

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

**TUESDAY, February 18, 2014**

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:05 p.m. by Mayor Stratford in Hoyer Hall of the Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Stratford, Vice Mayor Shuey, Councilmembers Diaz, Geller and Pierce. Councilmembers absent: None. Staff present: Assistant to the City Manager Laura Hoffmeister, City Attorney Mala Subramanian, Interim City Clerk Janet Brown, Community Development Director Charlie Mullen and Finance Manager Kevin Mizuno.
  
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; 5-0).
  - (a) Approved the minutes of the regular meeting of February 4, 2014.
  - (b) Approved Financial Demands and Obligations of the City.
  - (c) Adopted a Resolution 02-2014 finding the construction of improvements in Subdivision 8719 (Diablo Pointe aka Diablo Estates at Clayton) has been completed and accepted the dedicated public easements within said Subdivision as public easements.
  
4. **RECOGNITIONS AND PRESENTATIONS** – None.
  
5. **REPORTS**
  - (a) Planning Commission – Commissioner Keith Haydon reported on the Planning Commission meeting of February 11<sup>th</sup>. He stated the Commission approved with conditions a lot line adjustment between an existing un-buildable 1,951 square foot parcel and an existing 2.41 acre parcel to create a 1.34 acre parcel and a 1.12 acre parcel as pursuant to California Environmental Quality Act (CEQA) Guideline 15305 (a) is categorically exempt.
  - (b) Trails and Landscaping Committee – None.
  - (c) City Manager/Staff – In response to Council question Assistant to the City Manager Laura Hoffmeister reported the interviews for the permanent City Clerk/HR Manager recruitment are complete and an announcement will be made in March.
  - (d) City Council - Reports from Council liaisons to Regional Committees, Commissions and Boards.

Councilmember Diaz attended the swearing in of Clayton's new officer David Payne

Mayor Stratford would like the Council be invited to future swearing in of new police officers.

Councilmember Pierce attended the Regional Planning ABAG Economic Prosperity, Contra Costa Transportation Authority and Clayton Historical Society meetings.

Councilmember Geller attended the 37<sup>th</sup> annual Camellia Tea hosted by the Clayton Historical Society. He was also invited to Judge the 14<sup>th</sup> Annual Chili Cook Off on March 2<sup>nd</sup> hosted by Clayton Club and if any community members are interested in entering the competition Councilmember Geller directed they contact Clayton Club.

Vice Mayor Shuey announced on Sunday, February 23<sup>rd</sup> Clayton Valley Charter High School will have a meeting with Western Association Accreditation of Schools/ Colleges. Clayton Valley Little League will be using Field 1 of the Community Park, improvements scheduled for completion on Friday, February 21<sup>st</sup>.

Mayor Stratford attended the Mayor's Conference hosted by San Pablo along with Councilmember Pierce, Tom Barnridge was the speaker. Mayor Stratford advised he is still waiting for confirmation from the Mt. Diablo Unified School District Board to hold a Joint Meeting on Wednesday, March 5<sup>th</sup>. He announced the "Do the Right Thing" monthly trait for "Self-Discipline" is coming to a close and the March character trait is "Integrity".

(e) Other- None.

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

Mr. John Manzeck is dissatisfied with the internet service speeds provided by AT&T. He was advised by AT&T that Clayton did not approve the fiber optics to be installed throughout the City. Mr. Manzeck asked if there could be some competition for internet services as he did not want to switch back to his previous provider.

Councilmember Pierce suggested Mr. Manzeck contact AT&T regarding is dissatisfaction and Assistant to the City Manager may have some additional information regarding the fiber optic installation.

Assistant to the City Manager Laura Hoffmeister advised Mr. Manzeck that AT&T's Customer Service Center representative response was incorrect. The City is not prohibiting them and Clayton is ready for AT&T to service the community. However, she was advised by AT&T that their own internal budget and scheduling issues have delayed the fiber optic installation project has been postponed until further notice. They re-evaluate annually and this process has been to date delayed 5 years. Competition is welcomed and advised Mr. Manzeck letter writing to AT&T is the best way to start.

## **7. PUBLIC HEARINGS**

(a) Public Hearing to consider a City-initiated Ordinance No. 454 that amends a portion of the *Clayton Municipal Code*, Title 17, Chapter 17.28 Planned Development (PD) District to establish the Site Plan Review permit to be used for processing of Multiple-Family development projects located on property designated as Multifamily High Density (MHD) on the General Plan Land Use Map (ZOA-08-13).  
(Community Development Director)

The Community Development Director presented the staff report and noted at the November 5, 2013 joint Planning Commission/City Council workshop for the City of Clayton 2014-2022 Housing Element Update, the City's consultant Pacific Municipal Consultants (PMC) identified one remaining implementation action that needed to occur in order to satisfy the State Department of Housing and Community Development (HCD). The required action is necessary to meet the City's required commitment to the Regional Housing Needs Allocation (RHNA) and requires the subject Zoning Code text amendment to the Planned Development District to facilitate allowing multi-family housing projects to accommodate the RHNA. The proposed text amendments will establish the Site Plan review Permit as the process to be used and the Multiple Family Residential (M-R-H) District as the default standards to be used for the processing of multiple family development projects with a Multifamily High Density (MHD) General Plan Land use Map designation. Alternatively, applicants could choose to process a Development Plan under the Planned Development (PD) provisions if desired.

Mayor Stratford opened the Public Hearing and asked for Public Comments. No public comments were received. Mayor Stratford closed the Public Hearing.

**It was moved by Vice Mayor Shuey, seconded by Councilmember Pierce, to have the City Clerk read Ordinance No. 454 by title and number only and waive further reading (Passed; 5-0 vote).**

The Interim City Clerk read Ordinance No. 454 by title and number only.

**It was moved by Vice Mayor Shuey, seconded by Councilmember Pierce, to approve Ordinance No. 454 for Introduction with findings its adoption will not have a significant adverse effect on the environment and is therefore exempt under CEQA. (Passed; 5-0 vote).**

## **8. ACTION ITEMS**

- (a) Presentation of the City's Mid-Year Budget status report for Fiscal Year 2013-2014. (Finance Manager; Council Budget Sub-Committee)

The Finance Manager presented the staff report and noted to date, three prior City Council amendments have been made to the FY 2013-14 adopted General Fund budget the award of a contract to Pacific Municipal Consultants (PMC) to prepare the 2014 – 2022 Housing Element Update, Appropriation of FY 2011-12 General Fund surplus and roll over of prior year (FY 2012-13) encumbrances into the FY 2013-14 budget. As identified previously, in the current year, unusual circumstances resulting in significant unexpected increases in expenditures include: (1) essential temporary salaries for an accounting consultant, (2) an unavoidable increase in audit fees resulting from internal delays, (3) a police dispatch services claim for an unbilled month in 2012 billed to the City in the Fall of 2013 by the City of Concord, and (4) the transfer of a portion of the FY 2011-12 General Fund surplus to the Self-Insurance and Capital Equipment Replacement Funds. At this point, no budget amendments to the General Fund are deemed necessary due to the one time expenditure increases described above and as it is reasonably possible other expenditure line items will come in under budget. Any necessity to amend the General Fund budget will be re-addressed towards the end of the fiscal year.

Mayor Stratford asked for Public Comments.

Pete Laurence with the Taxpayers Association wanted to clarify where the 2011-12 General Fund surplus funds were allocated?

Mayor Stratford advised the surplus funds were used to Replenish Self Insurance, Capital Equipment Replacement and Labor Relations Contingency Funds.

**It was moved by Councilmember Diaz, seconded by Councilmember Pierce, to approve the City's Mid-year Budget Report for FY 2013-14 without any mid-year adjustments. (Passed; 5-0 vote).**

- (b) Consideration of a Resolution regarding the City's Annual Report on its levy, collection and disposition of development impact mitigation fees during Fiscal Year 2012-2013, in compliance with the California Government Code (AB 1600).  
(Assistant to the City Manager)

The Assistant to the City Manager presented the staff report and noted there are funds in some accounts from previous year's development fee collections. These developer fees are Childcare Facilities; Parkland Dedication; Offsite Arterial improvements; Fire Protection; and Community Facilities. The Marsh Creek Road Sewer Fees; Police Mitigation Fees and Open Space In-Lieu Fees are not subject to AB1600 report but included for tracking purposes. Of the aforementioned five reportable developer fees, one currently complies with the provision of AB1600 that funds be expended within five years of their collection – the Parkland Dedication fee. Collections of Childcare Facility, Offsite Arterial Improvement, the Fire protection and the Community Facilities fees have not been used to fund expenditures in excess of 5 years, however are still needed to be collected as adopted CIP projects eligible for use of these funds are greater than the current amounts available thus finding of continued need is included in the recommended resolution in accordance with State Law for the continued collection of these fees.

Mayor Stratford asked for Public Comments. No public comments were received.

**It was moved by Councilmember Diaz, seconded by Councilmember Geller, to adopt Resolution 03-2014 finding there is a reasonable relationship between current needs for the development impact mitigation fees and the purposes for which they were originally levied and collected by the City.  
(Passed; 5-0 vote).**

## **9. COUNCIL ITEMS**

Councilmember Diaz announced a 7:00 pm meeting of the Fire Services Ad-Hoc Committee Thursday, February 20<sup>th</sup> at Endeavor hall taking place at 7pm to go over the findings of the Fitch and Associates Report; and he would be attending the upcoming February 27<sup>th</sup> Board of Supervisors/Fire Board meeting regarding this report and plans to address the Board with comments advocating returning Clayton Station #11 from its part time hours of operation to full time 24/7 operation.

- 10. ADJOURNMENT**– on call by Mayor Stratford the meeting adjourned at 7:58 p.m.

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Respectfully submitted,



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Janet Brown, Interim City Clerk

APPROVED BY CLAYTON CITY COUNCIL



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Hank Stratford, Mayor

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