MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

TUESDAY, May 20, 2014

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:03 p.m. by Mayor Stratford in Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Stratford, Vice Mayor Shuey (arrived at 7:33 p.m.) Councilmembers Diaz, Geller and Pierce. Councilmembers absent: None. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, City Clerk Janet Brown, Community Development Director Charlie Mullen.

2. **PLEDGE OF ALLEGIANCE** – led by Mayor Stratford.

3. **CONSENT CALENDAR- It was moved by Councilmember Diaz, seconded by Councilmember Pierce, to approve the Consent Calendar as submitted (Passed; 4-0 vote).**

(a) Approved the minutes of the regular meeting of May 6, 2014.

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

(c) Adopted Resolution No. 12-2014 approving the Engineer's Report for the Diablo Estates Benefit Assessment District real property tax assessments in FY 2014-15 and setting a noticed public hearing on July 15, 2014.

4. **RECOGNITIONS AND PRESENTATIONS**

(a) Recognition of Police Sergeant Richard McEachin in appreciation for service to the Clayton community as a local law enforcement officer since November 2005.

Mayor Stratford invited Police Chief Chris Thorsen to share a few words about Police Sergeant McEachin on his leaving employment with our City.

Police Chief Thorsen noted the 9 years of dedicated law enforcement service to the community from Police Sergeant McEachin, and acknowledged his last week of employment included assisting the Police Department with whatever operational coverage was needed, from maintenance of equipment to staff scheduling.

Mayor Stratford acknowledged Police Sergeant McEachin noting appreciation of his mannerisms and community involvement. Mayor Stratford presented a plaque recognizing Sergeant McEachin's service to the City of Clayton Police Department.

Mayor Stratford then requested introduction of Clayton's newest police officer also present in the audience. Police Officer Rich Enea introduced Officer Lee Borman and provided a brief description of his training completed and training left to complete. Police Officer Lee Borman introduced himself and commented he is glad to be a part of the Clayton community and looks forward to protecting its residents.

5. REPORTS

(a) Planning Commissioner Sandra Johnson reported from the Planning Commission meeting held May 13th. She indicated the Clayton Historical Society submitted plans to improve the exterior area adjoining the existing Joel Clayton home by proposing a garden plaza and site improvement modifications. A Public Hearing was held to consider the draft 2015-2023 General Plan Housing Element, which included a presentation from Jennifer Gastelum, Project Manager for Pacific Municipal Consultants. After minor adjustments, the Commission recommends the City Council direct staff to submit the draft 2015-2023 Housing Element update to HCD for review. Staff is continuing to work with applicants from the Creekside Terrace and Silver Oak Estates projects. Staff provided additional information to the applicants for the Canyon Creek subdivision project located on Marsh Creek Road prior to its re-submittal.

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

(c) City Manager/Staff

City Manager Napper reported the State released its budget for next year, and among other matters it increases the total amount of Police COPS Grant funds statewide from $27.5 Million to $40 Million. Unfortunately, Clayton is a small City qualifying still for the minimum amount $100,000.00 per year; our City is grateful for the grant continuance as the monies underwrite the City's expense for its 11th police officer position.

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

Councilmember Diaz completed the classroom portion of the CERT training. He attended the Library Foundation Lunch where Library Volunteers were recognized for their volunteerism at the Clayton Library. He also attended the opening day of the Clayton Farmers' Market and Saturday "Concerts in The Grove" series.

Councilmember Pierce attended the TRANSPAC - Joint Policy Committee meeting comprised of four regional agencies (Association of Bay Area Government, Metropolitan Transportation Commission, Bay Area Air Quality District and Bay Area Conservation Development Commission), Joint meeting of Association of Bay Area Government and Metropolitan Transportation Committee, Association of Bay Area Government Regional Planning Committee's Prosperity Grant, and the Association of Bay Area Government Executive Board Meeting. She was also in attendance at the opening day of the Clayton Farmers' Market and Saturday's "Concerts in The Grove" series.

Councilmember Geller attended the Saturday "Concerts in The Grove" series. Donations received at the opening day concert were $1,735.55. The goal is to raise $20,000.00 to fund next year's series. He announced the Boys of Summer Eagles Tribute band will perform on Saturday, May 24th. Councilmember Geller attended the Clayton Farmers' Market, Clayton Garden Club Plant Sale and participated in the Clayton Classic Golf Tournament hosted by the Clayton Business and Community Association.

Mayor Stratford announced the "Do The Right Thing" character trait "Courage" certificates with be presented at the next City Council meeting on June 3rd.

(e) Other- None.

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

7. **PUBLIC HEARINGS** - None.

8. **ACTION ITEMS**

(a) Consider certain matters associated with the placement of a local tax ballot measure on the November 4, 2014 General Municipal Election ballot pertaining to voter-determination to extend the existing real property special tax to continue funding the annual operations and maintenance of "The Grove Park" in the Clayton Town Center:

1. Adopt a Resolution of Consideration to propose extending the existing special tax for Community Facilities District 2006-1 (Downtown "The Grove" Park) for a 15-year period ending June 2032 and retaining the current tax rate methodology;

2. Schedule a public hearing for July 1, 2014 regarding the Resolution of Consideration; and

3. City Council review and policy direction to staff regarding the proposed text of the ballot measure for voter consideration.
(Assistant to the City Manager)

Assistant to the City Manager Laura Hoffmeister presented the staff report and provided a history of the Downtown Park Operation and Maintenance noting General Fund monies were insufficient to undertake the ongoing maintenance and operations of the park if it were built using state grant and redevelopment agency monies . At that time the City Council formed a Community Facilities District dedicated to fund maintenance and operation expenses of a future downtown park if the public voted for a special parcel tax rate. Measure "O" was established for a 10 year period and received 68.19% voter approval.

This tax and its revenue to operate and maintain The Grove Park is due to expire in June 2017. On May 4, 2014 staff was directed to explore placing a ballot measure before the voters for a fifteen year extension of the special tax using the same tax rate methodology. The approved Resolution begins the process setting forth procedures and a Public Hearing on July 1st, and places the measure on the November 4, 2014 ballot. Three different Ballot Measure language samples, limited to a maximum of 75 words including the title, were presented for the Council's consideration.

Councilmember Pierce suggested the idea of a 20 year extension rather than a 15-year time period as she believes the public will continue to support the popular park. She also liked the Option 1 Ballot Language.

Assistant to the City Manager advised if the ballot measure is to be increased to 20 years it needs to be included in the Resolution for adoption.

Councilmember Geller agreed with Councilmember Pierce's suggestion to support the tax extension to 20 years.

(Vice Mayor Shuey arrived)

Mayor Stratford commented about the term and indicated he could support 20 years. Councilmember Diaz noted his support of a 20 year extension.

Mayor Stratford asked the City Manager if the Council could increase the extension to any number of years or even in perpetuity?

City Manager Gary Napper responded this law allows the selection by Council of any time period for the special parcel tax, included one forever. However, he noted the Contra Costa Taxpayers Association and the *Contra Costa Times* editorial staff prefer a specific time frame and ending date for special taxes so the voting public has the opportunity to revisit the need and purpose and whether the public entity has done a good job using the tax monies. In this case, when the first special tax was established the citizens did not have a park constructed to gauge how well the City has maintained it or how beneficial it has been to the downtown. Since voting, the Downtown Park was built and citizens can see how the park has become a part of Clayton community by the large attendance at the many events held there as well as daily use.

Vice Mayor Shuey asked about the consumer price index increase? Assistant to the City Manager Laura Hoffmeister advised the annual CPI rate adjustment is allowed to be the actual CPI increase, as determined by the City Council, but it is capped at no more than a 3% per year rate increase no matter if the actual CPI rise is above 3%.

Vice Mayor Shuey wondered about the merits of extending the term of the tax too far out as future or unexpected maintenance costs may increase that could not be covered by the annual levy or reserves. He asked the City Manager if the tax rate could be increased before the expiration of the approved term? City Manager Napper advised such a need for greater tax revenue must be re-submitted to voters for approval, which would incur an additional cost for a ballot measure too.

Councilmember Pierce advised this is a base amount. If it is found that an increase of tax funds is needed there could be an amendment made to the existing measure submitted for approval. Councilmember Pierce still prefers a 20 year extension of the term.

Mayor Stratford noted he prefers the Ballot Measure language in Option 3. City Manager Napper also prefers Option 3 as it upfront advises the voter of the purpose for the Ballot Measure. Councilmember Geller prefers Ballot Language option 3.

It was moved by Councilmember Pierce, seconded by Councilmember Diaz, to:

1. Adopt Resolution 13-2014 Consideration to propose extending the existing special tax for Community Facilities District 2006-1 (Downtown "The Grove" Park) for a 20-year period ending June 2037 and retaining the current tax rate methodology;
2. Schedule a public hearing for July 1, 2014 regarding the Resolution of Consideration; and
3. City Council policy direction to staff at this stage to use the Option 3 text of the ballot measure for voter consideration. (Passed; 5-0 vote).

(b) Consider the proposed improvement plans of the Clayton Historical Society, in conjunction with the Clayton Business and Community Association (CBCA), of a garden plaza and exterior site additions to the outdoor area of the Clayton Museum building (6101 Main Street; APN 119-011-004), including an entryway arbor, circular garden plaza, decorative seat walls, memorial bench, fencing, trellis, hardscape and walkway paths, historic tractor display and associated water efficient landscaping. (Community Development Director)

Community Development Director Charlie Mullen presented the staff report and advised the City Council to examine the larger 11x17 hard-copy color maps provided at the dais for easier viewing of the proposed site improvements. On May 13, 2014 the Planning Commission recommended City Council approval of the proposed Museum garden plaza and site improvements. Staff further recommends the applicant be advised to supply actual construction drawings for staff review and approval prior to implementation and that staff also review and modernize the current lease agreement with the Historical Society to address matters such as liability and ownership of the improvements and other typical lease provisions.

Community Development Director advised the City Council that Steve Lane, Clayton Valley Garden Club Vice President, is here is answer any questions about the project.

Mayor Stratford noted he has enjoyed walking around the Clayton Historical property.

Councilmember Geller advised Mr. Lane that he has concerns about the safety of the tractor area and the 6' fencing that is to secure the area. Mr. Steve Lane responded the tractor area is subject to community donations and is not scheduled for construction until completely funded.

Councilmember Geller requested clarification the area is subject to donations. Mr. Lane replied the Clayton Historical Society is hoping for a donor to supply the decorative fencing and installation of the tractor display.

Councilmember Geller prefers the tractor display to be installed only when fully funded. He also asked if liability insurance would be provided through the Clayton Historical Society? Mr. Lane confirmed the tractor area would not be installed until fully funded. Once it is installed, there is a fence gate to be opened only during guided field trips. He also confirmed the Clayton Historical Society carries liability insurance.

Councilmember Geller noted the adjoining City property is currently for sale; in the future the use of the public right-of-way which is located within the Clayton Historical Society improvement project may need to be used for economic development of the downtown.

Mayor Stratford asked where is this right-of-way located? Councilmember Geller answered Morris Street.

Councilmember Pierce had concerns about the safety and presence of the tractor and suggested alternatively some of the equipment gathering area could be larger. She also has concerns about public liability and insurance regarding the tractor and would prefer to see more mining equipment at the site as more reflective of the city's past. She noted if a commercial development necessitates use of this public right-of-way, the Clayton Historical Society would need to remove the improvements in the right-of-way.

Councilmember Geller appreciated the effort put into this project and recognized various projects throughout the community that Mr. Lane has been a part of, such as the Daffodil Hill landscaping. Councilmember Pierce agreed with staff the lease operation needs to be clarified. Vice Mayor Shuey is looking forward to the improvements of the property.

It was moved by Councilmember Pierce, seconded by Councilmember Diaz to adopt Resolution 14-2014 approving the Clayton Historical Society's proposed Garden Plaza and other on-site exterior improvements on city-owned real property located at 6101 Main Street; APN: 119-011-004 (aka "Clayton Museum") (CDD-10-14), and instruct staff to examine the lease provisions. (Passed; 5-0 vote).

9. **COUNCIL ITEMS**

Vice Mayor Shuey announced a meeting on May 21, 2014 at 5:00 pm will take place at the Clayton Valley Charter High School concerning its future direction and personnel issues. He encouraged all citizens to attend this important meeting. Councilmember Pierce advised there will be two Public Comment periods during that meeting to accommodate the issues. Vice Mayor Shuey announced the Public Comment periods are scheduled to take place at 5:00 pm and 6:00 pm. Councilmember Pierce advised the meeting will take place in the Multi-Purpose Room at Clayton Valley Charter High School. Vice Mayor Shuey added more information about the CVCHS Board meeting can be found online.

Council Member Pierce requested an item on the Council's next agenda to discuss the potential cancelation of Council meetings during the upcoming summer months.

10. **CLOSED SESSION**

Mayor Stratford announced the need for this Closed Session no longer exists as advised by the City Manager.

(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).

11. **ADJOURNMENT**– on call by Mayor Stratford the City Council meeting adjourned at 8:00p.m. Its next regular meeting will be on Tuesday, June 3rd 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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