

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

**TUESDAY, January 6, 2015**

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:02 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, City Engineer Rick Angrisani and City Clerk Janet Brown.

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

3. **CONSENT CALENDAR**

**It was moved by Councilmember Pierce, seconded by Vice Mayor Geller, to approve the Consent Calendar as amended with substitution of Exhibits on Item 3(d).**

**(Passed; 5-0 vote).**

(a) Approved the minutes of the regular meeting of December 16, 2014.

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

(c) Rejected the liability claim of Mr. Laurence Eekhof for alleged injuries and losses incurred on or about October 4, 2014.

(d) Adopted Resolution No. 1 – 2015 approving an Amended and Restated Facilities Use Agreement between the City of Clayton and the Mount Diablo Unified School District regarding the Clayton Community Gymnasium, the Clayton Community Park sports fields, and Diablo View Middle School.

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 – No Report.

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

Councilmember Diaz attended the 19<sup>th</sup> Annual BART Police Department Awards. He also provided an update from the City's Ad-Hoc Fire Services Committee confirming Class 47 will be graduating from the Fire Academy on January 15<sup>th</sup>; re-staffing Clayton Fire Station 11 to full services begins on January 16<sup>th</sup>. With the help of many community members and ConFire Fire Chief Carmen, a grand community re-opening event is planned on January 31<sup>st</sup> from 11:00 a.m. to 2:00 p.m. The event will include a BBQ lunch, child finger printing, tours of the station and various first-responder demonstrations.

Councilmember Haydon attended additional orientation training with the City Attorney and City Manager. He and Vice Mayor Geller interviewed a potential Planning Commission candidate in consideration of the remaining vacated term of office on the City's Planning Commission.

Councilmember Pierce attended the Contra Costa Transportation Authority, Metropolitan Transportation Commission and Bay Area Business Council meetings.

- (e) Other – None.

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

Jack Cooper, resident of Clayton, would like the Clayton City Council consider adoption of a "PACE" (Property Assessed Clean Energy) or "HERO" (Homeowners Equity Recovery Opportunity) as means to offer clean energy improvements to its citizens. Mr. Cooper is employed by Custom Exteriors, which has provided residential assessment tests in other cities of the Bay Area currently participating in clean energy programs. Mr. Cooper provided handouts to the City Clerk with additional information about the HERO Program and Custom Exteriors.

**7. PUBLIC HEARINGS**

- (a) Public Hearing on the Second Reading and Adoption of proposed City-initiated Ordinance No. 457 amending Chapter 10.28 Vehicle Weight Limits of the *Clayton Municipal Code* regarding truck routes and declaring certain streets as truck routes in the City.

City Engineer Rick Angrisani presented the staff report and referenced the Ordinance's introduction at the City Council's October 14, 2014 regular meeting. City staff posted this evening's public hearing on the amendment of Chapter 10.28 Vehicle Weight Limits of the *Clayton Municipal Code*. The amendment is part of staff's regular "housekeeping" tasks to keep current the Municipal Code.

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

**It was moved by Councilmember Pierce, seconded by Vice Mayor Geller, to have the City Clerk read Ordinance No. 457 by title and number only and waive further reading. (Passed; 5-0 vote).**

The City Clerk read Ordinance No. 457 by title and number only.

**It was moved by Councilmember Pierce, seconded by Councilmember Diaz, to approve Ordinance No. 457 with findings its adoption will not have a significant adverse impact on the environment and is therefore exempt under CEQA. (Passed; 5-0 vote).**

## **8. ACTION ITEMS**

- (a) City Council discussion to determine the date, time and location for the City Council's annual Goals and Objectives Session with its City Manager.

The City Manager indicated the Staff Report contained monthly calendars of January and February 2015 to assist the City Council in its selection of a date for its annual Goals and Objectives Setting Session.

Councilmember Pierce suggested a Tuesday, February 3<sup>rd</sup> at 5:00 p.m. meeting since the Council will meet later that evening for its regular City Council meeting.

Vice Mayor Geller indicated he may not be available on February 3<sup>rd</sup> and suggested January 20<sup>th</sup> as an alternate date.

Councilmember Diaz advised he is okay with either date.

Mayor Shuey opened the item to receive public comments; 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 call a City Council special meeting on Tuesday, January 20<sup>th</sup>, at 5:00 in the 3<sup>rd</sup> Floor Conference Room at City Hall for this purpose. (Passed; 5-0 vote).**

- (b) Report from the Council Ad-hoc Committee concerning its recommendation to fill the unexpired term of office existing on the City Planning Commission (through June 30, 2015)

Vice Mayor Geller indicated he and Councilmember Haydon met with a suggested candidate and also looked at recent applications filed by previous applicants for the Planning Commission. Rather than appointing the one person that applied, he preferred to open the opportunity to any interested previous applicants.

Councilmember Pierce responded she would like to open the opportunity up to all in the community or appoint the suggested candidate.

Councilmember Haydon indicated his preference to appoint someone who will re-apply at the expiration of this June 30, 2015 term.

Mayor Shuey would like to appoint an applicant that has interest in filling the remaining term.

Vice Mayor Geller preferred an applicant that has served in civic groups within the City and has a background in planning.

Mayor Shuey asked the City Attorney and City Manager if an appointment was made to the Planning Commission to complete the current term, would the applicant be eligible to apply for the two year term beginning in July? City Attorney Mala Subramanian confirmed an appointee now would be eligible to apply for the full two year term starting in July.

Councilmember Pierce noted that service in a community service group has not been an eligibility requirement for previous applicants. In this circumstance, she now prefers the Council's announcement of the opening to the entire community.

Vice Mayor Geller concurred with opening the opportunity of service on the Planning Commission for the unexpired term to the community.

Councilmember Pierce prefers a deadline of the end of this month [January 2015] to allow time for the full Council to conduct interviews and make an appointment at the February 3, 2015 regular meeting of the City Council.

Vice Mayor Geller asked if it is okay to contact previously interested applicants for the current Planning Commission vacancy? City Manager Gary Napper advised contact could be made by staff.

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

**It was moved by Councilmember Pierce, and seconded by Vice Mayor Geller, to instruct staff to advertise the Planning Commission vacant term of office to the community for acceptance of applications through the end of January, and then set the applicants for interview before the full City Council at a meeting the same evening prior to the regular Council meeting on February 3, 2015. (Passed; 5-0 vote).**

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

Councilmember Diaz requested the City Council consider creating a flag for the City of Clayton, California, at a future regular City Council meeting. He provided Council and Staff with a brochure from the North American Vexillological Association on how to design a flag.

10. **RECESS THE CITY COUNCIL MEETING** – Mayor Shuey recessed the City Council meeting at 7:31 p.m.  
(until after the conclusion of the Clayton Financing Authority meeting)

11. **RECONVENENE THE CITY COUNCIL MEETING** – Mayor Shuey reconvened the City Council meeting at 7:33 p.m.

12. **CLOSED SESSION**

(a) *Government Code Section 54956.9(d)(4)* – Conference with Legal Counsel.  
Anticipated Litigation: One (1) Potential Case.

7:48 p.m. Report Out from Closed Session: Mayor Shuey reported the City Council received a report and information from its City Attorney and gave instructions accordingly.

13. **ADJOURNMENT**– on call by Mayor Shuey, the City Council meeting adjourned at 7:49 p.m.

The next regularly scheduled City Council meeting is January 20, 2015.

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Respectfully submitted,

  
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Janet Brown, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

  
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David T. Shuey, Mayor

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