

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

TUESDAY, February 4, 2014

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:03 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, Geller (arrived at 7:08 p.m.) and Pierce. Councilmembers absent: None. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, Interim City Clerk Janet Brown, Community Development Director Charlie Mullen and Finance Manager Kevin Mizuno.
2. **PLEDGE OF ALLEGIANCE** – led by Mayor Stratford.
3. **CONSENT CALENDAR-** It was moved by Councilmember Pierce, seconded by Councilmember Diaz, to approve the Consent Calendar as submitted (Passed; 4-0).
 - (a) Approved the minutes of the regular meeting of January 21, 2014.
 - (b) Approved Financial Demands and Obligations of the City.
 - (c) Approved Addendum No. 1 to the Consulting Services Agreement with Raney Planning and Management to prepare the Environmental Analysis (IS/MND) for the Silver Oak Estates residential development project; DP-01-10; MAP-01-10 & ENV-02-10.
 - (d) Approved the low-bid award of contract to Marken Mechanical Services in the amount of \$116,700.00 for replacement of one (1) HVAC chiller and associated pump in the Clayton Community Library; approved a contract with Entek Corporation for engineering project specifications and drawings (\$8,547.00) and project construction management services (\$1,300); and authorized the allocation of \$127,547.00 from the City's Capital Improvement Budget interest earnings account to fund the facility maintenance need (CIP No. 10435).
4. **RECOGNITIONS AND PRESENTATIONS** – None.
5. **REPORTS**
 - (a) Planning Commission – Commissioner Dan Richardson indicated the Commission's recommendation to the Council of an amendment to a portion of the Clayton Municipal Code, Title 17 Chapter 17.28 Planned Development (PD) District, to establish the Site Plan Review Permit process to be used for processing of multiple-family development projects located on property designated as Multifamily High Density (MHD) on the General Plan Land Use Map. A Resolution was also adopted approving the Site Plan Review Permit to remodel the existing Skipolini's Pizza Restaurant and associated exterior improvements, approved the Use Permit for four (4) bocce ball courts ancillary to the existing restaurant, approved the Lot Line Adjustment to five (5) existing parcels, and approved the Variance for the average lot width and lot size of an existing nonconforming lot.

Councilmember Geller arrived at meeting.

- (b) Trails and Landscaping Committee – None.
- (c) City Manager/Staff – None.
- (d) City Council - Reports from Council liaisons to Regional Committees, Commissions and Boards.

Councilmember Diaz attended the ConFire Board of Directors meeting which reviewed the report by Fitch & Associates. He also attended the Council sub-committee's review of the Mid-year Budget and the Clayton Business and Community Association meeting.

Councilmember Pierce attended the League of California Cities meeting. She was also in attendance at the ABAG Executive Board Special meeting, East Bay League meeting and the kick off meeting for Senator Mark DeSaulnier running for Congress.

Councilmember Geller booked the bands for the 2014 Concerts in the Grove and worked with Maintenance upgrading the power at The Grove Park before the concert season begins.

Vice Mayor Shuey also attended the Clayton Business and Community Association meeting. He also met with the Clayton Valley Little League regarding its fields and displacement from the charter high school campus.

Mayor Stratford attended the Council sub-committee's meeting on the FY 2013 Audit and the Mid-Year Budget review. He announced the "Do the Right Thing" monthly trait for "Self-Discipline" is coming to a close.

- (e) Other- None.

6. **PUBLIC COMMENT ON NON-AGENDA ITEMS** – None.

7. **PUBLIC HEARINGS**

- (a) Second Reading and Adoption of Ordinance No. 452 amending portions of the Clayton Municipal Code, Chapters 15.01, 15.02, 15.03, 15.04 and 15.05 to bring the City's Building, Electrical, Plumbing and Mechanical Codes into compliance with and thereby adopt the 2013 Editions of the respective California Building Standards Codes with changes, additions, and deletions as allowed by state law (ZOA-06-13).

The Community Development Director presented the staff report to the City Council and advised no public comments have been received since its introduction on January 7th, 2014.

Mayor Stratford opened the Public Hearing and asked for Public Comments. No public comments were received. Mayor Stratford closed the Public Hearing.

It was moved by Vice Mayor Shuey, seconded by Councilmember Pierce, to have the City Clerk read Ordinance No. 452 by title and number only and waive further reading (Passed; 5-0 vote).

The Interim City Clerk read Ordinance No. 452 by title and number only.

It was moved by Vice Mayor Shuey, seconded by Councilmember Pierce, to adopt Ordinance No. 452 with findings its adoption will not have a significant adverse effect on the environment and is therefore exempt under CEQA. (Passed; 5-0 vote).

- (b) Second Reading and Adoption of Ordinance No. 453 amending portions of the Clayton Municipal Code, Chapters 15.09 to bring the City's Fire Code into compliance with and thereby adopt the 2013 California Fire Code with changes, additions, and deletions as allowed by state law (ZOA-07-13).

The Community Development Director presented the staff report to the City Council and advised no public comments have been received since its introduction on January 7th, 2014.

Mayor Stratford opened the Public Hearing and then asked for Public Comments. No public comments were received. Mayor Stratford closed the Public Hearing.

It was moved by Councilmember Geller, seconded by Councilmember Pierce, to have the City Clerk read Ordinance No. 453 by title and number only and waive further reading (Passed; 5-0 vote).

The Interim City Clerk read Ordinance No. 453 by title and number only.

It was moved by Councilmember Geller, seconded by Councilmember Diaz, to adopt Ordinance No. 453 with findings the adoption will not have a significant adverse effect on the environment and is therefore exempt under CEQA. (Passed; 5-0 vote).

8. ACTION ITEMS

- (a) Presentation and approval of the City's Audited Financial Statement for Fiscal Year 2012-2013 prepared by Cropper Accountancy Corporation, independent Certified Public Accountant firm.

The Finance Manager presented the staff report noting the City received a "clean" audit opinion, and invited John Cropper and Paul Sass to present the City Financial Audit findings as of June 30, 2013.

Mr. Sass went through the presentation and noted Fiscal year ended June 30, 2013 was the first full fiscal year after the dissolution of the Redevelopment Agency, resulting in a reduction of \$2.75 Million in Property Taxes and \$900,000 in other project revenues from the prior year concerning government-wide fiscal condition. The City's General Fund operated FY 2012-13 with a net result of \$26,160 to fund balance.

No public comments were received.

It was moved by Councilmember Diaz, seconded by Councilmember Pierce, to approve and accept the Fiscal Year 2012-13 Audited Financial Statement, prepared by Cropper Accountancy Corporation, independent Certified Public Accountant firm. (Passed; 5-0 vote).

- (b) Consideration of a Resolution approving the carry-over of specific project and operational encumbrances in the total amount of \$151,702 from the FY 2012-13 Budget and amend the FY 2013-14 City Budget accordingly.

The Finance Manager presented the staff report and noted as of June 30, 2013 our fiscal year ended leaving some General Fund department budgets with several line items open, which is a common occurrence in an annual budget. The City traditionally evaluates each year the necessity of rolling over (or encumbering) planned expenditures into the current fiscal year for completion. The City Council formally approves such fiscal action by the adoption of a corresponding encumbrance Resolution. In addition to the General Fund items, totaling \$102,602, and the Landscape Maintenance District Fund has \$49,100 in open prior year line items that are expected to be paid in fiscal year 2013-14. Following analysis by staff and the Council budget sub-committee, the following encumbrance of \$151,702 for the General Fund and Landscape Maintenance District Fund are recommended.

No public comments were received.

It was moved by Councilmember Diaz, seconded by Councilmember Pierce, to adopt a Resolution 01-2014 approving carry-over/encumbrance of unexpended operating budget and capital outlay funds in the amount of \$151,702 from Fiscal Year 2012-2013 and amending the 2013-2014 City Budget accordingly. (Passed; 5-0 vote).

9. **COUNCIL ITEMS** – None.

10. **7:41 p.m. CLOSED SESSION** – on call by Mayor Stratford, the City Council adjourned into Closed Session for the following purpose:

- (a) 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).

8:25 p.m. Report out from Closed Session: Mayor Stratford announced Council received information and gave direction to its Labor Negotiator.

11. **ADJOURNMENT**– on call by Mayor Stratford the meeting adjourned at 8:25 p.m.

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Respectfully submitted,



Janet Brown, Interim City Clerk

APPROVED BY CLAYTON CITY COUNCIL



Hank Stratford, Mayor

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