

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

TUESDAY, June 19, 2012

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 4:15 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 (arrived at 4:55 p.m.). Staff present: City Manager Gary Napper, City Attorney Mala Subramanian (arrived at 6:30 p.m.), Finance Manager Merry Pelletier (arrived at 7:12 p.m.), Community Development Director David Woltering, and City Clerk Laci Jackson.

2. **COUNCIL INTERVIEW OF PLANNING COMMISSION APPLICANTS**

The following six citizens were interviewed for three appointed positions on the Planning Commission (term of office ends 30 June 2014): Bob Armstrong, David Bruzzone, Tod Taylor, Gregg Manning, Sandra Johnson, and Ethelyne Molnar.

Immediately following the final interview the Council discussed the applicants and generally concurred the incumbents Sandra Johnson and Gregg Manning should be re-appointed and David Bruzzone should also be appointed.

6:12 p.m. Council recessed.

6:26 p.m. Council reconvened.

3. **CLOSED SESSION-** The City Manager indicated that a matter arose after the Council Agenda was posted necessitating adding a Closed Session item to the Agenda as an urgency matter.

It was moved by Councilmember Pierce, seconded by Councilmember Shuey, to approve adding an urgency Closed Session Item to the agenda due to the information being provided after the Agenda was published (Passed; 5-0 vote).

- (a) Conference with Real Property Negotiators
Government Code Section 54956.8
Property: 6005 Man Street, Clayton CA, and comprising two parcels (APNs 118- 560-010-1 and 119-011-003.
City Negotiators: Gary Napper, City Manager, and David Woltering, Community Development Director.
Negotiating parties: Pastor Shawn Robinson and Leadership Council of Clayton Community Church.
Under negotiation: Price and terms of payment

7:11 p.m. Report out of Closed Session: Mayor Geller reported the Council gave direction to their Real Property Negotiators.

4. **RECALL THE COUNCIL MEETING TO ORDER:** "Mayor for the Night" James Albert recalled the meeting to order at 7:12 p.m.

5. **PLEDGE OF ALLEGIANCE** – led by "Mayor for the Night" Jimmy Albert.

Mayor Geller presented James "Jimmy" Albert with a Certificate of Recognition proclaiming June 20, 2012 as "Jimmy Albert Day." The Mayor for the Night then proclaimed all Clayton citizens could eat mint chocolate chip ice cream on June 20, 2012.

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

- (a) Approved the minutes of the regular meeting of June 5, 2012.
- (b) Approved the Financial Demands and Obligations of the City.
- (c) Adopted Resolution 27-2012 approving the City's Growth Management Checklist for Fiscal Year 2010 and 2011 (per Contra Costa Transportation Authority's Measure J).

7. **RECOGNITIONS AND PRESENTATIONS**

- (a) Certificates of Recognition to "Do The Right Thing" public school students.

Mayor Geller and Mt. Diablo Elementary School Principal Irene Keenan recognized students Brendan O'Reilly and Josie Sullivan for showing great Courage in May and June 2012.

Mayor Geller and Diablo View Middle School Principal Patty Banister recognized the 8th Grade Spirit Award winners: Caitlin Arango, Maris Degener, Drew Fagerlin, Anngail Grant, Annalise Huovinen, Daniel Jones, Claire Olson, Jason Ross, Joseph Tuano, Bana Twal, and Anthony Vines.

Mayor Geller and teacher Kat Marzel recognized the following students from Clayton Valley High School: Ben Linzey, Gillian Rush, Craig Ihle, and Sunny Shirgil.

8. **REPORTS**

- (a) Planning Commission – Commissioner Gregg Manning reported on the meeting of June 12th where the Commission approved the FY 2012-2017 CIP Budget for conformity with the General Plan. They also held a study session on solar access rights and will be providing a position paper on their discussion to the City Council.
- (b) Trails and Landscaping Committee – No meeting held.
- (c) The City Manager had no report.
- (d) City Council

Vice Mayor Medrano attended a Charter High School meeting and stated the first Thursday night Concert in The Grove was a great success.

Councilmember Pierce attended an ABAG Regional Planning Committee meeting, Transportation Authority Admin. Committee meeting, a joint ABAG and MTC planning meeting, a League of California Cities Transportation Communication and Public Works Task Force meeting, and met with the mayor of Suwan City, South Korea.

Councilmember Shuey stated he has been working with the Charter High School. He attended the Thursday night concert and the feedback was great.

Mayor Geller attended the Thursday night concert and the Mayors' Conference.

Vice Mayor Medrano thanked staff for having everything ready for the first Thursday concert.

- (e) Other – None.

9. **PUBLIC COMMENTS** – None.

10. **PUBLIC HEARINGS**

- (a) Public Hearing on the proposed City of Clayton Budget for Fiscal Year 2012-2013 and its 5-Year Capital Improvement Project Budget (CIP) for Fiscal Years 2012-2017.

The City Manager stated tonight represents the Public Hearing aspect of the budget process. He stated the total Budget is 18.5% less than last year's primarily due to the demise of the Redevelopment Agency. He stated of the General Fund operating budget, the Police Department represents 51% of the budget. He stated there is a \$200,000 gap in the General Fund budget but noted that in previous years the City has always come in with revenues over expenses. He stated the Budget is balanced and is predicated on the employees continuing labor concessions. He stated at the last meeting staff thought there might be a \$65,335 deficit for FY 2011-12 but in the past week staff received two checks from the County and revenue will likely exceed expenditures. He stated there is a \$1.3 million CalPERS unfunded liability but it is being paid down \$100,000 per year. He noted the CalPERS pension payments are going up \$45,083 and the City is only at 47.8% of its Gann Limit.

The Council thanked the City Manager and the Finance Manager for their work on the Budget.

Mayor Geller opened the Public Hearing at 8:32 p.m.; no public comments were provided, and closed the Public Hearing at 8:33 p.m.

It was moved by Councilmember Pierce, seconded by Councilmember Stratford, to adopt Resolution 28-2012 approving a City Budget for FY 2012-2013 and a 5-Year CIP Budget for FY 2012-2017 (Passed; 5-0 vote).

- (b) Action Item of City serving as Successor Agency to the former Clayton RDA
Public Hearing on the proposed Successor Agency Budget for Fiscal Year 2012 – 2013.

The City Manager stated for this item the Council is sitting as the Successor Agency governing body. He stated the Agency can only now pay debt that was previously incurred based on State legislation. He stated the State Department of Finance has rejected the City's payback of the 2% election monies, but staff has appealed this decision and has Senator Mark Desaulnier's and Assemblywoman Bonilla's offices looking into this decision.

Mayor Geller opened the Public Hearing at 8:35 p.m.; no public comments were provided, and closed the Public Hearing at 8:36 p.m.

It was moved by Vice Mayor Medrano, seconded by Councilmember Stratford, to adopt Resolution 29-2012 approving the Successor Agency Budget for FY 2012-2013 (Passed; 5-0 vote).

11. ACTION ITEMS

- (a) Public Meeting on the proposed levy of annual assessments on real property in the Street Lighting Assessment District (residential street lights) for FY 2012-2013, pursuant to Streets and Highways Code 18070 and Government Code 54954.6.

The City Manager presented the staff report and stated this assessment is for the neighborhood street lights. He stated this is a two part process which requires a public meeting be held and then at July 17th City Council meeting the Public Hearing will be held. The City Engineer is proposing no change in the current assessment that has remained at the same rate for 16 years.

Mayor Geller opened the Public Meeting.

No public comments were received and no action was taken.

- (b) City Council discussion and determination of citizen appointments to three (3) vacancies on the Clayton Planning Commission: three (3) 2-year terms of appointed office from July 1, 2012 through June 30, 2014.

Mayor Geller stated earlier today the Council interviewed six applicants for the Planning Commission. The Council stated they were pleased with the interview process and the quality of candidates.

Councilmember Shuey stated all of the applicants were good. He stated Bob Armstrong's service was greatly appreciated, but given the wonderful candidates and his house-for-sale situation the Council thought a change now would be good for stability.

Councilmember Pierce stated Bob Armstrong has done a wonderful job as a Planning Commission, but he indicated that he will likely be moving and rather than replace him later, it is better for consistency to make the transition now. She thanked him for his work on TRANSPAC.

It was moved by Vice Mayor Medrano, seconded by Councilmember Pierce, to adopt Resolution 30-2012 appointing David Bruzzone, Sandra Johnson, and Gregg Manning to the Clayton Planning Commission for terms of office expiring June 30, 2014 (Passed; 5-0 vote).

- (c) City Council discussion of holding regularly scheduled Council meetings in July, August and/or September 2012 relative to quorum availability and summer vacation plans.

Councilmembers discussed its summer plans and upcoming City business items requiring attention.

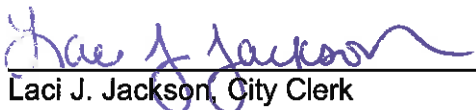
It was moved by Councilmember Shuey, seconded by Councilmember Stratford, to cancel the City Council meetings of August 7, 2012 and September 4, 2012 (Passed; 5-0 vote).

12. COUNCIL ITEMS – None.

13. RECESS THE CITY COUNCIL MEETING – 8:48 Mayor Geller recessed the City Council meeting until completion of the GHAD Board regular meeting.

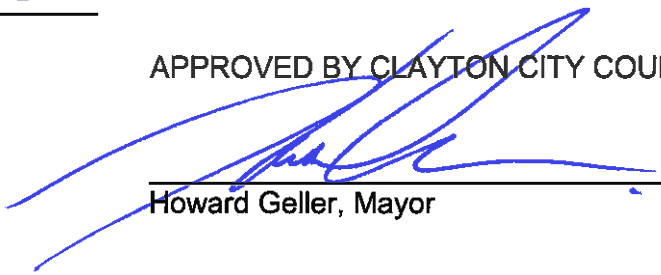
14. **RECONVENE THE CITY COUNCIL MEETING** – Mayor Geller reconvened the City Council meeting at 8:50 p.m.
15. **CLOSED SESSION-** Mayor Geller announced the following purpose for Closed Session and then adjourned into Closed Session at 8:50 p.m.:
- (a) Conference with Labor Negotiator
Government Code Section 54957.6
Instructions to City-designated labor negotiator: City Manager
1. Employee Organization: Clayton Police Officers Association (CPOA).
 2. Employee Organization: Undesignated City Employees Unit.
- 9:42 p.m. **Report out from Closed Session:** Mayor Geller reported the Council gave direction to the City-designated labor negotiator (City Manager).
16. **ADJOURNMENT**– On call by Mayor Geller the meeting adjourned at 9:44 p.m.

Respectfully submitted,



Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL



Howard Geller, Mayor