

MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

TUESDAY, December 1, 2015

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:01 p.m. by Mayor Geller in Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Geller, Vice Mayor Diaz and Councilmembers Haydon and Pierce. Councilmembers absent: Councilmember Shuey. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, Finance Manager Kevin Mizuno, and City Clerk/HR Manager Janet Brown.

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

3. **CONSENT CALENDAR**
It was moved by Councilmember Haydon, seconded by Councilmember Pierce, to approve the Consent Calendar as submitted. (Passed; 4-0 vote).
 - (a) Information Only – No Action.
 1. Notification by Republic Services (aka Allied Waste Services) that residential and commercial solid waste/recycling collection and disposal service rates in Clayton will increase by 2.34% effective January 1, 2016 (90% of the annual October-October Consumer Price Index change of 2.6%, per the City's Franchise Agreement).

 2. Notice of a Public Hearing on Wednesday, January 6, 2016 by the Contra Costa Water District Board (CCWD) for its consideration of a treated water rate revenue increase of up to 3.5%, to become effective February 1, 2016.

 - (b) Approved the minutes of the regular meeting of November 17, 2015.

 - (c) Approved Financial Demands and Obligations of the City.

 - (d) Adopted Resolution No. 42-2015 setting, adjusting and approving the City Manager's salary range and annual salary, awarding a one-time discretionary pay for performance, and authorizing the Mayor to execute a Third Amendment to the City Manager's Employment Agreement.

 - (e) Adopted Resolution No. 43-2015 deleting Capital Improvement Project (CIP) No. 10414 – East Marsh Creek Road Upgrade from the City's 5-Year CIP Budget, and adding CIP No. 10437 – the 2016 Arterial Street Rehabilitation Project.

 - (f) Adopted Resolution No. 44-2015 to amend and restate the City's ICMA-RC 401(a) governmental money purchase plan and trust document.

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.

Vice Mayor Diaz attended meetings of the Clayton Library Foundation and the Clayton Business and Community Association general membership. Mr. Diaz also assisted the Clayton Business and Community Association with its annual downtown holiday decorations.

Councilmember Pierce attended meetings of the Metropolitan Transportation Commission, Contra Costa Transportation Authority, Association of Bay Area Governments, and the Bay Area Regional Collaborative. Councilmember Pierce also attended the Bike East Bay Geary Road Bike Lanes Ribbon Cutting Event, and she assisted with the planning of the Clayton Historical Society Sixth Annual Clayton Christmas Home Tour.

Councilmember Haydon attended the Clayton Business and Community Association general membership meeting and assisted with the annual downtown holiday decorating event. Councilmember Haydon also meet with Clayton resident Ted Sudderuth and Boy Scout Troop 262 to install much needed basketball hoop nets at Mt. Diablo Elementary School.

Mayor Geller attended the general membership meeting of and the annual downtown holiday decorating day with the Clayton Business and Community Association.

- (e) Other – None.

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

Ron Musch with California Assemblywoman Susan Bonilla's office congratulated the City Council on its mayor and vice mayor reorganization and wished everyone the best in 2016.

Dominic Aliano with Supervisor Karen Mitchoff's office congratulated the City Council on its reorganization. He also announced a holiday party taking place on Wednesday, December 9 from 4:00 p.m. – 6:00 p.m. at Supervisor Mitchoff's office and that all are invited.

Dan Hummer, 282 Stranahan Circle, also congratulated the City Council on its reorganization. He then expressed his concerns of additional traffic and crime accompanying a proposed high density housing project across the street from the Stranahan neighborhood on Marsh Creek Road. Mr. Hummer further suggested an additional walkway be chained off for concert goers from the sound booth to the stage during Concerts in The Grove.

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 2014-2015, in compliance with *California Government Code* (AB 1600).

Finance Manager Kevin Mizuno presented the staff report noting which impact fee revenues subject to the state law (AB1600) requirements have not been utilized by the City to fund capital expenditures within the five year timeframe: Childcare Facilities, Parkland Dedication, Offsite Arterial Improvement, Fire Protection and Community Facilities fees. Although AB1600 requires that fees collected from developers be expended within five years, there are exceptions provided in recognition that some projects require an extended planning period and revenue before mitigation measures can be constructed or implemented. By this report, the City has outlined and documented there remains a nexus between current needs for these impact fees and the purposes for which they were originally levied and are still needed in the future to be collected.

Mayor Geller asked if there are any public comments to be offered on this item; no comments were given.

**It was moved by Councilmember Pierce, and seconded by Councilmember Haydon, to adopt Resolution No. 45-2015 with findings there remains a reasonable relationship between current needs for the City's development impact fees and the purposes for which they were originally charged (Government Code Section 66000 et. seq.) related to the City's Annual Report on Developer Fees for FY 2014-15.
Motion passed (4-0 vote).**

9. **COUNCIL ITEMS** – None.

10. **RECESS THE CITY COUNCIL MEETING**

Mayor Geller recessed the City Council meeting [at 7:16 p.m.] until after the conclusion of the Oakhurst Hazard Abatement District meeting.

11. **RECONVENE THE CITY COUNCIL MEETING**

Mayor Geller reconvened the City Council meeting [at 7:19 p.m.].

12. **CLOSED SESSIONS**

Mayor Geller announced the City Council will adjourn into Closed Session to handle the matters disclosed and declared below [at 7:19 p.m.]:

- (a) *Government Code section 54956.8*, Conference with Real Property Negotiators. Real Properties: 6005 Main Street (APNs 119-011-002-1; 118-560-010-1; 118-370-041-6)

Instructions to City Negotiators: Council Members Pierce and Shuey, and Ed Del Becarro, Managing Director, Transwestern, concerning price and terms of payment.

Negotiating Party: Pacific Union Land Company (Joshua Reed)

7:55 p.m. Report out from Closed Session

Mayor Geller announced the City Council discussed the matter above, took no reportable action, and gave instructions to its real property negotiators.

13. **ADJOURNMENT**– on call by Mayor Geller, the City Council adjourned its meeting at 7:56 p.m.

The next regularly scheduled meeting of the City Council will be December 15, 2015.

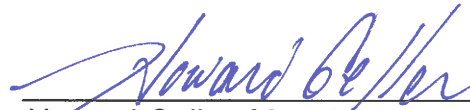
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Respectfully submitted,



Janet Brown, City Clerk

APPROVED BY CLAYTON CITY COUNCIL



Howard Geller, Mayor

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