

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

**TUESDAY, June 16, 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 Clerk/HR Manager Janet Brown, Finance Manager Kevin Mizuno, and Assistant to the City Manager Laura Hoffmeister.

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

3. **CONSENT CALENDAR**

**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 June 2, 2015.

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

4. **RECOGNITIONS AND PRESENTATIONS**

(a) Recognition of Community Development Director Charlie Mullen in appreciation for professional public service to the Clayton community since April 2013.

Mayor Shuey provided a brief history of the accomplishments of Community Development Director Charlie Mullen during his tenure with the City of Clayton and gave Mr. Mullen a plaque of appreciation for his services.

Mr. Mullen thanked the Clayton City Council for the privilege to serve the Clayton community.

(b) Recognition of City Maintenance Lead Worker Edward Bryce, Jr., in appreciation for 27 years of service to the Clayton community (September 1988).

Vice Mayor Geller provided some personal thoughts and a brief history of the accomplishments and tasks provided by Maintenance Lead Worker Ed Bryce, Jr. to the City and the Clayton community during the last 27 years of employment. Vice Mayor Geller highlighted City recognitions that Mr. Bryce, Jr. earned, such as the City Manager's "Handshake Award" in 2000 and then the City Manager's

“Employee of the Year” recognition in 2008. Vice Mayor Geller thanked Ed for 27 years of great service and presented Mr. Bryce, Jr. with a clock in honor of his “time” spent with the City of Clayton.

Mr. Bryce, Jr. thanked the Clayton City Council, staff and community with appreciation for the opportunity to serve Clayton for the last 27 years. He noted he will miss his employment with the City and has met a lot of good people along the way.

## 5. REPORTS

- (a) Planning Commission – Commissioner Sandra Johnson reported that at its meeting of June 9, 2015 the Commission reviewed a proposed Home Occupation Permit at 105 Joscolo View and then approved an educational therapy business to operate from that single family residence. Commissioner Johnson added the Commission also reviewed and accepted the City’s Fiscal Year 2015-2023 Capital Improvement Program Budget for conformity with the Clayton General Plan.

Staff also summarized a proposed project submitted by St. John’s Episcopal Church to create two single family lots, and the pending Silver Oaks Estates and the Oak Creek Canyon projects, both of which are in need of additional work from the applicants. Lastly, a project was submitted by T-Mobile to upgrade and/or construct a new cell tower near the CCWD above-ground reservoir off Marsh Creek Road.

Commissioner Johnson, on behalf of the Clayton Planning Commission, said “Good Bye and Good Luck” to Community Development Director Charlie Mullen for his service to the Clayton community.

- (b) Trails and Landscaping Committee – Committee Member Harun Simbirdi reported that at its meeting of June 8, 2015, the Trails and Landscaping Committee received an update from Maintenance Supervisor Mark Janney regarding the status of various Landscape Maintenance District projects and activities, noting replanting projects will not occur until the drought is over. The Committee also discussed: imposed water reduction mandates of 45% to the Landscape District; the fact Measure B’s reauthorization must be prepared for voter time extension by the November 2016 election; reviewed the Landscape Maintenance District Budget and has requested the City repave the Lower Easley Trail using Landscape District funds when it shortly performs its 2015 Street Rehabilitation Project; and the draft Annual Report of the Trails and Landscaping Committee. On this latter item, the Citizens Oversight Committee will be preparing an independent analysis of the Landscape District operations and achievements in fiscal year 2014/15. Ad-Hoc Committee Chair Casagrande and Committee Member Steiner will prepare its draft report to present to the Trails and Landscaping Committee in September 2015, followed by formal submittal to the City Council thereafter.

- (c) City Manager/Staff – City Manager Gary Napper reported that with the retirement of Community Development Director Charlie Mullen, a new Community Development Director was selected, Mindy Gentry. Ms. Gentry attended Humboldt State University and has been employed by the City of Antioch for approximately 10 years; she is also a recent Clayton resident. She is scheduled to shadow Mr. Mullen on June 17<sup>th</sup> and then start solo on June 22<sup>nd</sup>.

Mr. Napper also announced Clayton Police Chief Chris Thorsen has accepted an offer from the City of Oakley to be its Chief of Police starting August 3rd. The City of Oakley has terminated its long time contract with the Contra Costa County Sheriff's Office and will be starting its own Police Department. Staff has asked Bob Murray and Associates to provide names of qualified professionals willing to be the interim Clayton Chief of Police while staff conducts and advertises for a permanent replacement.

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

Councilmember Haydon noted he continues to walk the City's great trail system.

Councilmember Pierce attended meetings of the Contra Costa Transportation Authority, Association of Bay Area Governments, and Metropolitan Transportation Commission.

Councilmember Diaz attended the Clayton Valley Charter High School Class of 2015 Graduation Ceremony, Contra Costa County Mayors' Conference, Thursday and Saturday Concerts in The Grove, and the League of California Cities Public Safety Services Committee meeting.

Vice Mayor Geller attended the Clayton Valley Charter High School Class of 2015 Graduation Ceremony; he announced the next Saturday Concerts in The Grove will feature the band, Mustache Harbor.

Mayor Shuey attended Clayton Valley Charter High School's Class of 2015 Graduation Ceremony.

- (e) Other – None.

6. **PUBLIC COMMENT ON NON - AGENDA ITEMS** – None.

## 7. PUBLIC HEARINGS

- (a) Public Hearing on the proposed City of Clayton Budget for Fiscal Year 2015-16 and its 5-year Capital Improvement Project Budget (CIP) for Fiscal Years 2015-2020.

Finance Manager Kevin Mizuno provided a slideshow summary of the proposed Fiscal Year 2015-16 City Budget to the City Council, noting no revisions to the Proposed Budget have arisen since its presentation on June 2, 2015. Mr. Mizuno briefly highlighted a City Budget 5-Year Summary and the 2015-16 total expenditures and revenues budgets, noting the Capital Improvement Project Budget is not included as it contains multi-year projects that may increase or decrease year to year. The General Fund status for Fiscal Year 2015-16 forecasts an opening reserve balance of \$5,227,078 on July 1, 2015 with a projected surplus of \$28,516 bringing the closing balance to \$5,255,594 on June 30, 2016.

Mr. Mizuno concluded his presentation with the City's Appropriations (GANN) Limit projection for Fiscal Year 2015-16 based on two economic statistics published by the Department of Finance. Fiscal Year 2014-15 Appropriations Limit began with a balance of \$8,924,937; application of the formulaic changes, the City's Fiscal Year 2015-16 Appropriations Limit rises to \$9,384,473. Comparing that tax threshold with the City's actual tax revenues, the City experiences an annual gap in tax generation of \$4,534,727, resulting in a 51.7% GANN Limit operating cost below the voter-approved legal tax limit.

Councilmember Haydon inquired if the financial impact of a new labor contract with the Clayton Police Department is reflected in the current budget? Mr. Mizuno advised the Clayton Police Department labor contract is still in negotiation and is not reflected in Clayton's proposed Fiscal Year 2015-16 Budget.

Mayor Shuey opened the Public Hearing; no public comments were offered. Mayor Shuey closed the Public Hearing.

**It was moved by Vice Mayor Geller, seconded by Councilmember Haydon, to adopt the Resolution approving the annual budget for the City of Clayton for the 2015-2016 Fiscal Year and the 5-Year CIP Budget for FYs 2015-2020 and the City's 2015-2016 GANN Appropriations Limit. (Passed; 5-0 vote).**

## 8. ACTION ITEMS

- (a) Consider a Council Member's suggestion for the installation and maintenance of doggie litter stations along the City trails system and additional trash cans at trail heads closest to streets.

Councilmember Haydon noted, based on his observations of increased garbage along Clayton's trails, whether the installation of additional trash receptacles and doggie mitt dispensers would be beneficial. Mr. Haydon suggested word be broadcast to the greater Clayton community of the opportunity to contribute funds to the City's donor program, available through

the Trails and Landscaping Committee for such purposes, as he would like to keep Clayton a clean community.

Vice Mayor Geller inquired if the Trails and Landscaping Committee has current options through its already approved donor recognition program? Councilmember Haydon confirmed the Trails and Landscaping Committee donor program offers two options of either a doggie station dispenser unit with small trash container or a trash/recycling receptacle and decorative-style container on a concrete platform.

Assistant to the City Manager Laura Hoffmeister advised some areas available for sponsorship include Lydia Lane Park, El Molino/Marsh Creek Road, Westwood Park and Community Park. Ms. Hoffmeister suggested Clayton Pioneer's Mayors Column would be a good resource in getting the word out to the community.

Vice Mayor Geller added the area behind Safeway, near Westwood Park, should be easily accessible by Clayton Maintenance Department for picking up trash deposited in a new trash receptacle. Assistant to the City Manager Hoffmeister noted some of that area behind Safeway is actually its private property for which they are responsible to keep clean as part of its land use permit.

Councilmember Pierce shared her concerns with the expense and time of adding additional trail facilities; the Trails and Landscaping Committee agreed at its recent meeting that the current options through the already approved donor recognition program are adequate opportunities, and there is not the need to add additional trash cans or doggie mitt stations along the trails beyond the current existing and approved locations in the Recognition Program due to a variety of factors. Most dog walkers carry plastic bags and are generally good in cleaning up after their pets.

Mayor Shuey opened the floor to receive public comments; no public comments were offered.

No formal action was taken on this item.

9. **COUNCIL ITEMS** – None.

10. **RECESS THE CITY COUNCIL MEETING** – Mayor Shuey recessed the City Council meeting at 7:47 p.m.

11. **RECONVENE THE CITY COUNCIL MEETING** – Mayor Shuey reconvened the City Council meeting at 7:53 p.m.

**12. CLOSED SESSIONS**

Mayor Shuey adjourned the public meeting into Closed Session for the following stated purposes at 7:53 p.m.

- (a) *Government Code Section 54956.8*, Conference with Real Property Negotiator.  
Real Property: 6005 Main Street (APNs 119-011-002-1; 118-560-010-1; 118-370-041-6);  
Instructions to City Negotiators (Mayor David Shuey and Council Member Julie Pierce;  
and Ed Del Becarro, Managing Director, Transwestern) concerning price and  
terms of payment.  
Negotiating Parties: 1. DRG Builders, Inc. (Doyle Heaton)  
2. Pacific Union Land Company (Joshua Reed)  
3. City Ventures, LLC (Patrick Hendry)

- (b) *Government Code Section 54957.6*, Conference with Labor Negotiator  
Instructions to City-designated labor negotiator: City Manager  
Employee Organization: Clayton Police Officers' Association (CPOA)

**Report Out from Closed Session** (8:55 p.m.): Mayor Shuey reported the City Council received reports and information from its real estate agent and its labor negotiator, and gave general direction to staff.

- 11. ADJOURNMENT**– on call by Mayor Shuey, the City Council adjourned its meeting at 8:55 p.m.

The next regularly scheduled City Council meeting is July 7, 2015.

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Respectfully submitted,



Janet Brown, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

  
David T. Shuey, Mayor

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