

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

TUESDAY, August 19, 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 7:08 p.m.) and Councilmembers Diaz, Geller and Pierce. Councilmembers absent: None. Staff present: City Manager Gary Napper, Assistant City Attorney Christopher Diaz, and City Clerk Janet Brown.

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

3. **CONSENT CALENDAR**

Mayor Stratford noted he received a Public Comment card from Joe Partansky (Verna Way) regarding Consent Calendar Item 3c and invited Mr. Partansky to the podium. Mr. Partansky commented he thought the tone of City's response to the Grand Jury Report was a little interesting yet quite appropriate in content; he suggested however the City "lighten up a little bit" when responding to the Grand Jury. Mr. Partansky added the City should take note of Contra Costa County's Brown Act training in its response. He also wanted to see the City publish an annotated Agenda promptly after each meeting to describe its actions taken so the public can quickly monitor the City Council business rather than wait for the draft minutes.

Vice Mayor Shuey arrived.

It was moved by Councilmember Diaz, seconded by Councilmember Pierce, to approve the Consent Calendar as submitted. (Passed; 5-0 vote).

- (a) Approved the minutes of the regular meeting of July 15, 2014.
- (b) Approved Financial Demands and Obligations of the City.
- (c) Approved the City's Response to Contra Costa County Civil Grand Jury Report No. 1405, "The Public Records Act in Contra Costa County".
- (d) Approved the City's Investment Portfolio Report for the 4th Quarter of FY 2013-14 ending June 30, 2014.
- (e) Adopted Resolution No. 35-2014 approving the revised version of a Joint Exercise of Powers Agreement (JPA) for TRANSPAC (Central County Transportation Partnership and Cooperation) for regional transportation purposes, issues and projects, and authorizing the Mayor to sign the JPA agreement.

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

5. REPORTS

- (a) Planning Commission – Commissioner Gregg Manning reported the Planning Commission held a meeting on August 5th whereat the City Council newly re-appointed Commissioners David Bruzzone, Gregg Manning and Sandra Johnson recited the Oath of Office administered by the City Clerk for their new two year terms of office. The Planning Commission then held its annual re-organization for Chair and Vice Chair. The Planning Commission voted Dan Richardson as its Chair and David Bruzzone as its Vice Chair. The Commission also received a report from staff on possible projects coming to the Commission for its review and approval in the near term.
- (b) Trails and Landscaping Committee – No meeting held.
- (c) City Manager/Staff - No Report.
- (d) City Council - Reports from Council liaisons to Regional Committees, Commissions and Boards.

Councilmember Geller attended the Contra Costa County Mayors' Conference in Lafayette and was a judge at CBCA's 5th Annual Rib Cook-Off. He also announced there were three Saturday Concerts in The Grove since the last City Council meeting, featuring Rachel Steele & Road 88, Diamond Dave, and Aja Vu. The next Saturday Concert in The Grove on August 30th will feature Apple Z and the last Concert on September 13th will feature East Bay Mudd. Councilmember Geller thanked the community for their generous donations during this season's Concerts in The Grove as all donations this year go to fund next year's Concerts.

Councilmember Diaz attended the 1st Annual 5k Run at Community Park put on by Sarah Owens as her Girl Scout Gold Award project. He also attended the Saturday Concerts in The Grove featuring Rachel Steele & Road 88, and Diamond Dave. Councilmember Diaz noted the most successful Thursday night Concert in The Grove featured the Plan B on July 24th. The final Thursday Concert in The Grove will be on August 21st, featuring PHD's. Councilmember Diaz represented Clayton in the 6th Annual Mayors' Healthy Cook-Off with assistance from Sweet Bakery chefs. On August 5th, Councilmember Diaz's neighborhood hosted a National Night Out event and wished our community will participate next year.

Councilmember Pierce also attended the 1st Annual 5k Run at Community Park organized by Girl Scout Sarah Owens. She was in attendance at several Associated Bay Area Government (ABAG) meetings along with others held by the Contra Costa Transportation Authority and TRANSPAC. Councilmember Pierce met with the primary reporter for the China Daily Newspaper and now has a better understanding of the importance of trade with the Pacific Rim. She also attended two of the recent Saturday Concerts in The Grove. On August 5th, Councilmember Pierce's neighborhood hosted a National Night Out event; attendance was lower than expected, however, the neighborhood decided to try again in September when more neighbors should be able to participate following returns from vacations. Councilmember Pierce also attended the Contra Costa Mayors' Conference hosted by Lafayette.

Mayor Stratford thanked Councilmember Diaz for attending the 6th Annual Mayors' Healthy Cook-off on his behalf. Mayor Stratford also thanked Councilmember Pierce and Assistant to the City Manager Laura Hoffmeister for assisting Sarah Owens with her Girl Scout Gold Award project. Mayor Stratford attended the Contra Costa Mayors' Conference in Lafayette. He also reminded everyone the "Do The Right Thing" character trait is "Responsibility" for the months of August and September.

- (e) Other – Introduction of candidates present for City Council elected office.

Candidate David Shuey introduced himself as a member of the current Clayton City Council and would like to voters to consider him again for another 4 years when they vote for Clayton City Council in the November 2014 Election.

Candidate Alyse Smith introduced herself and provided background on her experience and inspiration for running for Clayton City Council. Currently, she is a member of the Trails and Landscape Committee and also studying Sustainable Solutions and Practices through UC Irvine pursuing a career in City Planning. Some of her goals as a Councilmember would be to increase economic development and preservation of trails, landscapes and landmarks.

Mayor Stratford announced City Council candidate Keith Haydon had a prior commitment and was unable to attend the meeting tonight.

6. PUBLIC COMMENT ON NON-AGENDA ITEMS

Joe Partansky offered comments on the bulleted items that are listed on the cover page of City Council agendas. He requested more clarification on the precise availability of Agenda and the Agenda Packet. Mr. Patansky would also like the same information posted on the City's website. He reiterated his earlier request for annotated meeting minutes available for public review shortly after each meeting.

Vice Mayor Shuey advised Mr. Patansky that Agendas and Agenda Packet items are posted Friday evenings prior to each City Council meeting. He also noted that draft minutes must be reviewed and corrections made prior to being posted on a City website or in Agenda Packet materials to ensure accuracy.

Mayor Stratford asked the Assistant City Attorney what is the requirement in posting the Agenda and Agenda Items? Assistant City Attorney Chris Diaz advised the law is Agenda is to be posted 72 hours in advance of a regular meeting.

Councilmember Pierce confirmed the City of Clayton's Agenda and the Agenda Packet items are always posted to its website at least 72 hours in advance of the meeting, usually by the Friday evening prior to the regular Tuesday meeting.

Matthew Rinn, Governing Board Member for the Contra Costa Community College District (Ward 3), wanted to introduce himself to Council. He referenced the recent successful passage of Measure E that will benefit the Community College District's mission to enhance college education. The first full week of school has been completed and enrollment is still available if anyone would like to better their education or further their careers.

7. PUBLIC HEARINGS – None.

8. ACTION ITEMS

- (a) Council Member Geller request to discuss City consideration of possible gas station development proposals for the City-owned 1.66 acre unimproved parcel for sale on Main Street in the Clayton Town Center (APN 118-560-010).
(Councilmember Geller)

Councilmember Geller opened discussion of the Council's willingness to at least keep an open mind about the possibility of gas station development proposals for the Clayton Town Center, and asked the Council to agree not to foreclose that option.

Vice Mayor Shuey denied the consideration as previous City Council policy decision and community sentiment have been established that a gas station would be unsightly.

Councilmember Geller inquired who established that policy and would the current City Council consider re-opening this matter up for discussion?

Councilmember Diaz indicated mixed views and recalls the original discussion divided the community. A gas station in the downtown is not a proper use of the parcel; he preferred looking into annexation of the Shell Gas Station on the corner of Clayton Road and Kirker Pass into Clayton City limits.

Councilmember Geller would like to keep open the opportunity of a potential gas station within Clayton City limits.

Councilmember Pierce advised the citizens of the community defeated the idea of a gas station when presented in the past. A gas station would not fit in the façade of the current vacant parcel located in historic downtown Clayton. Councilmember Pierce pointed out there may be even a stronger reaction opposing a possible gas station directly in downtown.

Councilmember Geller suggested there may be a possibility of an alternate location in Clayton?

Mayor Stratford concurred he is not interested in the current vacant downtown parcel for use as a gas station. Another location could be considered if a proposal should be made.

Councilmember Diaz asked if a gas station use had been suggested by the City's commercial broker? Councilmember Pierce answered yes.

Alyse Smith asked if the City's commercial real estate broker is aggressively seeking developers for the vacant downtown parcel? Councilmember Pierce responded absolutely, they are very aggressive; that is why they were selected. Alyse Smith indicated she would not be in favor of a gas station as dirty fuel is being generated.

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

The City Council took no action on this matter.

- (b) Council Member Geller request to market for sale and/or development of the City-owned vacant property adjacent to the Clayton City hall parking lot (portion of APN 118-370-041).
(Councilmember Geller)

Councilmember Geller opened discussion to promote marketing and/or development of the vacant City-owned parcel across from the City Hall parking lot.

Councilmember Pierce noted the vacant parcel is very small at 0.7 acre and is impacted by the flood zone. The location is isolated which limits the use to possible residential; the site had previously been considered for Bocce Ball courts, Historical Society storage and/or relocation of the Joel Clayton home, which the Historical Society considered in

2002. Councilmember Pierce would like to focus more on businesses to enhance the downtown area.

Councilmember Diaz prefers not to address this parcel tonight and has concerns for access to the site if developed as residential; where would access be, off Cardinet Drive? Councilmember Pierce noted that would get that neighborhood up in arms.

Councilmember Geller indicated he would like the City's realtors be made aware this City-owned parcel may also be for sale to a potential developer. Vice Mayor Shuey advised the Council's Economic Development subcommittee could inform the realtors this parcel is available, if such developer can find a proper use for it.

City Manager Napper noted from an aerial map each of the City's vacant parcels appear larger than they actually are. Other commercial realtors invited to compete for the City's listing of these properties declined as the comparatively small vacant parcels are limited in development potential. Most commercial properties are 10 acres or more. However, Transwestern is committed to locating developers who will complement the surrounding downtown areas.

Mayor Stratford thanked Councilmember Geller for initiating discussion on this vacant parcel.

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

The City Council took no action on this matter.

- (c) Council Member Geller request to discuss an "Unsung Heroes" recognition program for the City of Clayton.
(Councilmember Geller)

Councilmember Geller opened discussion on the idea of forming an "Unsung Heroes" recognition program for the City of Clayton. To his knowledge a Council subcommittee had been formed, however criteria was not established and no one has received recognition since its initial discussion. He thought such a program would be great for all the good works that go on in this community.

Vice Mayor Shuey advised during his previous term as mayor this program was discussed. The idea is to recognize citizens doing wonderful things around the community that are not seeking recognition; to date there have been no recognitions because the program has not been fully executed.

Councilmember Geller knows there are many "Unsung Heroes" who volunteer hundreds of hours of their time in the Clayton community. As a City Council it has been established that school-aged children along with Boy and Girl Scouts receive recognition; what about the adults in the community?

Mayor Stratford thanked Councilmember Geller and likes the idea of recognizing adults in the Clayton community. He would like to establish criteria and open it up to the schools and Clayton Business and Community Association to provide recommendations of who to recognize to avoid any possible Council conflict.

Vice Mayor Shuey added any subcommittee should have a specific proposal along with a voting method.

Councilmember Geller would like to open nominations to the community as a whole and more specifically to the service groups for assistance. He would like provide criteria to the community in the Clayton Pioneer and ultimately present the “Unsung Hero” with a certificate at a regular City Council meeting. Councilmember Geller would like to activate the subcommittee.

Councilmember Pierce likes the idea of involving the community for nominations and noted establishing the criteria is very important for this program to succeed.

Councilmember Diaz also prefers the “Unsung Heroes” nominations be presented to the committee from the community. Mayor Stratford suggested inclusion of the clarification of what is a true “Unsung Hero” in Clayton.

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

It was moved by Councilmember Pierce, seconded by Vice Mayor Shuey, to reestablish a City Council “Unsung Heroes” ad-hoc committee comprised of Vice Mayor Shuey and Councilmember Geller, and request the ad-hoc committee draft nomination criteria and clarification of an “Unsung Hero” Recognition Program for approval by the City Council. (Passed; 5-0 vote).

9. **COUNCIL ITEMS** – None.

10. **RECESS THE CITY COUNCIL MEETING** – on call by Mayor Stratford, the City Council recessed to handle Oakhurst GHAD business at 8:10 pm.

11. **RE-OPEN THE CITY COUNCIL MEETING** – on call by Mayor Stratford, the City Council meeting reconvened at 8:43 pm.

12. **CLOSED SESSIONS** – Mayor Stratford announced the following purposes for the City Council to meet in Closed Sessions:

- (a) 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

- (b) Conference with Labor Negotiator
Government Code Section 54957.6
Instructions to City-designated labor negotiator: City Manager.

- 1. Employee Organization: Miscellaneous City Employees Group.

Report out from Closed Session (9:34 pm)

Mayor Stratford announced the City Council had received reports from legal counsel and staff regarding the Closed Session items and had provided instructions and directions accordingly.

13. **ADJOURNMENT**– on call by Mayor Stratford, the City Council meeting adjourned at 8:35 p.m.

Its next regularly-scheduled meeting of September 2, 2014 was previously cancelled; therefore, the next regularly-scheduled City Council meeting is September 16th, 2014.

#

Respectfully submitted,



Janet Brown, City Clerk

APPROVED BY CLAYTON CITY COUNCIL



Hank Stratford, Mayor

#