MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

TUESDAY, October 2, 2012

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 6:00 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 (arrived during Closed Session), and Councilmembers Pierce, Shuey (arrive during Closed Session), and Stratford. Staff present: Assistant to the City Manager Laura Hoffmeister, City Attorney Mala Subramanian, Community Development Director David Woltering (7:00 p.m.), and City Clerk Laci Jackson.

2. **CLOSED SESSION** – Mayor Geller announced the following purposes for Closed Session and then adjourned into Closed Session at 6:00 p.m.

(a) *Government Code Section 54956.9 (a),* Conference with Legal Counsel.
Pending Litigation: *City of Clayton and Oakhurst Geological Hazard Abatement District v. Municipal Pooling Authority of Northern California*, Case No. MSC10-03626, Superior Court of California, Contra Costa County.

(b) *Government Code Section 54956.8*, Conference with Real Property Negotiator
Real Properties: 6055 Main Street, Clayton (APNs 118-560-010 & 119-011-003)
Instructions to City Negotiators (Council Members Pierce and Shuey) concerning terms and conditions.
Negotiating Party: Clayton Community Church.

Report out of Closed Session: Mayor Geller reported the Council received information and gave direction to legal counsel.

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

4. **CONSENT CALENDAR- Mayor Geller requested Item 4(a) to be pulled for discussion. He asked staff to look at adopting the County's Noise regulations. The Community Development Director responded staff could bring back more detailed information on options and cost estimates on changes in 30 days.**

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

(a) Information Only
1. Request by Clayton Club Saloon business owners for the City to initiate an update and amendment to Chapter 9.30 of the *Clayton Municipal Code* and Noise Element of the City General Plan concerning allowable noise decibel levels in the Clayton Town Center area.

(b) Approved the minutes of the regular meeting of September 18, 2012.

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

(d) Adopted Resolution 62-2012 establishing and approving Local California Environmental Quality Act ("CEQA") Guidelines for the City of Clayton and superseding prior locally-adopted CEQA Guidelines.

(e) First year Status Report on the effectiveness of the City's Vandalism Accountability Rewards Program.

(f) Approved the declaration of Police vehicle no. 1723 (2001 Ford Crown Victoria) as capital equipment surplus to the City's needs, and authorize the City Manager to sell the surplus vehicle at public auction.

(g) Adopted Resolution 63-2012 approving an amendment to the Mitchell Creek Place Development Plan Permit conditions of approval to allow for on-site replacement trees to be minimum 15-gallons rather than 24-inch box size trees (DP 01-05).

5. RECOGNITIONS AND PRESENTATIONS – None.

6. REPORTS

(a) Planning Commission – Vice Chairman Gregg Manning reported on the Planning Commission meeting on September 23rd. He stated the Commission approved replacement trees for the Mitchell Creek Place subdivision, and received information on the downtown noise regulations.

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

(c) The Assistant to the City Manager had no report.

(d) City Council

Councilmember Stratford stated the "Do the Right Thing" Committee is emphasizing "Respect" in October.

Councilmember Pierce attended a CCTA meeting, ABAG and Joint Policy Committee meetings, and the 50th Anniversary of the Benicia Bridge. She also attended a Regional Prosperity Steering Committee meeting, and the Route 4 contractor celebrations. She noted pictures of the Caldecott Tunnel will be on display at the Clayton Museum soon as part of a roaming tours.

Mayor Geller attended the Clayton Valley Homecoming Parade.

(e) Other – Introduction of candidates present for City Council elected office.

Jim Diaz, City Council Candidate stated he has been attending forums and attended the Clayton Community Theater group's launch party.

No other

7. PUBLIC COMMENTS – None.

8. PUBLIC HEARINGS- None.

9. ACTION ITEMS

(a) Continued discussion and consideration of information submitted by the Contra Costa County Fire Protection District regarding fire protection, suppression, and first-responder emergency medical services provided by the Fire District, and consideration of a City Council position on Ballot Measure Q, a special fire district real property parcel tax on the November 6, 2012 local ballot.

Vince Wells, President of the Local Firefighters 1230 stated the cities of Concord, San Pablo, and Lafayette have already endorsed Measure Q. He stated Clayton is one of the nine cities in the District. He stated the District has 28 fire stations and 84 fire fighters on duty covering 600,000 citizens in over 305 square miles. He stated the District has been facing financial difficulty from the loss of property value. He stated he believes the Governor's pension plan will eliminate a lot of concerns. He stated the District never had pension spiking, and pay has been cut which has lowered the retirement amounts. He also noted the District is way below the standard of coverage for the community.

Councilmember Shuey stated he met for an hour with Jack Verdrame and Vince Wells today and thanked them for meeting with him and discussing Measure Q.

Vice Mayor Medrano asked how much of an impact it would have on Clayton if the District were to close 7-10 fire stations? Mr. Wells responded it would impact the City of Clayton.

Mayor Geller wanted to know what impact it will have on Clayton citizens in regards to fire insurance rates. Mr. Wells responded it takes at least 15 firefighters to respond when there is a structure fire. He stated cities that are on the outskirts would be the worst hit because the stations that would need to respond would have to come from further away. He stated that any stations closed would impact the Clayton community.

Mayor Geller stated if Measure Q passes will it fix the problems? Mr. Wells responded for the seven years of the Measure the budget will be balanced.

Councilmember Shuey stated this is not a tax that will fix a structural problem. Mr. Wells stated it would keep 28 fire stations open. Councilmember Shuey asked if the District would be working to fix its structural problems? Mr. Wells responded yes. Councilmember Shuey asked what the Union will do to help with the structural problems? Mr. Wells responded the Governor's plan will change everything and currently the firefighters are paying 26% of their salary to retirement.

Chief Louder stated he was here tonight to answer any questions. He stated in regards to the impact on Clayton, the District is only at 44% of optimal staffing capacity, so if the District closes 7-10 stations the system cannot absorb the loss. He stated the District is working on a contingency plan but it is not finalized yet. He stated the District has worked on the structural side and realizes the importance. He stated the Unions have agreed to lower starting steps and a 10% salary reduction. He also noted the OPEB liability has been brought down 50% over the last few years. He stated the numbers being presented are very conservative and that in year 10 the District will pay off the pension obligation bond. He stated before 2008 the District had a $25 million surplus.

Mayor Geller asked if the measure would do anything for facilities? Chief Louder stated the Measure would help fund one replacement engine per year.

Councilmember Shuey asked what stations the District plans to close? The Chief responded the District has not identified the stations to be closed and does not want rumors or misinformation to be dispersed. The District is researching options on closures to make the most informed decision possible. The closure plan would go to the Fire Board then to the Board of Supervisors for final action.

Chief Louder stated the District looks at performance measures for response time, and with current staff the District only meets the goal 19.9% of the time. He stated with the closure of one unit in Walnut Creek the response time increased 21 seconds. He stated the District is at bare minimum staffing and believes fire protection is a critical function.

Councilmember Stratford stated personally he recognizes there are some structural problems and he wishes those had been worked out earlier. However that thinks $75 a year buys some time and gives the District a chance to work out some problems.
Vice Mayor Medrano was in favor of not taking a position.

Councilmember Pierce stated she feels as though the Council should not take a position. She stated personally she is not as concerned about the fire issues but about the medical response.

By consensus the Council decided not to take action or take a position on Measure Q.

7. PUBLIC COMMENTS – Mayor Geller re-opened Public comment.

Brian Lawrence stated he is running for the Mt. Diablo School Board. He stated there is an opportunity for the Board and the City to work together. He stated he wants to harness the volunteerism and bringing it to the community.

9. ACTION ITEMS

(b) Consideration of a draft letter by the City Council to request state legislator submittal of a written request to the state attorney general seeking a legal opinion on whether it is an incompatible office for an elected member of the Clayton City Council to concurrently serve on the Clayton Valley Charter High School Executive [governing] Board.

The City Attorney stated the letter presented lays out the facts and the questions.

Vice Mayor Medrano asked if it makes a difference the public office elected or not and whether that should be clarified in the letter.

Councilmember Shuey asked if the request had to be made in this format? The City Attorney stated there is no specific format criteria but that all of the information needs to be provided so that the State Attorney General can make a determination.

Vice Mayor Medrano suggested Councilmember Shuey work with the City Attorney to revise the draft and bring it back at a later date.

Council consensus was to have Councilmember Shuey work with the City Attorney to revise the letter and bring back at a future City Council meeting..

10. COUNCIL ITEMS

Councilmember Shuey asked for staff to research how the Council can better document and record closed sessions. The City Attorney stated staff would research options and bring it back to a future meeting.

13. ADJOURNMENT– On call by Mayor Geller the meeting adjourned at 8:35 p.m.

Respectfully submitted,

Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

Howard Geller, Mayor