MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

TUESDAY, June 18, 2013

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 5:36 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 and Shuey. Councilmembers absent: Councilmember Geller. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, Community Development Director Charlie Mullen, City Engineer Rick Angrisani, and City Clerk Laci Jackson.

2. **COUNCIL INTERVIEW OF PLANNING COMMISSION APPLICANTS**

The following three citizens were interviewed for two appointed positions on the Planning Commission (term of office ends 30 June 2015): Joseph Aguilar, Keith Haydon, and Dan Richardson.

Following the interviews at 6:43 p.m. the Council recessed.

3. **RECALL THE COUNCIL MEETING TO ORDER** – At 7:00 p.m. Mayor Pierce re-called the meeting to order.

4. **CLOSED SESSION**- None.

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

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

(a) Approved the minutes of the regular meeting of May 21, 2013.

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

(c) Adopted Resolution 15-2013 approving the Engineer's Report for the Diablo Estates at Clayton Benefit Assessment District (BAD), declaring the intent to levy and collect real property assessments in behalf of the BAD in FY 2013-14, and setting and giving notice of a Public Hearing to be held on July 16, 2013 regarding the levy of the proposed BAD real property assessments.

7. **RECOGNITIONS AND PRESENTATIONS**- None.

8. **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 Shuey stated he and Councilmember Diaz met with the County-retained consultants on the Fire Station closures. He stated he felt very good about the direction the consultants were going with the District. He stated the consultant had 30 plus years of experience in EMS and Fire Consulting and had some good observations. He stated their report will not be ready until January 2014.

Councilmember Diaz agreed with Councilmember Shuey about their meeting with the consultants. He also attended the Fire Services Ad-hoc Sub-committee meeting.

Councilmember Shuey added there has been discussion at the County level in preparation for another ballot measure for additional revenue to the Fire District.

Councilmember Stratford noted the "Do the Right Thing" trait of the month for May, June and July is "Courage."

Mayor Pierce stated the Clayton Family Fair and Picnic will be held on June 29th in The Grove Park. She stated there will be music, booths with games and activities, hands only CPR training, and a performance by the Clayton Bikes Stunt team. She reminded citizens the deadline for Parade entries is rapidly approaching, and volunteers for the 4th of July Parade are still needed. She attended the Regional Planning Committee meeting, and a conference call with the League of Cities task force on the reforms being proposed for CEQA. She attended the Concert in The Grove and an ABAG and MTC joint meeting on the Sustainable Communities Strategy.

(e) Other

9. PUBLIC COMMENTS

Glenn Miller, resident, stated he is a licensed civil engineer and served on the City's Planning Commission. He stated the reason he is here tonight is to speak on behalf of the Brisbon family. He stated they have been told they have no right to appeal before the City Council in regards to their administrative citation. He stated in February 2013, Mr. Brisbon and his wife Dena Stephens decided to secured their front yard with fencing. He stated Ms. Stephens called City Hall and spoke with the Interim Community Development Director Ken Craig about where to place their fence. He stated soon after construction began they received a stop work order from the City. Mr. Miller talked with Mr. Brisbon and suggested he apply for a use permit and come in front of the Planning Commission. He stated Brisbon's situation is unique as they live on a private lane with a private access easement. He stated Mr. Brisbon and Ms. Stephens have been subject to disrespectful encounters with staff, letters, and now citations and threats of fines for putting up a fence on their private property. He stated City staff continues to maintain they have no recourse or appeal to Council. He requested Councilmembers review this matter.

The City Attorney stated the Municipal Code provides a process and if a citation was issued on Friday and it is appealed, the City Manager designates a Hearing Officer on this matter. She stated the Hearing Officer would make a final determination and it would never come before the City Council for review. She stated she and staff informed Mr. Brisbon and Ms. Stephens they were free to come to speak to the Council but that the Council would never actually hear the matter on an agenda.

Councilmember Shuey asked what the final recourse is? The City Attorney responded Mr. Brisbon and Ms. Stephens could sue and she added this process is the same as in other cities she represents.

10. **PUBLIC HEARINGS** – None.

11. **ACTION ITEMS**

(a) Consider the Introduction and First Reading of Ordinance No. 447 adding Chapter 15.100 to Title 100 of the *Clayton Municipal Code* concerning the Repair and Reconstruction of Buildings and Structures following a natural or civil disaster event.

The City Engineer stated at the last meeting the City Council introduced the Ordinance which will ensure the City can receive disaster relief funds. He stated following public comment, staff recommends the Council adopt Ordinance 447.

No public comments were received.

It was moved by Vice Mayor Stratford, seconded by Councilmember Shuey, to have the City Clerk read Ordinance No. 447 by title and number only and waive further reading (Passed; 4-0 vote).

The City Clerk read Ordinance No. 447 by title and number only.

It was moved by Vice Mayor Stratford, seconded by Councilmember Shuey, to adopt Ordinance No. 447 (Passed; 4-0 vote).

Mayor Pierce commented she is very pleased with the adoption of this action which will qualify the City for emergency federal aid should a disaster strike the community.

(b) Consider the adoption of a Resolution authorizing continuing appropriations and expenditures in Fiscal Year 2013-14 on the basis of the Fiscal Year 2012-13 approved budget framework until 30 August 2013, or concluding sooner upon the City Council's adoption of a City Budget for Fiscal Year 2013-14.

The City Manager stated normally at this time of the year the Council would be adopting budget and Fiscal Year plans for the next fiscal year at this meeting. He stated tonight that is not happening and what is before the Council for adoption is a Continuing Budget Resolution.

He stated the reason for the lack of a budget is a combination of unexpected internal issues. He stated preparing a budget requires a set of financial building blocks. He stated in October 2010 the City changed its financial software to a new platform and thought everything was in place. He stated there was a flaw in the conversion, with internal objectives to save money by having instruction by phone; it did not allow the transition to happen smoothly. He stated there was inadequate training for staff from the beginning and it created a backlog. He stated this backlog pushed a long-term Accounting Technician to an abrupt retirement which created a large gap in the one and a half person department. It took time to hire a new individual and the backlog continued.

He stated as the Council is aware the 2010-11 Audited Financial statements were only recently presented to the City Council and the Finance Department is currently working on the 2011-12 audited statements, preparing for the 2012-2013 Fiscal Year end and working on preparing the 2013-14 budget. He stated on top of all that the State dissolved Redevelopment Agencies which required actions and mandated reports by the Finance Department on top of the other duties. He also noted the Finance Manager was then absent for four plus weeks for a workers compensation injury.

He stated recently he hired Rich Sanders, a former Accounting Manager for the City of Oakley, to help with the backlog. He stated Mr. Sanders is currently working on the audited Financial Statements for 2011-2012.

He stated staff researched this situation and found the City can adopt a continuing Budget Resolution, and the Municipal Code states that a budget must be adopted within 60 days after the start of the Fiscal Year. He stated the Resolution in front of the Council continues base operations, no capital projects, and the minimal status quo expenses. He stated the City does not have a financial problem; this is an internal processing problem. He stated the Budget sub-committee has also not met to discuss the proposed budget as yet.

Vice Mayor Stratford stated this must be frustrating and asked how long Mr. Sanders is expected to work? The City Manager stated he can work 960 hours as a CalPERS annuitant. Vice Mayor Stratford asked if we need more manpower on a temporary basis? The City Manager stated he has asked repeatedly whether additional hands could help but the Finance Manager has stated everything is inside her work computer.

No public comments were received.

It was moved by Vice Mayor Stratford, seconded by Councilmember Diaz, to adopt Resolution 16-2013 authorizing continuing appropriations and expenditures in Fiscal Year 2013-14 on the basis of the Fiscal Year 2012-13 approved budget framework until 30 August 2013, or concluding sooner upon the City Council's adoption of a City Budget for Fiscal Year 2013-14 (Passed; 4-0 vote).

(c) City Council discussion and determination of citizen appointments to two (2) expiring vacancies on the Clayton Planning Commission: two (2) 2-year terms of appointive office from July 1, 2013 through June 30, 2015.

Mayor Pierce stated the Council conducted interviews at the beginning of the meeting this evening and three very capable applicants were interviewed; two incumbents and one new applicant.

Vice Mayor Stratford thanked Mr. Aguilar for applying but stated he feels Mr. Haydon and Mr. Richardson have done a great job and he is comfortable re-appointing them. He did encourage Mr. Aguilar to look for other City and civic volunteer opportunities.

Councilmember Diaz thanked Mr. Aguilar for applying but supported the re-appointment of the incumbents.

Councilmember Shuey stated it is good to see new people interested in the City's volunteer opportunities but the incumbents have been doing an exemplary job and suggested re-appointment.

Mayor Pierce stated she agreed with what her colleagues stated and suggested Mr. Aguilar consider the City's Trails and Landscaping Committee as a way to get involved.

It was moved by Vice Mayor Stratford, seconded by Councilmember Diaz, to adopt Resolution 17-2013 re-appointing Keith Haydon and Dan Richardson to the Clayton Planning Commission for terms of office expiring June 30, 2015 (Passed; 4-0 vote).

10. **COUNCIL ITEMS** – None.

11. **ADJOURNMENT**– on call by Mayor Pierce the meeting adjourned at 7:45 p.m.

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Respectfully submitted,

Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

Julie K. Pierce, Mayor