MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

TUESDAY, February 21, 2012

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:02 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, Shuey, and Stratford. Staff present: City Manager Gary Napper, Finance Manager Merry Pelletier, 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 Shuey, seconded by Councilmember Stratford, to approve the Consent Calendar as amended by the submittal of benched item 4(c). (Passed; 5-0 vote).**

(a) Approved the minutes of the regular meeting of February 7, 2012.

(b) Approved the minutes (City serving as the Successor Agency) of the last regular meeting of the Clayton Redevelopment Agency held on January 17, 2012.

(c) Approved the Financial Demands and Obligations of the City.

(d) Adopted Resolution 05-2012 on Water, Ecosystem Health and other issues related to the San Francisco Bay and Sacramento-San Joaquin River Delta.

5. **RECOGNITIONS AND PRESENTATIONS**

(a) Presentation by the Honorable Mark DeSaulnier, State Senator – 7th District, regarding the status of the State Budget and other intergovernmental matters.

Senator DeSaulnier presented information about the State Budget and current legislation he is working on and has authored.

Councilmember Shuey thanked Senator DeSaulnier for his support of the Clayton Valley Charter High School petition. He also asked the Senator to carefully look at state legislation being worked on that would allow school districts to consider the financial implications of Charter school conversions. He asserted such changes will result in the death of new charter schools in California.

Councilmember Pierce thanked the Senator for his support of regional governance issues.

Mayor Geller thanked the Senator for appearing and updating the Council on state financial issues and legislation.

6. REPORTS

(a) Planning Commission – No meeting held.

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

(c) The City Manager reported Accounting Technician Lynn Cupit recently announced her retirement after 20 years, so the City is looking to fill the permanent part-time position. Applications are available on the City's website and the position is open until filled.

(d) City Council

Councilmember Shuey reported he has been working on the Charter High School's meet and confer items with the School District. He stated he had a good conversation with School District Boardmember Gary Eberhardt and is working on the Prop. 39 rental of the school facilities. He noted the Charter group needs volunteers for many committees.

Councilmember Pierce attended ABAG meetings and joint meetings with MTC. She also attended Cub Scout Pack 262's Blue and Gold dinner.

Councilmember Stratford reminded everyone the Do The Right Thing character trait of the month is "Self-Discipline."

Vice Mayor Medrano attended meetings with the school district. He stated he was happy to see Sheryl Hansen from the MDUSD Board attend the Charter High School Celebration on February 11th. He stated he serves on the Charter High School Human Resources Committee and there is indeed a need for more volunteers.

Mayor Geller stated Clayton will host the Contra Costa County Mayors' Conference on April 5th. He stated all bands are booked for The Grove Park Concert series and at the first concert on May 12th, local bands will be showcased. He stated he attended the Charter High School Celebration and noted $4,500 was raised to help with the next steps. Councilmember Shuey noted the Charter High School is in the process of securing a line of credit for cash flow purposes but needs donations until that happens.

(e) Other – None.

7. PUBLIC COMMENTS

Reney Madeiros, Reisling Court, stated she thought a pick-up truck with a camper was not included in the RV Ordinance, and if RVs were parked on the street without a permit, reasonable effort would be taken to give warning. She stated she was given a citation on January 6th which cited her truck as an RV and she went to the Police Department to ask them to help resolve the issue. She also stated she was cited for parking illegally and did not believe other cars in the court were cited for the same violation. She stated if there was a change to this Ordinance she would want to know.

Asked to respond by Mayor Geller, the Police Chief stated police officers cited all of the vehicles on the court which were parked illegally. He stated his news column in the *Clayton Pioneer* was only half complete as it was an overview to explain the Ordinance, and the actual Ordinance states pick-ups with campers used for daily

transportation are excluded from permitting requirements. He stated the language in the existing Ordinance has recently been examined for clarification purposes and will be submitted for amendment at the March 6th Council meeting.

Amy Harris stated the Clayton Valley High School band is holding a raffle fundraiser for its music trip to New York in March and tickets are on sale for $5.

Councilmember Pierce stated the flag pole in The Grove Park donated by the Hoyer Family will be dedicated to Eldora Hoyer at 11 a.m. Saturday, February 25th.

8. PUBLIC HEARINGS – None.

9. ACTION ITEMS

(a) Consideration of a proposal and associated details by Vice Mayor Medrano regarding allowance of up to five (5) additional public Concerts in The Grove on selected Wednesday evenings held wholly by private sponsors.

Mayor Geller asked if there is a conflict of interest for Vice Mayor Medrano since this proposal is coming from and involving P2C, a foundation where Vice Mayor Medrano serves on the board?

The City Attorney stated Government Code 1090 conflict is of concern here because of the probable contractual obligations by P2C. She stated there are severe penalties and it would be best to get an Attorney General (AG) opinion on the matter before discussing this specific proposal as submitted. The City Attorney stated the Council could generically consider a proposal without the P2C Foundation being the non-profit involved.

Mayor Geller stated since this proposal would be presented by Vice Mayor Medrano and the P2C Foundation will be running and controlling the events he suggested pulling this item and waiting for the AG opinion.

Vice Mayor Medrano stated the Council could use any non-profit for running the concerts since the only reason they are needed is to obtain the alcohol permit to sell alcohol at these concerts. He stated the reason for using the P2C Foundation was to save staff time. He stated his proposal does not have any money being made by the P2C Foundation and another non-profit could be used in their place. He stated the idea behind the proposal was to bring a different night of concerts to the community and provide an opportunity for more patronage of the downtown businesses during the week. He stated he wanted to try something different and see how it works.

Councilmember Pierce stated she previously assumed this event would be run by the City and the funds would be run through the City organization.

The City Attorney stated if City staff was able to handle the finance side then this proposal would be more like a sponsorship and the City does not typically enter into contracts for those types of things. The City would be the entity for everything. However, the City cannot obtain a state ABC license to sell alcohol, as proposed
The Council discussed bringing this item back at a future meeting to allow time to iron out the issues that have arisen.

The City Attorney noted she would look into how long it would take to get a response from the Attorney General.

The City Manager clarified that an AG opinion is a different procedure than the more familiar FPPC conflicts of interest. He also noted this item could be tabled to a future meeting.

It was moved by Vice Mayor Medrano, seconded by Councilmember Pierce, to table this item to the March 6th meeting (Passed 4-0-1 vote; Geller-abstained).

(b) *Action Item of City serving as Successor Agency to the former Clayton RDA*
Consideration of a Resolution of the City acting as the Successor Agency to approve and adopt its Recognized Obligation Payment Schedule (ROPS) covering the time period from February 2012 through June 2012, pursuant to new California Redevelopment Law (ABx1 26).

The Finance Manager reviewed the ROPS and stated the amounts are prorated for the time period indicated.

The City Manager stated these are obligations entered into before the dissolution of the Clayton Redevelopment Agency, and even with dissolution prior debts and executed contracts before February 1, 2012 must be paid before that Agency can fully dissolve.

Councilmember Shuey reminded citizens the Successor Agency must ensure payment for these services and indebtedness because the City would lose money in other areas if things such as the Housing Element Implementation were not completed.

The City Manager noted on the 4th line down in the displayed ROPS, it needs to be amended to show the 5-month prorated dollar amount, and the word "land" needs to be added to the Fire Station loan line item.

Mayor Geller opened the item for public comment; there were none.

It was moved by Councilmember Stratford, seconded by Councilmember Pierce, to approve Resolution 06-2012 adopting its amended Recognized Obligation Payment Schedule (ROPS) covering the time period from February 2012 through June 2012, pursuant to new California Redevelopment Law (ABx1 26) (Passed; 5-0 vote).

(c) Determination of Mayoral appointment of the two (2) City members to the Oversight Board of the Successor Agency, pursuant to Section 34179 of the new California Redevelopment Law (ABx1 26).

The City Manager presented the staff report and stated under new state law as the Successor Agency the Mayor must appoint two representatives to a new oversight board which is composed of seven members. Two members are to appointed by the Mayor of the community, one which can be the Mayor or anyone else. The second must be an employee of the former Agency and from the largest recognized employee bargaining unit; though the Clayton Redevelopment Agency did not have any full-time staff it did have two officers, the Executive Director (Gary Napper) and Secretary (Laci Jackson). The staff recommendation is to appoint the Agency's former Secretary from the largest unrecognized bargaining unit of the City, Laci Jackson, to the Oversight Board for this representation.

On inquiry by the Council, City Clerk Laci Jackson indicated she would be willing to serve as noted on the new Oversight Board.

For his two authorized appointments, Mayor Geller appointed himself and Laci Jackson to the new oversight board.

10. **COUNCIL ITEMS**- None.

11. **ADJOURNMENT**– On call by Mayor Geller the meeting adjourned at 8:34 p.m.

Respectfully submitted,

Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

Howard Geller, Mayor