

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

TUESDAY, December 16, 2014

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:00 p.m. by Mayor Shuey in Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Shuey, Vice Mayor Geller and Councilmembers Diaz, Haydon and Pierce. Councilmembers absent: None. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, Finance Manager Kevin Mizuno and City Clerk Janet Brown.

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

3. **CONSENT CALENDAR**

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

- (a) Information Only – No Action Necessary.
1. Notice of Clayton City Hall Holiday Closures in December 2014.
 2. Memo by Community Development Director regarding new state law and the regulation of land use for massage businesses.
- (b) Approved the minutes of the regular meeting of December 2, 2014.
- (c) Approved Financial Demands and Obligations of the City.
- (d) Adopted Resolution No. 44 – 2014 setting, adjusting and approving the salary range of the City Manager and authorizing the Mayor to execute a Second Amendment to the City Manager's Agreement to adjust compensation identical to recently-approved action for other City employees.
- (e) Adopted Resolution no. 45 – 2014 approving and authorizing the execution of a Second Amendment to the 2009 Agreement with the City of Concord for an additional 6 month time period through June 30, 2015 for its continued provision of police dispatch, detention and information technology services to and for the City of Clayton's Police Department.
- (f) Adopted Resolution No. 46 – 2014 approving the award of competitive contract to Miracle PlaySystems, Inc. in the contractual amount of \$54,605.61 for removal and replacement of the resilient play surface of the tot lot at The Grove Park; and allocation of project monies from The Grove Park CFD Fund (No.211).

4. **RECOGNITIONS AND PRESENTATIONS** – None.

5. **REPORTS**

- (a) Planning Commission – Commissioner Chairman Dan Richardson reported at the meeting of December 9, 2014 the Commission received the resignation letter of Commissioner Keith Haydon and discussed likely options in filling the remaining term expiring June 30, 2015. The Commission also renewed the Creekside Terrace land use entitlement permits for another one year extension.

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

- (c) City Manager/Staff

The City Manager reaffirmed the City Hall closures during the upcoming holidays and referred the public to the City posting boards around town and the City's website for more information.

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

Councilmember Diaz attended the Contra Costa County Mayors' Conference, Clayton Business and Community Association's Annual Tree Lighting, and the East Bay Division League of California Cities meeting. He further noted he has been appointed to the Public Safety Policy Committee of the League of CA Cities.

Vice Mayor Geller attended the Contra Costa County Mayors' Conference, "Foster a Dream" event in Concord, Clayton Valley Charter High School Board meeting, and the Clayton Business and Community Association's Annual Tree Lighting event. Vice Mayor Geller thanked many community members for their dedication and time putting on the Clayton Business and Community Association Annual Tree lighting event and the dinner following the event at Diamond Terrace.

Councilmember Haydon attended the Clayton Business and Community Association's Tree Annual Lighting event, East Contra Costa County Habitat Conservancy meeting, East Bay Hospice Tree Lighting event, and met with various City department heads about the functions of their divisions.

Councilmember Pierce attended the Regional Planning Association of Bay Area Governments meeting, Contra Costa Transportation Authority meeting, Clayton Business and Community Association's Annual Tree Lighting event, Clayton Historical Society's Annual Holiday Home Tour, a Clayton Valley Charter High School Board meeting, and was appointed to represent Association of Bay Area Governments on Metropolitan Transportation Committee for a 4-year term.

Mayor Shuey attended the Contra Costa County Mayors' Conference, Clayton Business and Community Association's Annual Tree Lighting event, a Clayton Valley Charter High School Board Meeting, and the Contra Costa County Office of Education meeting concerning the establishment of a Contra Costa Performing

Arts Charter School. Mayor Shuey also complimented the Clayton Maintenance staff for their excellent field preparation efforts in advance of the recent storms.

- (e) Other – None.

6. **PUBLIC COMMENT ON NON - AGENDA ITEMS**

None.

7. **PUBLIC HEARINGS** - None.

8. **ACTION ITEMS**

- (a) Consideration of the City's Annual report concerning the City's levy, collection and disposition of development impact mitigation fees during FY 2013-2014, in compliance with California Government Code (AB 1600).

Finance Manager Kevin Mizuno presented the staff report providing background on how the AB1600 state code was established and the eight requirements necessary for a local government to remain in compliance. Mr. Mizuno further noted the City's AB1600 fees are prohibited from being used for the maintenance or operation of an improvement, and can by only used for public capital facility improvements. He also confirmed the City is in compliance with the eight reporting requirements. Approval of the Resolution will affirm a reasonable relationship still exists between current needs for the fees and the purposes for which they were originally collected. In addition, staff seeks authorization in the Resolution of an inter-fund transfer of \$59,297 from the Development Impact Fee Fund (No. 304) to the CIP Fund (No. 303) to eliminate the residual 2010 Pavement Rehabilitation Project deficit.

Mayor Shuey opened the item to receive public comments on the Fiscal Year 2013-2014 compliance with California Government Code (AB1600); no public comments were offered and Mayor Shuey then closed the public comment period.

It was moved by Councilmember Pierce, and seconded by Councilmember Haydon, to adopt Resolution No. 47-2014 approving the City's Annual Report concerning the City's levy, collection and disposition of development impact mitigation fees during Fiscal Year 2013-2014, in compliance with the California Government Code (AB 1600). (Passed; 5-0 vote).

- (b) Consideration of a request from the Clayton Historical Society for location and design of a bronze monument plaque to be installed at The Grove Park commemorating the Eucalyptus Grove.

Councilmember Pierce presented the request from the Clayton Historical Society to resume its historic monument and plaque program which commemorates significant sites in the City of Clayton. She also noted the project would be entirely paid by donations. Councilmember Pierce asked Dick Ellis to present details of the proposal to the City Council for consideration.

Mr. Dick Ellis provided some history and noted existing locations of the Clayton Historical Society's Historic Site Markers. Mr. Ellis included with the proposal procedures, proposed markers by original committee members Bob and Eldora Hoyer, Elmer Gomez and Janet Easton, and a letter from Peter Laurence, Mayor of the City of Clayton in 1994, approving the "Heritage Preservation Task Force". Mr. Ellis noted the idea of Program is to preserve historical sites within the community for future generations. By summer 2015, the Clayton Historical Society would like to place a marker at the [Eucalyptus] Grove Park followed by a marker on the north side of the bridge leading to the Keller Ranch. The amount of funds needed for each bronze marker is approximately \$2,000.00; included is a donation from Clayton resident Ted Merriam on behalf of Microsoft.

Vice Mayor Geller inquired on the structure of the monuments? Mr. Ellis advised the Clayton Historical Society uses a bonded mason for the construction of the monuments.

Vice Mayor Geller asked about the location of the Gomez House, Eagle Saloon, Bully Ingram's Cave, and Old Baseball Field contained in the attached list? Mr. Ellis advised the Gomez House is located behind Endeavor Hall, Eagle Saloon was behind the old City Hall, Bully Ingram's Cave has been closed and is located on the hillside off Main Street, and the Old Baseball Field was located near the current Clayton Community Church parking lot.

Councilmember Haydon added that it is appropriate to resume the Clayton Historical Society bronze monument program.

It was moved by Councilmember Haydon, and seconded by Vice Mayor Geller, to approve the Clayton Historical Society's request to donate and install bronze monuments at local historical sites in Clayton, subject to further Council review and approval of the specific details for each planned monument on City property prior to installation. (Passed; 5-0 vote).

- (c) Accept the resignation of Keith Haydon as a member of the Planning Commission and Council discussion on the disposition of filling the Planning Commission mid-term vacancy (expires 30 June 2015)

Mayor Shuey referenced the resignation letter by former Planning Commissioner Keith Haydon.

It was moved by Vice Mayor Geller, seconded by Councilmember Diaz, that the City Council accept Mr. Haydon's resignation from the Planning Commission.

Motion passed (5-0 vote).

Council discussion then opened on the preferred procedure to fill the unexpired term of office. Councilmember Pierce noted she had received contact from a resident interested in serving on the Planning Commission and initially felt the individual might do well in that office. Mayor Shuey expressed similar sentiments with regard to that citizen and it would be appropriate to appoint an ad-hoc committee of the City Council to interview that resident.

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

Mayor Shuey appointed an Ad-hoc Committee comprised of Vice Mayor Geller and Councilmember Haydon to interview the interested resident and report back to the City Council.

- (d) Review and determination of City Council ad-hoc, committee, inter-governmental and regional board assignments for 2015.

Mayor Shuey reviewed the list of the current assignments to ensure City Councilmember personal schedules and interests still meet the needs of the various committees and assignments. Changes were proposed for Budget/Audit Committee, Central Contra Costa Transit Authority (CCCTA), "Do The Right Thing" program, East Bay Division – League of California Cities, East Contra Costa County Habitat Conservancy, Garbage & Recycling Committee, Trails and Landscaping Committee (TLC) Liaison, and TRANSPAC.

It was moved by Vice Mayor Geller, and seconded by Councilmember Diaz, to approve the City Council ad-hoc, committee, inter-governmental and regional board assignments for 2015 as presented by Mayor Shuey. (Passed; 5-0 vote).

- 9. **COUNCIL ITEMS** – limited to requests and directives for future meetings.

- 10. **CLOSED SESSION** - None.

- 11. **ADJOURNMENT**– on call by Mayor Shuey, the City Council meeting adjourned at 7:50 p.m.

The next regularly scheduled City Council meeting is January 6, 2015.

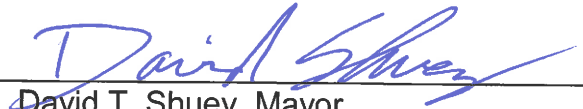
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Respectfully submitted,



Janet Brown, City Clerk

APPROVED BY CLAYTON CITY COUNCIL



David T. Shuey, Mayor

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