

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

TUESDAY, December 3, 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, Community Development Director Charlie Mullen, and Interim City Clerk Janet Brown.
2. **PLEDGE OF ALLEGIANCE** – led by Mayor Pierce.
3. **CONSENT CALENDAR-** It was moved by Councilmember Geller, seconded by Councilmember Diaz, to approve the Consent Calendar as submitted (Passed; 5-0).
 - (a) Information Only
 1. Notification by Republic Services (aka Allied Waste Services) that residential and Commercial solid waste collection and disposal services rates will increase by 1.40% (90% of the annual October-October Consumer Price Index change, per the City's Franchise Agreement), effective 01 January 2014.
 2. Notice of Public Hearing on Wednesday, January 8, 2014 by the Contra Costa Water District Board (CCWD) of its consideration of a treated water revenue increase of up to 3.5%.
 - (b) Approved the minutes of the regular meeting of November 19, 2013.
 - (c) Approved Financial Demands and Obligations of the City.
 - (d) Approved the rescission of a contract with Konica Minolta Business Systems for replacement of the existing City Hall copier machine, and approve a multi-year lease agreement with Caltronics Business Solutions to replace the City Hall copier.
 - (e) Adopted a Resolution approving and implementing a City Administrative Policy concerning Mandatory Reporting of incidents or reports of the abuse of minors.
 - (f) Adopted a Resolution approving Christopher Diaz with the law firm of Best Best & Krieger, LLP, as the Assistant City Attorney/Assistant General Counsel of and for the City of Clayton.
4. **RECOGNITIONS AND PRESENTATIONS** – Recognition of Jad Ghannam, BSA Eagle Scout candidate, for preparation and installation of two (2) sets of bicycle racks in Stranahan Park and Westwood Park as his Eagle Scout Project.

The Mayor announced that since he could not attend the meeting, his recognition would be mailed to him.

5. ANNUAL REORGANIZATION OF CLAYTON CITY COUNCIL

(a) Election of Mayor by the City Council

Mayor Pierce opened the floor to nominations. Councilmember Geller nominated Hank Stratford for the position of 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 Mayor passed by acclamation (Passed;5-0 vote).**

(b) Election of Vice Mayor by the City Council

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

(c) Recognitions and comments by Mayor and Council Members.

Mayor Stratford thanked Councilmember Pierce for her term and leadership as Clayton's Mayor and presented her with an engraved jewelry box for her service as Mayor in 2013. Councilmember Pierce thanked the Council for the gift and their support.

6. REPORTS

(a) Planning Commission – No meeting held

(b) Trails and Landscaping Committee – No meeting held.

(c) City Manager/Staff

The City Manager thanked former Mayor Pierce for her Mayoral leadership and welcomed Mayor Stratford back as Mayor. He advised them the new Finance Manager, Kevin Mizuno, will be starting on Monday, December 9th. He also introduced Janet Brown as the Interim City Clerk. The City Manager invited the community to attend the Tree Lighting Event hosted by CBCA that is taking place Saturday, December 7th at 6:00 p.m. in Downtown.

(d) City Council - Reports from Council liaisons to Regional Committees, Commissions and Boards.

Councilmember Geller stated he was in attendance at the CBCA meeting

Councilmember Pierce reported she was in attendance at the Self Help Counties Coalition meeting that included 19 counties at a conference in San Diego. The main focus was on transit. It was followed immediately by the California Transportation Foundation meeting. She is recommending a change in Bylaws with the Councils of Government statewide and working on revising the requirements of HCD Housing & Community Development. Councilmember Pierce also had a conference call with Mary Peinado regarding Hospice's Tree of Lights ceremony. Council and the Clayton community are invited to attend that event taking place on December 9th at 5:30 pm at John Muir Medical in Concord at parking lot.

Councilmember Diaz attended the Clayton Library Board meeting and has a few items for the City Manager, which he will get to Gary. CBCA meeting on the 21st and on the 22nd he attended the retirement of former City Clerk, Laci Jackson Kolc

Mayor Stratford noted the community trait focus word is "Kindness" for the month of December.

(e) Other

Mayor Stratford invited Laura Case to the podium at this time.

Laura Case from Supervisor Karen Mitchoff's office extend congratulations to Mayor Stratford on his selection Supervisor Mitchoff wants to extend her thanks to all of the Council for the past year and looks forward to partnering with the Council in the next year.

7. PUBLIC COMMENT ON NON-AGENDA ITEMS - None

8. PUBLIC HEARINGS

- (a) Public Hearing to consider an amendment to the City Master Fee Schedule establishing a fee deposit for processing appeals of Administrative Code Enforcement violation citations.
(Community Development Director)

The Community Development Director presented the staff report. He stated that there was a revision to Exhibit A, Amendment of the Fee Schedule, which was placed on the Council dais this evening indicating the recommended deposit is \$1,800, not \$2,000 Ordinance 451 did not incorporate the monies needed for the appeal process since fees are set by Council resolution. The current amount of \$53.00 is not enough for the appeals process. The new fee of timer time and material with an initial deposit of \$1,800 should cover the costs.

Councilmember Diaz asked if this was the complete fee schedule?

The Community Development Director advised the fee amendment is indicated in red.

Councilmember Diaz expressed interest in fees for modification to Commercial facilities in the downtown area on how those are established and where is that listed?

The Community Development Director stated that subject is outside of the discussion for tonight's meeting and that he could go over that matter with him at City Hall.

Councilmembers Diaz, Pierce and Mayor Stratford agreed that it would be better to take action at this time on this fee.

Mayor Stratford opened up the Public hearing at 7:20 p.m. and asked if there additional comments. No public comments were provided. Mayor Stratford closed the Public Hearing at 7:21 p.m.

It was moved by Councilmember Pierce, seconded by Councilmember Geller, to adopt Resolution 38-2013 approving an amendment to the City Master Fee Schedule establishing a fee deposit for processing appeals of Administrative Code Enforcement violation citations. (Passed;5-0 vote)

9. ACTION ITEMS

- (a) City Council discussion and direction to staff regarding the disposition of General Fund excess monies in the amount of \$182,671 from FY 2011-12.
(City Manager)

The City Manager presented the staff report about the disposition of General Fund excess monies in the amount of \$182,671 from FY 2011-12. The City Manager asked the Council to direct staff on how it would like to allocate the excess funds. Rather than it allow the surplus to be deposited into the General Fund Reserve, it was recommended that \$103,517 go into the Labor Relations Contingency, \$54,154 to Replenish Self Insurance Funds (No. 501) and \$25,000 to Capital Equipment Replacement Fund (No. 502).

Mayor Stratford asked if there were any questions.

Councilmember Geller understood the need to transfer funds to replenish Self Insurance and Capital Equipment Replacement Funds, however he would like to place the funds recommended for the Labor Relations Contingency into the General Fund Reserve.

Mayor Stratford and Councilmember Diaz shared some concerns of the monies being transferred to the Labor Relations Contingency as it sets up the expectation at the Labor negotiation table

The City Manager reiterated that if the excess funds were to be put into the General Fund Reserve, it can appear that the City has \$5 million in monies for Labor negotiations, which the City does not wish to consider.

Mayor Stratford does not want to send the wrong message to the public by pulling funds out of the General Fund Reserve for budgeting negotiations. He expressed preference to budget appropriately and not use the savings.

Councilmember Pierce agreed with Mayor Stratford

Councilmember Geller prefers to put the excess funds into the General Fund Reserve and transfer funds when needed for Labor negotiations

Councilmember Pierce agreed to move it as the recommended contingency and to acknowledge it as a position rather than an absolute commitment.

It was moved by Councilmember Pierce, seconded by Councilmember Diaz, to consider disposition of General Fund Excess, FY 2011-12 as outlined in the staff report. (Passed;4-1 vote, Geller- no).

- (b) Council Member request to discuss proposal for an expanded permanent stage off the existing gazebo at The Grove Park for concerts or other theatrical or musical productions, plus electrical power supply upgrade to 50 amps and a band shade.
(Councilmember Geller).

Councilmember Geller presented a feasibility study to build a raised stage in The Grove Park and upgrade the electrical service. The Saturday Concerts in The Grove as well as the Thursday night concerts series has completed its 6th year. Some issues in the past have been the amount of power for sound equipment and visibility of the band. After speaking with three sound companies, an upgrade to 50 amps of power is suggested. Councilmember Geller handed out plans of a permanent stage option. It was also suggested that other Clayton town events would be able to make use of the stage and additional power. In addition to a stage, there is also a need for a shade structure.

Mayor Stratford asked the type of material the stage would be made out of?

Councilmember Geller suggested Trek wood match the existing gazebo.

Mayor Stratford asked about a removable stage option.

Councilmember Geller responded a removable option comes in pieces and requires someplace to store it and a crew to set it up and tear it down for the events.

Councilmember Diaz agrees on the upgrade of the power to 50 amps and finds the gazebo an attractive structure but not functional for live music. Councilmember Diaz is in favor of a removable shade structure that can be used at other Clayton town events.

Councilmember Pierce agrees with the upgrade to 50 amps and made the suggestion that it needs to be weatherproof. She also asked the Community Development Director about the requirement of some sort of hand rail or barrier needed on the permanent raised platform.

The Community Development Director advised that a hand rail or barrier is likely needed as it presents a health and safety issue

Councilmember Pierce is not in favor of the stage; she feels that it takes away from other uses in the park. Councilmember Pierce also suggested a temporary shade structure with removable poles that can be capped off when not in use.

Vice Mayor Shuey suggested Councilmember Geller have someone do a graphic rendering in 3D to see what it would look like, including storage, and seek community input.

Mayor Stratford agrees to upgrade the power supply and was inclined to support a temporary stage.

Councilmember Geller would like to move forward with the 50 amps and suggested a custom fit cantilever shade. Also requested staff provide the safety requirements needed for the stage.

Vice Mayor Shuey suggested the shade structure would need to be pretty high and he does not want to impede grass area play for park users. Suggested a temporary dance floor rather than stage.

Councilmember Pierce doesn't want to lose view of Mt. Diablo with a shade structure.

Vice Mayor Shuey noted he originally suggested additional shade needed by play structure. The existing trees were not creating enough shade for area. However, since that time he has seen how permanent shade structures can be used as alternative creative play structures by kids and he would advise against them.

The City Manager noted a Council's previous goal from last year's Council Manager Goals Study Session was for staff to research the expense for a 50 amp system, and staff is already looking into the upgrade to 50 amps.

No public comments were received.

It was moved by Councilmember Pierce, and seconded by Vice Mayor Shuey, to approve the upgrade to 50 amps at The Grove Park (Passed;5-0 vote).

10. **COUNCIL ITEMS** – limited to requests and directives for future meetings.
None.

11. **RECESS** At 8:22 p.m., the Council recessed the meeting until the conclusion of the Oakhurst Geological Hazard Abatement District Meeting.

12. **RE-OPEN THE CITY COUNCIL MEETING** – Mayor Stratford reopened the City Council meeting at 8:36 p.m.

13. **8:38 p.m. CLOSED SESSIONS** – on call by Mayor Stratford, the City Council adjourned into Closed Session for the following purposes:

- (a) *Government Code Section 54956.9(d)(1)*
Conference with Legal Counsel – Existing Litigation
City of Brentwood, et al. v. Campbell – Superior Court Case No. A138268

- (b) *Government Code Section 54957.6*, Conference with Labor Negotiator
Instructions to City-designated labor negotiator: City Manager.

1. Employee Organization: Clayton Police Officers' Association (CPOA).

- (c) *Government Code Section 54957*
Public Employee Annual Performance Evaluation
Position Title: City Manager

- (d) *Government Code Section 54957.6*, Conference with Labor Negotiator
Instructions to City-designated Representative: Julie K. Pierce, Council Member
Unrepresented City Employee: Gary Napper, City Manager

Reports out from Closed Session: At 9:52 p.m. Mayor Stratford announced re-opened the public meeting and announced there was no reportable action taken.

14. **ADJOURNMENT**— on call by Mayor Stratford the meeting adjourned at 9:52 p.m.

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Respectfully submitted,



Janet Brown, Interim City Clerk

APPROVED BY CLAYTON CITY COUNCIL



Hank Stratford, Mayor