

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

TUESDAY, February 5, 2013

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:00 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 Office Assistant Jessica Boscacci.

2. **PLEDGE OF ALLEGIANCE** – led by Mayor Pierce.

3. **CONSENT CALENDAR-** It was moved by Councilmember Shuey, seconded by Vice Mayor Strafford, to approve the Consent Calendar as submitted (Passed; 5-0 vote).
 - (a) Approved the minutes of the regular meeting of January 15, 2013.
 - (b) Approved Financial Demands and Obligations of the City.
 - (c) Approved the declaration of property surplus to the City's needs (2004 Ford Crown Victoria) and authorization for the City Manager to dispose of the vehicle by public auction.
 - (d) Adopted Resolution 04-2013 establishing a Council Policy for recordation of its closed session meetings.
 - (e) Approved the purchase of a 2011 (demo model) Toro GM 360 mower with trailer from Turf Star in the amount of \$24,317.02 through state competitive bid (CMAS) using funds in the approved FY 2012-13 Capital Equipment Replacement Fund.

4. **RECOGNITIONS AND PRESENTATIONS**
 - (a) Certificates of Recognition to "Do The Right Thing" public school students exemplifying the character trait of "Kindness".

Mayor Pierce and Mt. Diablo Elementary School teachers Ms. Reyes, Ms. Osterkamp, and Ms. Davis recognized students Danica Gibson and Jeremy Oviedo.

Mayor Pierce and Diablo View Middle School Principal Patty Banister recognized Georgia Moraes and Walid Gardizi.

Mayor Pierce and teacher Kat Marzel recognized Clayton Valley Charter High School students Haley Jackson, Brittany Shankel, Amy Harris, Sara Kommer, Hailee Thompson, and Justin Rogers.

- (b) Presentation by Contra Costa County Librarian Barbara Flynn regarding the 100th anniversary of the Contra Costa County Library.

Ms. Flynn stated in November the Library received a Gold Medal award and an \$84,000 grant. She noted the Contra Costa Library will be celebrating its 100th birthday on July 21, 2013, at Pleasant Hill Park to commemorate 100 years of service to the community. Lastly, she noted the Contra Costa County Library is currently working on updating their Strategic Plan.

- (c) Recognitions of Appreciation to outgoing City Trails and Landscaping Committee members Kelly Marshall and Jake Pauline. The recognitions will be delivered to the Committee members as they were not present to receive their awards.

5. **REPORTS**

- (a) Planning Commission – No meeting held.
- (b) Trails and Landscaping Committee – No meeting held.
- (c) The City Manager had no report.
- (d) City Council

Councilmember Diaz attended the 10th anniversary celebration of Diamond Terrace and the Contra Costa County Fire District Board meeting held on February 4, 2013.

Vice Mayor Stratford stated the East Contra Costa County Habitat Conservation Board approved the purchase of additional real property and is working on the 2nd fee audit for the Habitat Conservation Program. He also stated the “Do The Right Thing” program is focusing on “Self-Discipline” for January and February.

Councilmember Geller attended the Fire District Board meeting on February 4, 2013 and will be attending its follow up meeting held on February 15, 2013. He also attended the CBCA meeting and a City goal setting meeting prior to this meeting.

Councilmember Shuey attended meetings for the Charter High School which is in the process of expanding for the 2013-2014 school year. He stated eligible Clayton students have been put into a drawing and have priority over outside students.

Mayor Pierce attended the East Bay League of Cities meeting, a Transportation Authority meeting, Diamond Terrace’s 10th Anniversary, and an Economic Development Ad-hoc Sub-Committee meetings. She noted there are prospective developers looking into expanding and developing parts of Clayton’s downtown.

- (e) Other – None.

6. **PUBLIC COMMENTS** – None.

7. **PUBLIC HEARINGS** – None.

8. ACTION ITEMS

- (a) Consideration of recommended citizen appointments to vacancies on the Clayton Trails and Landscaping Committee for two-year terms of public office expiring on December 31, 2015.

Following a report by the Council Ad-Hoc Interview Committee concerning the candidates and receipt of no public comments.

It was moved by Vice Mayor Stratford, seconded by Councilmember Geller to appoint all five applicants (Bob Steiner, Ted Sudderth, Donald Fitzgerald, Ryan Lowe, and Clayton Smith) to the Trails and Landscaping Committee (Passed; 5-0 vote).

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

The City Manager gave a brief summary of the Ordinance's purpose.

No public comments were received.

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

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

It was moved by Vice Mayor Stratford, seconded by Councilmember Geller, to adopt Ordinance No. 443 (Passed; 5-0 vote).

- (c) Council Member request for the City Council to consider paying off its California Public Employee's Retirement System (CalPERS) Side-Fund unfunded liability related to public pension system obligations for the City's Public Safety and Miscellaneous Employees Tier 1 Plans.

Councilmember Geller explained his purpose and interest in pursuing this idea as it saved several other cities significant monies. He also noted there is a financial company (Brandis Tallman) willing to perform the City's analysis for free.

Vice Mayor Stratford commented that rather than incur issuance costs for retirement of the debt by bond issuance, he would prefer an analysis of using General Fund reserves to pay-off the debt and institute a repayment plan to replenish the General Fund Reserve.

The Council discussed the options as presented in the staff report.

Mayor Pierce suggested using an RFP to analyze for cost of issuance for a bond.

It was moved by Vice Mayor Strafford, seconded by Councilmember Geller, to get a cost analysis for refinancing from Bradman Tallis and also have staff look at the savings for having the City take the money from the General Fund Reserve (Passed; 5-0 vote).

- (d) Summary Report from the initial Fire Services Ad-Hoc Committee and Council meeting held on February 4, 2013 and discussion of actions and structure moving forward.

Mayor Pierce opened up the item for Public Comments.

Steve Chandler suggested moving forward to gather information on the cost for operating Fire Station 11 and stated he will willing to participate on a committee.

Darren Olson stated he would like the Council to move forward with the sub-committee to find a way to re-open Station 11 with 24 hour service and he is willing to participate.

It was moved by Councilmember Shuey, seconded by Councilmember Diaz, to have the ad-hoc committee move forward and to have a letter sent from the Council to the other cities affected by the Fire Station Closure, and to the Fire Board to ask about broadening the representation on the Board or by an advisory committee of other city representatives in the District (Passed; 5-0 vote).

9. **RECESS THE COUNCIL MEETING** – Mayor Pierce recessed the meeting at 8:59 p.m.
10. **CALL BACK TO ORDER THE CITY COUNCIL MEETING** – Mayor Pierce called the meeting back to order at 9:27 p.m.
11. **CLOSED SESSION-** On call by Mayor Pierce the Council adjourned into Closed Session for the following purpose:
- (a) *Government Code Section 54956.8, Conference with Real Property Negotiator*
Real Properties: 1005 and 1007 Oak Street, Clayton, CA (APNs 119-050-034; 119-050-009; 119-050-008). Instructions to City Negotiator (City Manager) concerning terms and conditions.
Negotiating Party: Mr. George Chen.
- 10:06 p.m.- Report out of Closed Session:** Mayor Pierce reported the Council received a report, gave instructions to its negotiator and there was no public action to report.
12. **COUNCIL ITEMS** – limited to requests and directives for future meetings.
13. **ADJOURNMENT**– On call by Mayor Pierce the meeting adjourned at 10:07 p.m.

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Respectfully submitted,



Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL



Julie K. Pierce, Mayor