MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

TUESDAY, December 4, 2012

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 6:15 p.m. by Mayor Geller in Hoyer Hall of the Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Geller, Councilmembers Pierce, Shuey, and Stratford. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, Community Development Director David Woltering, Police Chief Chris Thorsen (7:00 p.m.), and City Clerk Laci Jackson.

2. **CLOSED SESSION**- Mayor Geller announced the following purpose for Closed Session and then adjourned into Closed Session at 6:15 p.m.

(a) *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 Negotiator (City Manager) concerning terms and conditions.
Negotiating Party: Clayton Community Church.

7:00 Report out of Closed Session: Mayor Geller stated the Council received a report from its negotiator and there was no reportable action taken.

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

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

(a) Information Only
1. Notice of Public Hearing on Wednesday, January 2, 2013 by Contra Costa Water District (CCWD) of its consideration of a treated water revenue rate increase of up to 3.5%.

2. Notification by Allied Waste Services that residential and commercial solid waste collection and disposal services rates will increase by 2.9% (90% of the annual October-October Consumer Price Index change, per the Franchise Agreement), effective January 1, 2013.

(b) Approved the minutes of the regular meeting of November 20, 2012.

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

(d) Adopted Resolution 65-2012 declaring the results of canvass of returns in the November 2012 General Municipal Election declaring three persons elected to the City Council of Clayton, California for full four-year terms of office.

(e) Approved cancellation of January 2, 2013 City Council regular meeting.

(f) Authorized the closure of the Clayton Community Library on three (3) holiday-related Sundays in calendar year 2013.

5. RECOGNITIONS AND PRESENTATIONS

(a) Mayor Geller presented Certificates of Recognition to "Do The Right Thing" public school students exemplifying the character trait of "Respect".

Mayor Geller and Mt. Diablo Elementary School teachers Mrs. Buchanan and Mrs. Vogensen recognized students Campbell McGee and Aaron Woodling.

Mayor Geller, Diablo View Middle School Principal Patty Banister, and Debbie Perez recognized Taylor Thompson and Brian Nimr.

Mayor Geller, teachers Kat Marzel and Neil McChesney recognized Clayton Valley Charter High School students Jared Deeley, Bianca Rubalcava, and Adrian Lopez.

6. OATHS OF OFFICE BY NEWLY-ELECTED CITY COUNCIL MEMBERS

The Oaths of Office by the November 2012 elected Councilmembers: Jim Diaz, Howard Geller, and Julie Pierce were taken as administered by the City Clerk. The new Councilmembers took their seats at the Council dais and were provided Certificates of Election.

7. ANNUAL REORGANIZATION OF CLAYTON CITY COUNCIL

(a) Election of Mayor by the City Council.

Mayor Geller opened nominations. Councilmember Shuey nominated Julie Pierce for the office of Mayor. Councilmember Stratford seconded the nomination. There were no other nominations and Mayor Geller closed the nominations. **On call by Mayor Geller, the election of Julie Pierce as Mayor passed by acclamation (Passed; 5-0 vote).**

(b) Election of Vice Mayor by the City Council.

Mayor Pierce opened nominations for Vice Mayor. Councilmember Geller nominated Hank Stratford for the position of Vice Mayor. Councilmember Shuey seconded the nomination. There were no other nominations and Mayor Pierce closed the nominations. **On call by Mayor Pierce, the election of Hank Stratford as Vice Mayor passed by acclamation (Passed; 5-0 vote).**

(c) Recognitions and Comments by Mayor and City Council.

Mayor Pierce thanked Councilmember Geller and presented him with a plaque for his service as Mayor in 2012. Councilmember Geller stated it was a pleasure to serve as Mayor for 2012. He stated he enjoyed his time as Mayor working with City staff, the Charter High School, and getting to know the Councilmembers of other cities. He thanked his fellow Councilmembers for their support.

Councilmember Diaz thanked wife Dana and the citizens of Clayton for allowing him to serve. He stated he looks forward to working with the Council and the CBCA.

Mayor Pierce thanked her family and supporters. She stated this is a year of transition for the community with the loss of Redevelopment funding. She stated staff and the Council have continued with conservative budgeting and employees have given furlough

days, taken pay cuts, had no raises, no merit increases, and have done a tremendous amount to keep City in the black. She thanked staff for their contributions. She thanked all of the community volunteers and stated she wants to focus on community building and the preservation of community spirit over the next year.

April Widis, on behalf of Senator DeSaulnier, congratulated Mayor Pierce, Councilmember Diaz and Councilmember Geller on their elections.

Maurice Dommer, on behalf of Assemblywoman Bonilla, congratulated Mayor Pierce, Councilmember Diaz and Councilmember Geller on their elections.

Laura Case, on behalf of Supervisor Mitchoff, congratulated Mayor Pierce, Councilmember Diaz and Councilmember Geller on their elections.

8. OATH OF OFFICE BY NEW CLAYTON CHIEF OF POLICE

The City Clerk administered the Oaths of Office to the new Chief of Police Christopher Thorsen. Chief Thorsen's wife Anne pinned his badge to his uniform.

Chief Thorsen stated he has only been on the job for three day but is convinced he has taken over a very good department. He thanked the many people in his career that helped him advance through the ranks and taught him through the years. He stated he has been welcomed by staff and is looking forward to being a part of the community for many years to come.

7:35 p.m. The Council took a short recess. 7:46 p.m. the Council reconvened.

9. REPORTS

(a) Planning Commission – No meeting held to report.

(b) Trails and Landscaping Committee – Vice Mayor Stratford noted the Trails and Landscaping Committee will present their Annual Report at the December 18th City Council meeting.

(c) The City Manager congratulated Mayor Pierce, Councilmember Diaz, and Councilmember Geller on their election. He noted even with the recent heavy rain there has been no reported damage to City property. He stated former Mayor Geller attended the Board of Supervisors meeting to voice concern about the possible closure of Clayton's sole Fire Station, Station #11 by the District. He stated the 47% of Clayton voters were in favor of Measure Q, and 53% voted no. He stated the public needs know the City Council has no authority over the Fire District. He stated concerned citizens should contact Supervisor Karen Mitchoff, and the City will continue to monitor the situation. He stated there is a serious concern for the emergency medical response and fire suppression protection in the community.

City Attorney reported on the Property Tax Administration Fee (PTAF) lawsuit filed in Los Angeles County over property tax administration fee was ruled in favor of cities by the California Supreme Court. Cities sued that county over property tax administration fees because the fees were in excess of the actual cost to administer the process. The City of Clayton had a tolling agreement with Contra Costa County over this matter and depending on how many years the court allows cities to go back and recover money there could be at least $27,000 owed to the City of Clayton. The County of Los Angles

asked for reconsideration of the issue and the court has until mid-February to decide whether or not to reconsider the judgment.

(d) City Council

Councilmember Diaz attended the Contra Costa Legislative reception in Sacramento and met with Senator DeSaulnier and Assemblywoman Bonilla.

Vice Mayor Stratford stated the Trails and Landscaping Committee met but they are not reporting on their meeting until the December 18th. He stated the character trait this month for the "Do the Right Thing" program is "Kindness."

Councilmember Geller attended the CBCA tree lighting and thanked the volunteers and Ed Moresi for sponsoring the carriage rides. He noted Clayton Valley Charter High School is the NCS football champions. He attended the annual City Council meeting with business owners. He stated he attended the Board of Supervisors meeting regarding the closing of Fire Station 11. He suggested concerned residents write letters to Supervisor Mitchoff. He stated there are two new businesses going in downtown, Canessa's Deli and a Mexican restaurant in the Flora Square building.

Councilmember Pierce attended an ABAG meeting, the Council meeting with business owners, Chief Dan Lawrence's retirement lunch, and a joint ABAG and MTC meeting. She also reminded citizens this year's Clayton Counts Down is cancelled.

(e) Other – None.

10. **PUBLIC COMMENTS** – None.

11. **PUBLIC HEARINGS** – None.

12. **ACTION ITEMS** –None.

13. **COUNCIL ITEMS**- None.

14. **ADJOURNMENT**– On call by Mayor Geller the meeting adjourned at 8:03 p.m.

Respectfully submitted,

Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

Julie K. Pierce, Mayor