

**MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL
TUESDAY, July 15, 2014**

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:00 p.m. by Mayor Stratford in Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Stratford and Councilmembers Diaz, Geller and Pierce. Councilmembers absent: Vice Mayor Shuey. Staff present: City Manager Gary Napper, Assistant City Attorney Christopher Diaz, City Clerk Janet Brown, City Engineer Rick Angrisani and Assistant to the City Manager Laura Hoffmeister.
2. **PLEDGE OF ALLEGIANCE** – led by Mayor Stratford.
3. **CONSENT CALENDAR-** It was moved by Councilmember Pierce, seconded by Councilmember Geller, to approve the Consent Calendar as submitted (Passed; 4-0 vote).
 - (a) Approved the minutes of the regular meeting of July 1, 2014.
 - (b) Approved Financial Demands and Obligations of the City.
 - (c) Adopted Resolution No. 26-2014 setting and levying real property tax assessments for the Oak Street Permanent Road Division in FY 2014-15.
 - (d) Adopted Resolution No. 27-2014 setting and levying real property tax assessments for the High Street Permanent Road Division in FY 2014-15.
 - (e) Adopted Resolution No. 28-2014 setting and levying real property tax assessments for the Oak Street Sewer Assessment District in FY 2014-15.
 - (f) Adopted Resolution No. 29-2014 setting and levying real property tax assessments for the Lydia Lane Sewer Assessment District in FY 2014-15.
 - (g) Approved the City's Response to Contra Costa County Civil Grand Jury Report No. 1403, "Training City Personnel in Reporting Child Abuse".
 - (h) Approved the City's Response to Contra Costa County Civil Grand Jury Report No. 1404, "Planning for Technology".
 - (i) Adopted Resolution No. 30-2014 approving the contract purchase and outfitting of a new 2015 Ford Police Interceptor Utility patrol vehicle (\$43,381.41) to replace an existing 2008 Ford patrol vehicle, and declaring an existing 2004 patrol vehicle (Unit 1727) as property surplus to the City's needs.
 - (j) Adopted Resolution No. 31-2014 adjusting and approving pay rate schedules for certain hourly wage positions within the City of Clayton's employment organization.

4. **RECOGNITIONS AND PRESENTATIONS** - None.

5. **REPORTS**

- (a) Planning Commission – No meeting held.
- (b) Trails and Landscaping Committee – No meeting held.
- (c) City Manager/Staff

City Manager Gary Napper invited Contra Costa County Fire Protection District Chief Jeff Carman and Assistant Fire Chief Hartford to provide an update on Fire Station 11.

Fire Chief Carman reported since January 1st 2014 there have been approximately 250 incidents comprised of 50 vegetation fires, 180 Code 3 significant incidents, and 14 structure fires. He added the full re-staffing and re-opening of its Fire Station 11 in Clayton is projected for December 1st, 2014 as a result of the budget, pension retirements, new hires in Fire Academy, and the SAFER Grant. Currently there are 30 front-line personnel vacancies in the Fire District requiring a second 18 person 12-week Academy beginning next week.

Councilmember Diaz advised Fire Chief Carman the City's Fire Services ad-hoc committee would like to schedule a "Welcome Back Station 11" event consisting of a community BBQ and bicycle training along with donated Bell helmets for the children in the community. Fire Chief Carman was appreciative of any upcoming "Welcome Back" community event.

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

Councilmember Diaz attended the Clayton 4th of July Parade, Diablo Valley Ranch family barbeque and the Saturday's Concerts in The Grove. The July 10th Thursday Concerts in The Grove had its highest attendance this season. Councilmember Diaz announced the July 24th Thursday Concerts in The Grove featuring the band "Plan B".

Councilmember Pierce attended the Transportation Authority meeting, a TRANSPAC meeting where she was recruited to the committee for recruitment of a new Executive Director, and Associated Bay Area Governments and Associated Bay Area Governments JPA sustainability meetings. She also attended a City downtown development meeting with Transwestern, the City's commercial realty, who advised there are some potential business leads for sale/development of our downtown property. Councilmember Pierce attended the 4th of July Parade and thanked all the volunteers who assisted with various tasks of the day; she noted the committee resolves to start earlier the planning of next year's parade. She also attended the Saturday Concerts in The Grove featuring "The Fundamentals".

Councilmember Geller attended the Clayton 4th of July Parade and thanked the staff and volunteers for their efforts in this well attended annual community event. He also attended the Contra Costa County Mayors' Conference hosted by the City of Oakley and the Saturday Concerts in The Grove featuring "The Fundamentals". He noted audience donations collected this season provide funds for the 2015 Saturday Concerts in The Grove series. The July 19th Saturday Concerts in The Grove will feature Rachel Steele & Road 88.

Mayor Stratford attended the Contra Costa County Mayors' Conference hosted by the City of Oakley; he found that City's recent downtown development impressive. He also volunteered and attended the Clayton 4th of July Parade and thanked staff for their behind the scenes efforts on putting this event together. Mayor Stratford also reminded the Do The Right Thing character trait is "Courage" through the end of July.

- (e) Other - None.

6. PUBLIC COMMENT ON NON-AGENDA ITEMS

Sonja Wilkin spoke on behalf of the new Clayton Valley Village providing history of the local establishment of the organization along with various logotype items available. She noted the Clayton Valley Village has already volunteered in various Clayton community events and is currently in the process of obtaining their 501 C4 Non-profit status. Ms. Wilkin's purpose tonight is to request free or reduced fee use of City venues and facilities in town to hold its fundraisers, meetings and on-going community activities. Ms. Wilkin distributed to each of the Councilmembers a business card, post card and survey to identify community needs.

7. PUBLIC HEARINGS

- (a) Continued Public Hearing to consider a proposed 20-year time extension to the existing Community Facilities District's (CFD) annual real property parcel tax that funds the Downtown Park's (aka "The Grove Park") annual operation and maintenance by placement of a local ballot measure for voter consideration on the November 4, 2014 General Municipal Election.
(Assistant to the City Manager)

Assistant to the City Manager Laura Hoffmeister presented the staff report and advised this action is the last public step in the process of placing this Local Ballot Measure on the November 4, 2014 General Municipal Election. Ms. Hoffmeister provided history of the Council actions to date and noted Councilmember Geller and Councilmember Pierce were authorized by the Council to form its ad-hoc committee to author the argument in favor of extending the annual real property parcel tax. This special tax revenue is the sole funding source for the maintenance and operation of The Grove Park.

In reviewing the ballot wording options, Councilmember Geller expressed preference for the Option 2 ballot measure wording. He asked if there is an obligation to include the CPI specific rate increase formula within the ballot wording? Ms. Hoffmeister advised "No", it is covered in the Voter Pamphlet, and added the CPI annual rate increase applied can be no greater than 3% per year; each annual increase cannot go beyond that cap.

Councilmember Geller asked what was the dollar amount of the annual real property parcel tax amount in 2006 when this measure was first presented to the voters? Ms. Hoffmeister and Mr. Napper confirmed the initial residential parcel amount was between \$16.00 and \$17.00 annually.

Councilmember Geller commented the proposed annual real property parcel tax increase is very minor to run this park. Ms. Hoffmeister advised since adoption the actual CPI increase has not exceeded the 3% cap and historically has been between 1.7% and 2.8%.

City Manager Gary Napper advised the ad-hoc committee it may include discussion of the annual CPI rate history in their argument.

Councilmember Pierce prefers Option 2 ballot measure wording and requested changes to punctuation and word re-organization.

Mayor Stratford opened the continued Public Hearing to receive public comments; no public comments were offered and Mayor Stratford then closed the Public Hearing.

It was moved by Councilmember Geller, seconded by Councilmember Pierce, to adopt Resolution No. 32-2014 ordering the Ballot Measure, with Option 2 re-wording and corrections as noted, on the November 4, 2014 General Municipal Election for local voter consideration. (Passed; 4-0 vote).

- (b) Public Hearing on the proposed real property tax assessments in FY 2014-15 for the Diablo Estates at Clayton Benefit Assessment District and consider adoption of the Resolution setting, ordering and levying the assessments.
(City Engineer)

City Engineer Rick Angrisani presented the staff report recommending the annual assessments for the Street Lighting Assessment District remain the same as last year. The City is not proposing an increase in the annual assessments, and the City Attorney recently opined the provisions of Proposition 218 do not apply in this process. If the annual assessment and Resolution are not approved, another funding source such as Gas Tax or General Fund monies must be used, or the street lights may be turned off.

Mayor Stratford opened the Public Hearing to receive public comments; no public comments were offered, and Mayor Stratford then closed the Public Hearing.

It was moved by Councilmember Geller, seconded by Councilmember Diaz, to adopt Resolution No. 33-2014 setting the annual street lighting real property assessments for FY 2014-15. (Passed; 4-0 vote).

- (c) Public Hearing on the proposed real property tax assessments in FY 2014-15 for the Diablo Estates at Clayton Benefit Assessment District and consider adoption of the Resolution setting, ordering and levying the assessments.
(City Engineer)

City Engineer Rick Angrisani presented the staff report providing history of the proposed assessments for the maintenance and repair of various infrastructure improvements within and serving the Diablo Estates at Clayton development. Performance of the tasks are included in a property management contract with Pinnacle Construction, which language provides an annual cost increase each December equal to the increase in the CPI. As required by law, public hearing notices were mailed to the real property owners.

Mayor Stratford opened the Public Hearing to receive public comments; no public comments were offered. Mayor Stratford closed the Public Hearing.

It was moved by Councilmember Pierce, seconded by Councilmember Diaz, to adopt Resolution No. 34-2014 setting and levying the assessments for FY 2014-15. (Passed; 4-0 vote).

8. ACTION ITEMS

- (a) Discussion of the proposed concept design for traffic and pedestrian safety signage and striping improvements at Mt. Diablo Elementary School area (Pine Hollow Road and Mt. Zion Drive) as a grant funded project through the 511 Contra Costa County "*Street Smarts Infrastructure Program*" (CCTA Measure J).
(City Engineer)

City Engineer Rick Angrisani presented the staff report indicating the proposed safety design changes to traffic circulation at Mt. Diablo Elementary School. Mr. Angrisani advised he met with the Mt. Diablo Elementary school principal Irene Keenan, Street Smart representative Munni Krishna, and the Chief of Police Chris Thorsen to discuss traffic safety improvement needs during the school's student drop off and pick up times. The proposed changes consist of 1. Drop off areas split (K-2 and 3-5); 2. Elimination of the drop-off lane on Mt. Zion; and 3. Right turn closure from Pine Hollow Road drop-off lane to Mt. Zion. The cost estimate for the proposed work is approximately \$35,000.00, including the red pavement color. City Council approval of the concept and design is a prerequisite to submit a grant funding application to the *Street Smarts Program* (CCTA Measure J) for possible full or partial funding of the proposed traffic safety improvement project.

Councilmember Pierce asked Assistant City Attorney Christopher Diaz for approval to comment on this item as she lives in close proximity of the school. City Attorney Christopher Diaz advised Councilmember Pierce she may participate on this item as her interests are no greater than the general populace as a whole.

Councilmember Pierce expressed some concerns with the proposal regarding who will provide notice to student's parents and the neighborhood of the changes and operation, enforcement of the traffic flow, and the possibility of creating a traffic impact to other streets in order to reduce school traffic? She would also like an easier to read, simpler graphic of the planned traffic design changes.

Mr. Angrisani advised Principal Irene Keenan would like to notify parents of the proposed traffic safety changes as soon as possible.

Councilmember Pierce requested Public Education of the proposed changes, notification to the surrounding neighborhood and traffic safety tips published in the *Clayton Pioneer*.

Councilmember Geller encouraged daily exercise by the parents and the students through walking or riding bikes to school to help cut down on the traffic congestion. He also suggested more crossing guards using whistles and assistance from the Parent-Faculty Club to assist in directing traffic. He is concerned about the installation of the berm and usage of the correct drop off and pick up areas of the students; how will K-2 students be monitored from 3-5 students? Councilmember Geller also urged greater assistance by our Police Department in directing traffic and suggested fewer warnings and more tickets issued to aid in accountability of the parents. He is also disappointed that a representative from the school was not in attendance tonight.

Councilmember Diaz also requested an easier to read graphic and encourages public education of the implemented changes to the residents and parents of the students.

Councilmember Pierce suggested Mr. Angrisani meet with Police Chief Thorsen to discuss the Council's concerns and alternatives available to improve the proposal.

Mayor Stratford opened the item to receive public comments.

Tamara Steiner from the *Clayton Pioneer* asked about restricting the travel times of the gravel truck traffic to help reduce the congestion problem at Mt. Diablo Elementary before and after school? Councilmember Pierce advised the gravel trucks already have a start time restriction of nothing before 7:00 am.

Mayor Stratford closed the public comments.

It was moved by Councilmember Pierce, seconded by Councilmember Diaz, to approve the proposed traffic and pedestrian safety signage and striping improvements for grant funding application to 511 Contra Costa County "*Street Smarts Infrastructure Program*" (CCTA Measure J), with suggested changes to be reviewed with Chief of Police Thorsen (Passed; 4-0 vote).

9. **COUNCIL ITEMS** – None.

10. **CLOSED SESSIONS**

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

(a) Conference with Labor Negotiator

Government Code Section 54957.6

Instructions to City-designated labor negotiator: City Manager.

1. Employee Organization: Miscellaneous City Employees Group.

(b) Conference with Legal Counsel – Existing Litigation

Government Code Section 54956.9

Scott Dansie v. City of Clayton, Municipal Pooling Authority of Northern California Workers' Compensation Appeals Board, Case No. ADJ9382917

11. **ADJOURNMENT**– on call by Mayor Stratford, the City Council meeting adjourned at 8:19 p.m. Its next regular meeting of August 5, 2014 has been cancelled; therefore the next regularly scheduled City Council meeting is August 19th, 2014.

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Respectfully submitted,



Janet Brown, City Clerk

APPROVED BY CLAYTON CITY COUNCIL


Hank Stratford, Mayor

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