

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

TUESDAY, January 15, 2013

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:03 p.m. by Mayor Pierce in Hoyer Hall of the Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Pierce, Vice Mayor Stratford, Councilmembers Diaz, Geller, and Shuey. 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 Mayor Pierce.
4. **CONSENT CALENDAR**- It was moved by Vice Mayor Stratford, seconded by Councilmember Shuey, to approve the Consent Calendar as submitted (Passed; 5-0 vote).
 - (a) Approved the minutes of the special meeting of November 27, 2012 and the regular meeting of December 18, 2012.
 - (b) Approved Financial Demands and Obligations of the City.
 - (c) Adopted Resolution 01-2013 authorizing the purchase of new 2011 Ford Crown Victoria from Folsom Lake Ford in the amount of \$24,828.31 as a replacement patrol vehicle, and approving the allocation of \$35,828.31 from Capital Equipment Replacement Fund (CERF) for the full purchase and outfitting of the vehicle.
5. **RECOGNITIONS AND PRESENTATIONS**
 - (a) Certificate of Recognition to Jimmy Hernandez, retiring United States Postal Service employee (Clayton Post Office 94517). Mayor Pierce thanked Mr. Hernandez for his dedication to the community and noted he will be dearly missed. Mr. Hernandez thanked everyone for their support over the last 23 years.
 - (b) Recognition of David Woltering upon his departure as the City's Community Development Director (2008-2013). Mayor Pierce presented a plaque to Mr. Woltering and thanked him for his service. Mr. Woltering stated he enjoyed working in Clayton and will miss the community.
6. **REPORTS**
 - (a) Planning Commission – Chairman Haydon reported on the January 8th Planning Commission meeting. The Commission said goodbye to Mr. Woltering and thanked him for his expertise when working with the Planning Commission. The Commission reviewed the proposed Universal Design Ordinance and will be sending it to the Council for further direction.
 - (b) Trails and Landscaping Committee – No meeting held.

- (c) The City Manager stated David Woltering was the best candidate for the City's position when he was selected five years ago; the City will miss him and thanked Mr. Woltering for his service. He stated the next Community Development Director recruitment will close on March 1, 2013. He stated Ken Craig has been selected as the Interim Community Development Director. Mr. Craig has most recently served as the Planning Director in Ceres. His first work day will be January 17th. He reported the Governor indicated in his budget he sees sufficient revenues coming in from former Redevelopment Agencies but the City is working hard to protect its funds.

(d) City Council

Councilmember Diaz delivered dressers to Diablo Valley Ranch as a way to help repay them for their many community donations and event support.

Vice Mayor Stratford noted the "Do the Right Thing" trait of the month is "Self-Discipline".

Councilmember Geller attended the Mayors' Conference in Lafayette and attended David Woltering's going away luncheon.

Councilmember Shuey met and talked with citizens and firefighters about the Fire District's closure of Station No. 11 in Clayton.

Mayor Pierce attended ABAG meetings, the Mayors' Conference, and a Bay Area Prosperity Planning Committee meeting.

- (e) Other – None.

7. **PUBLIC COMMENTS** – None.

8. **PUBLIC HEARINGS**

- (a) Public Hearing to consider the approval of a Resolution adopting a "Complete Streets" Policy pursuant to the California Complete Streets Act of 2008 (AB 1358).

Former Community Development Director Woltering presented the staff report. He stated the California State Legislature adopted AB 32 and SB 375 implementing standards for air quality in development. The intent of this legislation and Resolution is to look at the broader use of streets for all users. The MTC and ABAG developed a program called One Bay Area to help with implementation of this program, and grant funding is available for those eligible. In order to qualify for funds local communities need to have a Certified Housing Element and adopt a Complete Streets Policy Resolution or update their general plan. In Clayton's case adopting a policy resolution would be most appropriate. The grant funds would be available for bike and pedestrian projects, safe route to schools and other projects.

Mayor Pierce asked if these are planning steps the City already takes? The Community Development Director responded yes.

Mayor Pierce opened the Public Hearing at 7:28 p.m. No public comments were received. The Public Hearing was closed at 7:29 p.m.

It was moved by Councilmember Shuey, seconded by Vice Mayor Stratford, to adopt Resolution 02-2013, a "Complete Streets" Policy pursuant to the California Complete Streets Act of 2008 (AB 1358) (Passed; 5-0 vote).

9. ACTION ITEMS

- (b) City Council consideration of the establishment of a Sub-Committee to explore and propose recommendations for local service options in response to the Contra Costa Fire Protection District's significant reduction/closure of its Fire Station No. 11 located on Center Street in Clayton.

The City Manager stated staff tried to assemble in the shore turnaround time as much information as possible for this agenda item. He stated the City of Clayton does not write a check for Fire District services; individuals pay as part of their property tax bill for the separate Fire District. He stated the closure of stations will affect all District citizens by slowing response times for emergency medical calls and structure fires because engines will be covering more ground. He stated Clayton's Fire Station 11 will continue to operate Monday through Saturday 2:00p.m.-6:00p.m. He stated in the information provided staff researched the options for detaching from the Fire District or contracting to CalFire but all of these options require resources. He stated citizens could approve a new revenue source (tax); if allowed to detach, based on voters will and LAFCO vote, the City would receive the current revenues going to the District from Clayton. He stated the best information the City has received is Clayton contributes around \$2.3 million per year to the Fire District through local property taxes, but with the dissolution of the Redevelopment Agency \$620,000 must go to the Clayton Successor Agency to fund debt payments. He stated if detachment was successful, there would be about \$1.67 million to fund all emergency medical services, fire suppression, fire protection services, dispatch services or establish own dispatching services, mutual aid, etc.

Mayor Pierce stated she does not think we should form the sub-committee because this is such an important issue to the whole Council. She stated it is the responsibility of the Fire District to solve the problem and they are holding a community meeting on January 23rd to discuss the closure of Station 11. She stated the City, at its own expense, would be videotaping that meeting and play it back on Channel 26. She stated she spoke with Supervisor Mitchoff and she will be at the meeting on the 23rd.

Steven Chandler, Clayton citizen, stated he is a 29-year firefighter in the City of Richmond. He suggested instead of closing stations the District should just brown out stations so that all citizens are impacted similarly. He stated this is not about fires, it is about medical emergencies and it is irresponsible to lose a fire station that serves 11,000 people. He suggested having professional firefighters who live in the City of Clayton look into where we should go with a citizen committee.

Vice Mayor Stratford asked how a brown out works? Mr. Chandler responded for Contra Costa County every jurisdiction is feeling the consequences of the budget so throughout all of the jurisdictions you have 4 stations per day that are closed by rotation. He asked why Clayton is the only City losing their fire station completely?

Rich Grace, Assistant Fire Chief, stated the Fire Chief will be at the meeting January 23rd. He stated the Chief considered brown outs, but brown outs ignore the data and the statistics, so the Chief eliminated that from consideration. He complemented City staff on gathering information and accurately portraying the options in its staff report.

Councilmember Geller stated he listened to the Fire Chief discuss what would happen if Measure Q failed. He stated the Council took no action on Measure Q as it was each individual's choice. He stated citizens that talked to him were concerned about the pension issues and did not understand how no firemen were being laid off even with the station closures. Mr. Grace responded there have been steps taken at the state level

that are coming down to the local level in regards to pensions, and this District is in line with other fire districts on a per station cost.

Mayor Pierce stated she watched the Board of Supervisors meetings online. She stated it is too soon to jump into the deep end and fund our own fire station.

Councilmember Geller stated he did not think the sub-committee is the route to go because the whole Council should discuss this.

Councilmember Shuey stated he thinks a sub-committee is important at this point and he envisions the sub-committee doing two things. He stated if we cannot change the course of events, we as a City need to get together the best and the brightest and come up with some plans. He stated this could be a working group to look at if there are enough AEDs in the City, and look at plans for emergency notifications. He stated then the committee could look at what the District is doing and come up with valid alternatives or ideas to do it a better way.

Councilmember Diaz stated he is not sure which is the best option but maybe a sub-committee could come up with some viable alternatives.

Vice Mayor Stratford understands the desire to have the whole Council involved. He stated the meetings would be open to the public and transparent.

Councilmember Shuey stated this should be a sub-committee so that it can be nimble but it could be noticed as a City Council meeting as well.

The City Manager noted if you double notice the meeting and it becomes a City Council meeting staff must be available take minutes.

Vice Mayor Stratford stated he hopes the committee is judicious with staff's time.

The City Manager noted staff must notice ad-hoc meetings, and notices of the meetings of the whole. He suggested setting the meeting date of Monday, February 4th at 6:30 p.m. in this room.

It was moved by Councilmember Shuey, seconded by Councilmember Diaz, to appoint Councilmember Geller and Councilmember Diaz to a new Fire Services Ad-hoc committee and set Monday, February 4th at 6:30 p.m. for a joint meeting between the Ad-hoc Committee and the City Council in Hoyer Hall, Clayton Community Library (Passed; 5-0 vote).

- (a) Presentation and approval of the City's Audited Financial Statement for Fiscal Year 2010-2011 prepared by Cropper Accountancy Corporation, Certified Public Accountants (CPA).

John Cropper, Cropper Accountancy Corporation presented the unqualified audit opinion Audit Report.

The City Manager stated the staff recognizes the process was difficult due to software conversion problems, however the outcome is positive as the City operated in the black.

Councilmember Diaz stated the Report noted a significant deficiency related to control but noted staffing is very minimal. Mr. Cropper noted with a City this size there will always be a comment on segregation of duties, and it is not highly unusual.

Mr. Cropper reviewed some of the coordination issues preparing the audit. He stated Clayton's financial statements are generated by a third party and this created some challenges.

No public comments were received.

It was moved by Vice Mayor Stratford, seconded by Councilmember Shuey, to approve the 2010-2011 Audited Financial statements as submitted (Passed; 5-0 vote).

- (c) Council consideration of local street Pavement Condition Index (PCI) rankings for potential inclusion in the City's upcoming 2012-13 Neighborhood Street Repaving Project (CIP No. 10417).

The City Engineer presented the staff report and stated in 2012 the City received only 2 extremely high bids for the pavement project. It was recommended staff hold off with the project until 2013 in order to pull funds together from multiple years. He stated staff is recommending a \$1.2 million project. He stated this project will include the long-awaited overlay of Regency Drive. He noted the estimated unit price was increased, and this project will likely include the overlay of 30 streets with final selection dependent on the bid prices. Staff is also recommending several projects be included as bid items including the library parking lot, Heritage Trail, the City Hall parking areas, Lydia Lane parking area and some trails segments.

Mayor Pierce stated updating engineer's estimates for unit prices will help but we may not know until bids come in.

No public comments were received.

It was moved by Vice Mayor Stratford, seconded by Councilmember Geller, to instruct staff to advertise for competitive bid a FY 2012-13 Street Repaving Project incorporating the selected streets and optional work to resurface three (3) public parking lots (Lydia Lane Park; City Hall; Clayton Community Library) and certain portions of the City's Trail System (Passed; 5-0 vote).

- (d) Consideration of the First Reading and Introduction of Ordinance No. 443 enacting standardized deposit and filing fee for municipal election candidates in the Clayton Municipal Code.

The City Clerk presented the staff report indicating this Ordinance is needed to prevent future conflicts of interest in approving information for the municipal elections. Members of the Council thanked the City Clerk for preparing this Code updated to eliminate any future conflicts of interest votes of the seated councilmembers.

No public comments were received.

It was moved by Vice Mayor Stratford, seconded by Councilmember Shuey, to have the City Clerk read Ordinance No. 443 by title and number only and waive further reading (Passed; 5-0 vote).

The City Clerk read Ordinance No. 443 by title and number only.

It was moved by Vice Mayor Stratford, seconded by Councilmember Shuey, to approve Ordinance No. 443 for Introduction (Passed; 5-0 vote).

- (e) Consideration of a Resolution establishing a Council Policy for recordation of its closed session meetings.

The City Attorney reported the Council requested a Resolution be drafted to mandate the recording of all closed session meetings.

Mayor Pierce asked the rationale behind this. Councilmember Shuey stated in today's age where you can have a digital recorder it seems like a good idea to have a record of closed sessions. He stated it could provide insight for future councils.

Councilmember Geller stated closed session items usually become action items for public discussion. He noted there are a lot of closed session items that should not be recorded.

Vice Mayor Stratford stated his only concern is if it would impede the flow of information. Councilmember Shuey stated the whole point of closed session is to evaluate the pro's and the con's, and recording that should not change the discussion or debate.

Mayor Pierce stated there could be an issue of Councilmembers being entirely candid especially regarding employee negotiations.

Councilmember Shuey stated the Council did talk about potentially having some ability to make a motion that certain items do not have to be recorded. He stated maybe the Council could look at excluding personnel decisions for example.

Vice Mayor Stratford stated we could try it.

Councilmember Pierce asked how would this actually function? Councilmember Shuey stated it could be with an audio recorder.

Councilmember Diaz asked how decisions or direction are currently documented. Mayor Pierce stated the City Manager and City Attorney take notes on direction, but they do not capture what every individual says.

Councilmember Shuey stated he does not see any downside to recording though he can understand the Mayor's concerns about personnel issues.

Mayor Pierce asked who would maintain those records? Councilmember Shuey suggested the City Manager and the City Attorney each maintain a copy under lock and key.

In response to question, the City Manager noted from a staff prospective you do not know what will be necessary 10 years down the road and the only sure protection is to record them all.

Councilmember Shuey stated he has no problem with recording on a case by case basis.

By Council consensus staff will bring back adjusted wording for the Resolution for the recordation of closed sessions.

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

Mayor Pierce announced and outlined the proposed Council committee assignments for 2013. The Council discussed the recommendations and made several adjustments.

It was moved by Vice Mayor Stratford, seconded by Councilmember Shuey, to approve the proposed Council Member assignments for calendar year 2012 (Passed; 5-0 vote).

- (g) Determination of the date, time and location for the City Council's annual Goals and Objectives Setting Session with its City Manager.

The City Council reviewed and discussed their availability and dates to attend the special meeting.

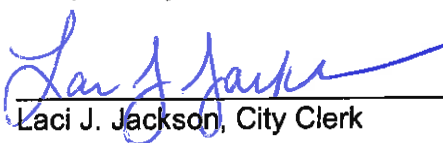
It was moved by Councilmember Shuey, seconded by Vice Mayor Stratford, to call a City Council special meeting for Tuesday, February 5, 2013 at 5:00 p.m. in the City Hall Conference Room, 6000 Heritage Trail, to discuss the annual Goals and Objectives with the City Manager (Passed; 5-0 vote).

10. **COUNCIL ITEMS**

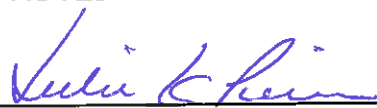
Mayor Pierce noted the possible need for a special meeting on January 25th for real property matters.

11. **ADJOURNMENT**– On call by Mayor Pierce the meeting adjourned at 10:23 p.m.

Respectfully submitted,


Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL


Julie K. Pierce, Mayor