

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

TUESDAY, December 17, 2013

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:00 p.m. by Mayor Stratford in Hoyer Hall of the Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Stratford, Vice Mayor Shuey, Councilmembers Diaz and Pierce. Councilmembers absent: Councilmember Geller. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, Assistant to the City Manager Laura Hoffmeister, and Interim City Clerk Janet Brown.
2. **PLEDGE OF ALLEGIANCE** – led by Mayor Stratford.
3. **CONSENT CALENDAR**- It was moved by Councilmember Pierce, seconded by Vice Mayor Shuey, to approve the Consent Calendar as submitted (Passed; 4-0).
 - (a) Information Only – No Action necessary.
 1. City Attorney memo regarding new Brown Act governing body public voting requirements, effective 01 January 2014.
 - (b) Approved the minutes of the regular meeting of December 3, 2013.
 - (c) Approved Financial Demands and Obligations of the City.
 - (d) Adopted a Resolution setting, adjusting and approving the City Manager's salary range and ordering employee compensation and benefits adjustments.
 - (e) Adopted a Resolution accepting completion of the City's 2013 Neighborhood Street Pavement Rehab Project (CIP No. 10417) and ordered the City Clerk to file the Notice of Completion.
 - (f) Approved the Mayoral re-appointment of Joyce Atkinson to serve on the Contra Costa County Library Commission and Jeanne Boyd as the Alternate Library Commissioner, each with a term of office ending June 30, 2016.
 - (g) Approved the Mayoral re-appointment of Peggie Howell to serve as a Trustee on the Contra Costa County Mosquito and Vector Control District.
 - (h) Adopted a Resolution approving and appropriating a total of \$182,671 in General Fund excess monies from FY 2011-12 into two City Funds and one Account in FY 2013-14 for organizational priorities of the City's general governmental operations.
 - (i) Approved the Mayoral appointment of the Community Development Director as the replacement City member to the Oversight Board of the Clayton Successor Agency, pursuant to Section 34179 of the California Redevelopment Law.
4. **RECOGNITIONS AND PRESENTATIONS** – Recognition of appreciation to Merry Pelletier, City Finance Manager retiring on December 31, 2013, following thirteen years of service to the City and community of Clayton.

Mayor Stratford thanked Merry for assisting the City in preparing the Budget within the guidelines and on time, and then presented her with a appreciation plaque.

Merry thanked the City Council, City Manager, and the Assistant to the City Manager for being supportive and patient. During her retirement, Merry plans to still be involved with the City of Clayton by volunteering.

5. REPORTS

- (a) Planning Commission – Commissioner David Bruzzone reported there was Planning Commission meeting held on December 10, 2013. There was one item on the Agenda: approve a Development Plan Time Extension, Creekside Terrace Mixed Use Project; applicant- City of Clayton. Planning Commission Resolution 06-13 extending for one year the Creekside Terrace Development plan from January 6, 2014 through January 6, 2015 was approved 5-0 vote.
- (b) Trails and Landscaping Committee – No meeting held.
- (c) City Manager/Staff – The City Manager thanked Merry Pelletier for a great work over the last thirteen years and recognized her as the first employee to receive the Employee of the Year award when he became the City Manager. He introduced Kevin Mizuno to the City Council as the new Finance Manager and invited him to the podium to share some remarks.

Kevin Mizuno introduced himself to the City Council and gave a brief summary of his background in auditing, specializing in city and county agencies. Kevin provided some history of growing up in the city of Clayton and attending Clayton Valley High School. He is happy to be back in Clayton and is looking forward to working with the City Council.

The City Manager made an announcement of the upcoming City Hall closures: Tuesday and Wednesday, December 24th and 25th due to Furlough and Christmas Day, and Tuesday and Wednesday, December 31st and January 1st due to Furlough and New Year's Day. He advised the Police Department will still provide services during the City Hall closures.

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

Councilmember Diaz attended the Citizen of the Year dinner in Concord. He also attended the Annual Tree Lighting and dinner with the Clayton Business & Community Association on December 7th.

Councilmember Pierce attended the Association of Bay Area Governments Regional Planning Committee meeting on December 4th, updating Priority Development Areas (PDAs) and Priority Conservation Areas (PCAs). She announced her election as President for the Contra Costa Transportation Authority on December 5th. The Contra Costa Transportation Authority recently announced the Caldecott tunnel opened on time and below budget. The project received funding from a number of sources, the two largest sources were American Recovery and Reinvestment Act (ARRA) and Contra Costa Measure J Funds. State Route Highway 4 Operational Improvements (Project 6006) passed which began negotiations and Notice to Proceed with Mark Thomas & Company, Inc. for Project Initiation services for Measure J projects such as I-680/State Route 4 (Phase 3). The current corridor was designed over 60 years ago, an upgrade to

three lanes is needed. Councilmember Pierce attended the Clayton Business & Community Association Annual Tree Lighting and the Historical Society's Christmas Homes Tour. She also attended the Transportation Partnership and Cooperation (TRANSPAC) meeting on December 12th. She reported TRANSPAC has been ordered by CalPERS to disassociate itself from the City of Pleasant Hill as a separate public agency, and it is considering the formation of a joint powers authority to do so.

Councilmember Shuey attended a Charter High School meeting and the Mugs and Cocoa after school study event. Volunteers from Clayton and Concord assisted with this one week event. Student Services would like to sponsor more of these events with the help of volunteers creating an after school safe haven for the students.

Mayor Stratford attended the Contra Costa County Mayors Conference hosted by the City of Pittsburg on December 5th. He also attended the Clayton Business & Community Association Annual Tree Lighting and Hospice Tree Lighting in Concord along with Concord Mayor Grayson. Mayor Stratford attended the East Contra Costa Habitat Conservancy meeting that was held on December 9th. He discussed the Roddy Ranch parcel located in Antioch owned by the East Bay Regional Parks District with the intent of keeping it as open-space.

(e) Other- None.

6. PUBLIC COMMENT ON NON-AGENDA ITEMS –

Bruce Albont expressed concern over the Silver Oaks development project. He inquired about the awareness of the City Council on the project, specifically the Rezoning. He stated that he has tried to contact the Mayor's office with no response and has felt insulted and ignored. He stated that Developers may not have Clayton's best interest at heart and requested that City Council try to find ways around the Silver Oaks development project.

Mayor Stratford advised that the City Council receives updates of proposed Planning projects through the City Manager's weekly report.

Denise Pursche spoke to the City Council of her findings about Common Core. She has been in attendance at Mt Diablo Unified School District Board Meetings for the past 3 months. She believes that Board has not been informed of the issues surrounding Common Core. Ms. Pursche quoted Diane Ravitch (a historian of education, an educational policy analyst, and a research professor at New York University's Steinhardt School of Culture, Education, and Human Development) by stating the standards/process was and is fundamentally flawed. She indicated that she does not know Ravitch or is she affiliated with any group that is either for or against Common Core; rather, she is a parent that happened across an article about Common Core and Data Mining, and is seeking truthful information to share with other parents and constituents.

Councilmember Pierce asked if Ms. Pursche would share some of links to Common Core Information she has found.

7. PUBLIC HEARINGS- None.

8. ACTION ITEMS

- (a) Consideration of the City's Annual Report concerning the City's levy, collection and disposition of development impact mitigation fees during Fiscal Year 2011-2012, in compliance with the California Government Code (AB 1600).
(Assistant to the City Manager)

The Assistant to the City Manager acknowledged new Finance Manager, Kevin Mizuno's assistance in the preparation of the attached staff report. The Assistant to the City Manager presented the staff report to the City Council. Section 66006 (b)(1) of the Government Code of the Government Code requires each local agency to make public a report on developer fees within 180 days after the last day of each fiscal year. Section 66006 (2) also requires each local agency to review the report at a public meeting not earlier than 15 days after the information is made available to the public. The City of Clayton presented its year-end audited financial statement and closing reports for fiscal year ended June 30, 2013 at the City Council meeting on November 19, 2013. There are eight reporting requirements on fees that the local agency must adhere to each fiscal year. The City is in full compliance with seven of the eight reporting requirements. Compliance is obtained by adopting a resolution that makes a finding that there remains a reasonable relationship between the current need for the fees and the purpose for which they were originally proposed. The developer fees that require further compliance findings are the collections for Childcare Facility. Offsite Arterial Improvement, Fire Protection and Community Facilities fees have not been used to fund expenditures in excess of 5 years. It is important the City Council make these findings to ensure continuance of funding resources for these important programs. The Assistant to the City Manager indicated on attachment 2 and 3, status of the Marsh Creek Road Sewer, Police Impact and Open Space In-Lieu Fees were included. Attachment 4 and 5 reflects the History of the Summary of Fees and Balances over \$7 Million dollars.

Councilmember Pierce commented on attachment 3(k) Library Upgrades project Category under "Streets" instead of Community Facility on the Project Attachment page?

The Assistant to the City Manager indicated it is clerical error and confirmed the correct category as Community Facility.

Mayor Stratford asked for Public Comments. No public comments were received.

It was moved by Councilmember Pierce, and seconded by Councilmember Diaz, to approve the City's Annual Report concerning the City's levy, collection and disposition of development impact mitigation fees during Fiscal Year 2011-2012, in compliance with the California Government Code (AB 1600). (Passed; 4-0 vote).

- (b) Review and determination of City Council ad-hoc, committee, inter-governmental and regional board assignments for 2014.
(Mayor Stratford)

Mayor Stratford requested review of the current assignments to ensure City Council schedules still meet the needs of the various committees. Changes were proposed for the Citizens Corps Council (CERT), Clayton Financing Authority, Oakhurst Geological Hazard Abatement District (GHAD) and Trails and Landscaping Committee (TLC) Liaison. The Clayton "Unsung Heros" Recognition Program committee was eliminated as any such recognition could be accomplished through the "Do the Right Thing" program.

It was moved by Councilmember Pierce, and seconded by Councilmember Diaz, to approve the City Council ad-hoc, committee, inter-governmental and regional board assignments for 2014. (Passed; 4-0 vote).

9. **COUNCIL ITEMS** – limited to requests and directives for future meetings.
None.
10. **7:47 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).

8:32 p.m. Reports out from Closed Session: Mayor Stratford announced Council received information and gave direction to Legal Counsel and Labor Negotiator.

11. **ADJOURNMENT**– on call by Mayor Stratford the meeting adjourned at 8:33 p.m.

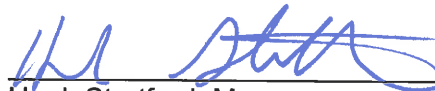
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Respectfully submitted,



Janet Brown, Interim City Clerk

APPROVED BY CLAYTON CITY COUNCIL



Hank Stratford, Mayor