt was incorrect in his statements and the City does not pay rent for the gym since there is a joint use agreement. Vice Mayor Medrano stated there is a dispute over the billings for janitorial and electricity and the City has been trying to obtain documentation for the last two years. The City advised the School District that they needed documentation or the City could not continue to pay the bills. He stated unlike the City who advised the District about their need for documentation, the School District suddenly stopped paying for the use of City owned fields which the School uses to for physical education classes. The School District decided to stop paying these fees without any notification.

Mayor Geller attended the Mayors' Club meeting with other Mayors in the County. He attended the Crabfeed at Oakhurst Country Club, the Mayors' Conference, and the City Council Goal Setting session with the City Manager. He noted Clayton resident Don Boyd, husband of Jeanne Boyd, passed away suddenly last Saturday night.

- (e) Other – None.

7. PUBLIC COMMENTS – None.

8. PUBLIC HEARINGS – None.

9. **ACTION ITEMS**

- (a) Second Reading and Adoption of Ordinance No. 438 formally implementing an "Exclusion" to the City of Clayton's existing contract with the California Public Employees Retirement System (CalPERS) to exclude all newly elected city council members from enrollment or participation in the CalPERS pension plan.

The City Clerk presented the staff report and stated the Ordinance needed to be approved to finalize the Contract Amendment for the Exclusion of City Councilmembers from CalPERS retirement.

It was moved by Vice Mayor Medrano, seconded by Councilmember Pierce to approve the City Clerk to read Ordinance No. 438 by title and number only and waive further reading (Passed; 4-0 vote).

The City Clerk read Ordinance No. 438 by title and number only.

It was moved by Vice Mayor Medrano, seconded by Councilmember Pierce, to adopt Ordinance No. 438 to Amend the Contract Between the Board of Administration of the California Public Employees' Retirement System (CalPERS) and the City of Clayton to provide for the exclusion of city council members hired on or after the effective date of this amendment to become members of CalPERS under the City's contract (Passed; 4-0 vote).

- (b) Consideration of the award of contract to Motorola Government Solutions, Inc. in the amount of \$154,176.61 for the purchase of thirty-eight (38) portable and mobile radios compatible with the new two-county radio interoperability system for emergency and public safety services communications.

The Police Chief presented the staff report and stated this contract is for the purchase of 38 City radios for compatibility with the regional interoperability system. He stated on March 6, 2007 the City Council committed the City to be part of the East Bay Regional Communications System (EBRCS) joint powers authority. He stated the goal of the EBRCS was to develop a state of the art communications system so that Contra Costa and Alameda County cities, counties, police, fire, and emergency personnel can communicate during an emergency. He stated since 2007 the EBRCS has been working to get this system online and as of July 1st Clayton will need to transition to the new system. He stated on September 7th the Council approved an operating agreement for the reoccurring cost of operating this system. He stated the cost for all radios is \$154,176.61, and includes mobile and portable radios for City police and maintenance vehicles and personnel.

Councilmember Pierce stated several of the peninsula agencies were impressed with this system.

No Public Comments were received.

It was moved by Councilmember Medrano, seconded by Councilmember Stratford, to approve the award of contract to Motorola Government Solutions, Inc. as sole provider and authorize the appropriation of \$154,176.61 from interest earnings in the City's Trust & Agency Fund for the capital equipment purchase (Passed; 4-0 vote).

10. **COUNCIL ITEMS**- None.

11. **ADJOURNMENT**- On call by Mayor Geller the meeting adjourned at 8:03 p.m. in honor of Al Liming, Clayton's second Mayor, who passed away recently.

Respectfully submitted,



Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL



Howard Geller, Mayor