

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

TUESDAY, May 6, 2014

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:03 p.m. by Mayor Stratford (and by “Mayor for the Day” Scott Tomaszewicz) in Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Stratford, Vice Mayor Shuey (arrived at 7:45 p.m.) Councilmembers Geller and Pierce. Councilmembers absent: Councilmember Diaz (excused absence). Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, City Clerk Janet Brown, Finance Manager Kevin Mizuno.

2. **PLEDGE OF ALLEGIANCE** – led by “Mayor for the Day” Scott Tomaszewicz.

Mayor Stratford introduced Scott Tomaszewicz, as “Mayor for the Day” and presented him with a certificate of recognition.

3. **CONSENT CALENDAR-** It was moved by Councilmember Geller, seconded by Councilmember Pierce, to approve the Consent Calendar as submitted (Passed; 3-0 vote).
 - (a) Information Only – No action necessary.
 1. Notification to Clayton real property owners of a City of Concord annual sewer service charge increase effective July 1, 2014 (10.74% increase to \$402/year for a single-family dwelling) for real property sewer services and maintenance, repair and operation of Clayton’s municipal sewer system.
 - (b) Approved the minutes of the regular meeting of April 15, 2014.
 - (c) Approved Financial Demands and Obligations of the City.
 - (d) Adopted Resolution 07-2014 approving a three (3)-year time extension through June 30, 2017 of the City’s agreement with Contra Costa County for continuance of contract Building Plan Check and Inspection Services for the City of Clayton.
 - (e) Adopted Resolution 08-2014 calling for the preparation of an Engineer’s Report for calculation of the real property tax assessments in FY 2014-15 for the Diablo Estates at Clayton Benefit Assessment District (BAD).
 - (f) Adopted Resolution 09-2014 approving a Joint Powers Authority (JPA) for TRANSPAC (central county transportation) purposes and issues, and authorizing the Mayor to execute the JPA Agreement.

4. **RECOGNITIONS AND PRESENTATIONS**
 - (a) Proclamation presented declaring May 7, 2014 as “Scott Tomaszewicz Day” in the City of Clayton in recognition of being “Mayor for the Day.”

- (b) Certificates of Recognition to “Do The Right Thing” public school students selected for exemplifying the character trait of “Integrity”.

Principal Patti Bannister showed a video featuring Diablo View Middle School students; “The Upstander Project” by Ms. Ploetz’s class.

Mayor Stratford and Mt. Diablo School teachers Mrs. Clary and Mrs. Osterkamp and Principal Irene Keenan recognized students Kelsey Macaulay and Kyle Pacak.

Mayor Stratford and Diablo View Middle School teachers and Principal Patti Bannister recognized students Alli Moody and Courtney Lally.

Mayor Stratford and Clayton Valley Charter High School teachers Mrs. Ihle and Ms. Jones recognized students Kelly Dugan, Jordan Tate, Haley Cappa, and Jonathan Allen (who was unable to attend the meeting).

- (c) A Proclamation declaring May 2014 as “American Red Cross Month” in the City of Clayton.

Mayor Stratford read a Proclamation declaring May 2014 as “American Red Cross Month” in the City of Clayton.

5. REPORTS

- (a) Planning Commissioner Dan Richardson reported on the April 22nd meeting of the Planning Commission; the Commission approved a request for a sign variance permit by Transwestern Commercial Real Estate to advertise the City’s vacant undeveloped property for sale located off Main Street in the Clayton Town Center.

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

- (c) City Manager/Staff – None.

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

Councilmember Geller attended Clayton Cleans Up which was attended by approximately 300 volunteers; he thanked the *Clayton Pioneer* owners, Tamara and Bob Steiner, for their sponsorship of this community event. He also attended the Clayton Business and Community Association’s annual Art and Wine Festival.

Councilmember Pierce attended Clayton Cleans Up and also thanked the *Clayton Pioneer* for sponsoring the event. Councilmember Pierce also attended several meetings including the Contra Costa Transportation Authority, Associated Bay Area Government, TRANSPAC, Bay Area Council Institute, and the Mayors’ Conference. She also attended the Clayton Business and Community Association annual Art and Wine Festival. Councilmember Pierce

announced a few upcoming events: Saturday's "Concerts in The Grove", Clayton's Certified Farmers' Market opens, and a 5K Run takes place on July 19th for a local Girl Scout's Gold Award project.

Councilmember Geller noted the recent Clayton Bocce Ball team signups were originally scheduled for several days and times; however, the first signup had over 700 people. Currently there is a waiting list of over 100 people. Opening day is projected for June 16th. He also announced community events beginning this weekend: Clayton's Certified Farmers' Market; and the first "Concerts in The Grove" features Mike Amaral's California Beach Boys.

Vice Mayor Shuey arrived at the meeting and reported on Clayton Valley Charter High School and Mt. Diablo Unified School District Board matters concerning expansion plans, sports fields and Measure C Funds. On behalf of the Clayton Valley Little League (CVLL), Vice Mayor Shuey expressed appreciation to City Maintenance staff and the City Manager on their responsive efforts to accommodate CVLL's rapid need to relocate to and improve the playing fields at Clayton Community Park.

Mayor Stratford attended the Mayors' Conference and the East Contra Costa Habitat Conservancy meeting that was held in Clayton Community Library. Mayor Stratford announced the Do The Right Thing character trait for the next three months is "Courage".

- (e) Other- None.

6. PUBLIC COMMENT ON NON-AGENDA ITEMS

a. Battalion Fire Chief Dominic Ciotola updated the City Council on recent activity regarding a structural fire off Kirkwood and vegetation fires outside of Clayton. He also reported Engine 22 will be covering the Clayton zone during the upcoming Clayton Business and Community Association annual Art and Wine Festival. The District's website had some recent upgrades including Public Information Officer updates now available to the community on Twitter. A Fire Academy will begin on May 19th in order to hire new personnel to fill the temporary re-opening of fire stations using SAFER grant monies.

Mayor Stratford asked how long is the fire academy? Battalion Chief Ciotola advised the fire academy is a 16 week process.

b. Maria Xiaris, founder of the Clayton Valley Village Group, asked the Council's help in developing the leadership of the group by recommending former Councilmembers with community outreach experience. Mayor Stratford advised he is familiar with the Clayton Valley Village Group through one of his neighbors.

c. Ayore Riaunda, Oakley resident and a County accountant for 17 years, asked the Council to consider taking the lead on adoption of a resolution asking the County to allow every property taxpayer to easily find out exactly how much of their 1% property tax dollars are distributed to each government agency. Mr.

Riaunda would also like to encourage the County Auditor-Controller's website to easily display information regarding how the 1% property tax is allocated.

d. Jessica Millender, Area Manager with the Pacific Coast Farmers' Market Association, introduced Caitlin Orton who will be the Clayton's Certified Farmers' Market Manager for the 2014 Season. Mayor Stratford asked if Ms. Millender will actually be at the market on those Saturday mornings? Ms. Millender replied Ms. Orton will indeed be there.

Councilmember Pierce asked if there will be the ceremonial "Catch a Cabbage" by Mayor Stratford? Mayor Stratford noted he will be out of town on May 10th and asked if Vice Mayor Shuey would attend in his place? Vice Mayor Shuey will attend the Market ribbon cutting and "Catch a Cabbage" at 9:30 am.

7. **PUBLIC HEARINGS** - None.

8. **ACTION ITEMS**

- (a) Consideration of two Resolutions related to the regularly-scheduled General Municipal Election to be held on November 4, 2014 to elect two (2) City Council Members to public office for 4-year terms ending December 2018.
(City Clerk)

City Clerk Janet Brown presented the staff report to the City Council requesting passage of the two Resolutions. The first Resolution is needed to call the election. The second Resolution establishes the Voluntary Candidate Statement word count; the City Council has the option of setting a 200 or 400 word cap per Statement, according to Election Code 13307. If the word count is increased, the estimated deposit for the voluntary Candidate Statement must increase as well.

There were no public comments provided on this item.

It was moved by Councilmember Pierce, seconded by Councilmember Geller, to adopt a Resolution calling the General Municipal Election of November 4, 2014, requesting and consenting to consolidation and handling of the election by the Contra Costa County Elections Office, and setting specification of the election order. (Passed; 4-0 vote).

It was moved by Councilmember Pierce, seconded by Councilmember Geller, to adopt a Resolution setting and adopting a policy of a 200 word cap limit for voluntary Candidates' Statements printed in the November 4, 2014 Voters' Information Pamphlet. (Passed; 4-0 vote).

- (b) Consider the 2nd Reading and Adoption of proposed Ordinance No. 455 adding a new Chapter 9.35 to the *Clayton Municipal Code* regarding camping and public urination within the city limits of Clayton.
(Chief of Police)

City Manager Gary Napper informed the City Council this item is the second reading needed for adoption of proposed Ordinance No. 455 and reported there have not been any public comments received regarding adding new Chapter 9.35 to the *Clayton Municipal Code*.

Mayor Stratford opened the floor to receive public comments; no public comments were offered.

It was moved by Councilmember Pierce, seconded by Vice Mayor Shuey, to have the City Clerk read Ordinance No. 455 by title and number only and waive further reading. (Passed; 4-0 vote).

The City Clerk read Ordinance No. 455 by title and number only.

It was moved by Councilmember Pierce, seconded by Vice Mayor Shuey, to approve Ordinance No. 455 with findings its adoption will not have a significant adverse impact on the environment and is therefore exempt under CEQA. (Passed; 4-0 vote).

- (c) Consider a proposed 15-year time extension to the existing Community Facilities District (CFD) real property parcel tax supporting and funding the Downtown Park's ["The Grove Park"] operation and maintenance by placement of a local ballot measure on the November 2014 General Municipal Election.
(Assistant to the City Manager)

Assistant to the City Manager Laura Hoffmeister presented the staff report and noted with City Council approval this item will return at the May 20th meeting for additional action. The existing real property parcel tax will expire in 2016-17 following its initial 10-year approval by voters and staff proposes to seek voter approval now to extend the monetary support to operate and maintain the popular park for an additional 15 years.

City Manager Gary Napper added the Community Facilities District real property tax ballot measure will not request any changes to the current tax rate with its CPI escalator clause capped at 3% per year. This year, single family dwelling property owners pay a total of \$18.56 per year to fund the park's maintenance and operation.

Mayor Stratford asked if there are limits or options to the length of time extension? Assistant to the City Manager Laura Hoffmeister advised this parcel tax can be of any term length.

Councilmember Geller asked if the amount of \$18.56 per year is enough? City Manager Gary Napper responded the \$18.56 per single family dwelling per year has been sufficient and the ballot measure further required revenue funds be set aside for a reserve and replacement improvements to such park features as the play surface, tot lot apparatus, and the water play area including its sprayers. Future improvements will likely be needed for the wooden gazebo and picnic shelter.

Mayor Stratford opened the agenda item for public comment. No public comments were offered.

It was moved by Councilmember Pierce, seconded by Vice Mayor Shuey, to adopt a motion to provide policy directing staff to move forward with a November 2014 ballot measure for a proposed 15-year time extension only to the existing Downtown Park special parcel tax and retaining its current tax rate methodology. (Passed; 4-0 vote).

9. **COUNCIL ITEMS** – None.

10. **CLOSED SESSION 9:12 p.m.** – 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: Assistant to the City Manager.

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

9:37 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 City Council meeting adjourned at 9:37 p.m. Its next regular meeting will be on Tuesday, May 20th at 7:00 p.m.

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Respectfully submitted,



Janet Brown, City Clerk

APPROVED BY CLAYTON CITY COUNCIL



Hank Stratford, Mayor

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