

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

TUESDAY, December 18, 2012

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:00 p.m. by Vice Mayor Stratford in Hoyer Hall of the Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Vice Mayor Stratford, Councilmembers Diaz, Geller, and Shuey. Councilmember absent: Mayor Pierce. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, and City Clerk Laci Jackson.
2. **CLOSED SESSION**- None.
3. **PLEDGE OF ALLEGIANCE** – led by Vice Mayor Stratford.
4. **CONSENT CALENDAR**- It was moved by Councilmember Shuey, seconded by Councilmember Geller, to approve the Consent Calendar as submitted (Passed; 4-0 vote).
 - (a) Approved the minutes of the regular meeting of December 4, 2012.
 - (b) Approved Financial Demands and Obligations of the City.
 - (c) Approved the proposed dates in calendar year 2013 for the Saturday evening "Concerts in The Grove" series.
5. **RECOGNITIONS AND PRESENTATIONS** – None.
6. **REPORTS**
 - (a) Planning Commission – Vice Chairman Manning reported on December 11th meeting. The Commission approved an 840 square foot addition to a home on Verna Way. The Commission also extended the parking waiver for one year for the Creekside Terrace mixed use project. Lastly, the Commission reviewed the Universal Design Ordinance.
 - (b) Trails and Landscaping Committee – Chairman Pauline stated the Committee approved the Annual Report and reviewed the requirements for Measure B. He noted Alyse Smith took over the Adopt-a-Trail program, and applications are being accepted for the Committee.
 - (c) The City Manager stated the Trails and Landscaping Committee application deadline is Friday, December 21st and there can be up to 11 members. He stated the County Board of Supervisors voted to close the Clayton Fire Station and County Supervisor Karen Mitchoff will be holding a meeting on January 23rd 7 p.m. in Hoyer Hall of the Clayton Community Library to do outreach to the community. He stated first-responder emergency medical is will likely switch from Confire to AMR, therefore Confire will not be the first responders but ambulances and paramedics will be the first on the scene. He urged concerned citizens to call the Fire District or Supervisor Karen Mitchoff at (925) 521-7100.

(d) City Council

Councilmember Shuey met with citizens and firefighters regarding the fire station closure.

Councilmember Diaz attended the Board of Supervisors meeting and attended his first Mayors' Conference in Oakley.

Councilmember Geller attended a CERT meeting Monday and encouraged Councilmembers to get CERT certified.

Vice Mayor Stratford noted the "Do the Right Thing" trait of the month is "Kindness".

(e) Other – None.

7. PUBLIC COMMENTS

Will Wilcox, Clayton resident, stated there is no plan to open or reopen the fire station. He stated the the City should consider a bond issue to have their own fire department. He stated he wants the Council to put together a study committee to explore options because fire insurance rates are going to go up. The City Manager stated he has heard from fire insurance representatives they base rates more on proximity to fire hydrants. Mr. Wilcox stated the next closest station would be five miles away and response time in an emergency is critical.

Councilmember Shuey stated citizens need to let the County Board of Supervisors know they are angry with the station closure in Clayton.

The City Manager stated the \$75 per year parcel tax countywide would only raise about \$307,500 from Clayton which is not enough to staff a fire station. He has contacted LAFCO to ask about the options for Clayton to detach from the Fire District and this would be difficult to accomplish.

Jake Pauline, resident asked who owns the fire station? The City Manager responded the Fire District (County). Mr. Pauline also asked how much Clayton citizens contribute to the Fire District. The City Manager responded those numbers have not been extracted from the County yet.

Mr. Pauline stated instead of looking at this as a tragedy, the City could consider a volunteer fire department. He asked how the City would get the money they put toward the Fire Station land back from the County if it closes? Councilmember Shuey stated if the County were to sell the property the City would recoup its 63% contribution.

Mr. Pauline asked if there is any way to get refund back from the County since the station will be closing? Vice Mayor Stratford we still have fire protection it is just going to take longer for response times.

The City Manager stated volunteer fire departments require constant training, manning of a station, and acquisition of equipment. He also stated citizens will not receive a refund, and even if the City detached from the District, the County would retain some of those monies in order to provide for automatic and mutual aid since one station is not enough to cover any structure fire.

Councilmember Geller stated he hopes the Board of Supervisors (Fire District Board of Directors) sit down and look at the numbers closer and restores service as soon as possible.

Councilmember Diaz stated a volunteer fire department still needs at least one full-time employee (a fire chief), and with capital costs this is an expensive proposition.

Tamara Steiner stated she lives out on Morgan Territory Road and recently residents out there went through a similar process when East County Fire District wanted to close the Marsh Creek Station. He stated they looked at detaching and looked hard at a volunteer fire department. She stated a volunteer station would not be feasible in an urban area.

8. PUBLIC HEARINGS – None.

9. ACTION ITEMS

- (a) Presentation and acceptance of the Trails and Landscaping Committee's FY 2011-12 Annual Report for the Citywide Landscape Maintenance District.

Chairman Jake Pauline stated it was a good year for the District and many large projects were completed including the Clayton Road Median project. He stated the District also added Daffodil Hill and with the beautification projects citizens are going to see the fruits of the tax funds.

Vice Mayor Stratford stated it has been a good year and Councilmember Geller thanked the Committee for their hard work.

No public comments were received.

It was moved by Councilmember Geller, seconded by Councilmember Shuey, to accept the Trails and Landscaping Committee's Annual Report for FY 2011-12 (Passed; 4-0 vote).

- (b) Consideration and discussion of Council Members' request for the City to commence recordation of its closed sessions.

The City Attorney stated currently the City does not record closed sessions. She polled other cities to see what they were doing and 12 cities indicated they do action or summary minutes, and 3 indicated the audio is recorded. Staff is recommending upon request from a Councilmember, the City Clerk prepare minutes for closed sessions of interest.

Councilmember Diaz asked what the process is currently? The City Attorney indicated currently there is verbal direction and the City Manager takes action notes.

Councilmember Geller stated he is in favor of the recommendation.

Councilmember Shuey stated he has been on the Council for 10 years and there have been times where the Council has had no idea of what went on in prior Closed Sessions because there were no records of discussions by previous Councils. He stated this has been detrimental because the Council does not know what was discussed or what was

said by whom. He stated the recordation should be done to protect the City and future Councils.

Councilmember Geller asked if there is a liability in digitally recording the meetings? The City Attorney stated a judge could review the recording for a Brown Act violation.

Councilmember Geller stated most closed session actions are still brought before an open meeting for final approval.

The City Attorney stated staff was concerned about having digital recordings because there is the chance of the media changing or corruption of the media files.

Upon question, the City Manager stated he has not been with a City that has recorded closed sessions. He stated he does not know that all closed sessions should require a recordation though it is difficult to forecast the information the Council may want later.

It was moved by Councilmember Shuey, seconded by Councilmember Diaz, to have staff bring back a Resolution to record all closed session meetings (Passed; 4-0 vote).

- (c) Review and determination of City Council ad-hoc, committee, inter-governmental and regional board assignments for 2013.

This item was deferred to the next meeting when Mayor Pierce is present.

10. COUNCIL ITEMS

Councilmember Shuey asked staff to bring back information on forming an ad-hoc sub-committee to discuss options for the Fire Station closure.

The City Manager stated the Council could add a new ad-hoc committee at its January 15th but this committee may be subject to the Brown Act if it is not an ad-hoc sub-committee made up solely of less than a quorum of the council.

- 11. ADJOURNMENT– On call by Vice Mayor Stratford the meeting adjourned at 8:12 p.m.

Respectfully submitted,


Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL


Julie K. Pierce, Mayor