

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

**TUESDAY, December 5, 2017**

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

Mayor Diaz recognized Clayton's first Mayor Bob Hoyer and former Mayor Howard Geller who are in the audience this evening.

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

3. **CONSENT CALENDAR**

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

- (a) Information Only – No Action Requested.

1. Notification of a Public Hearing on Wednesday, January 3, 2018 by the Contra Costa Water District Board of Directors (CCWD) to consider a treated water rate revenue increase of up to 6.0% to become effective February 1, 2018.

2. Notification by Republic Services that residential and commercial solid waste/recycling collection and disposal services rates in Clayton will increase by 2.42% effective January 1, 2018 (ref. 90% of the annual October-October Bay Area Consumer Price Index (CPI) change of 2.69%, per the City's Franchise Agreement).

- (b) Approved the minutes of the City Council's regular meeting of November 7, 2017.

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

- (d) Adopted Resolution No. 45-2017 re-appointing Carin Kaplan, Howard Kaplan, Nancy Morgan and Maryann Carroll Moser to the Trails and Landscaping Citizens Advisory Committee for the terms of office to expire December 31, 2019.

- (e) Adopted Resolution No. 46-2017 approving the City's AB 1600 Annual Report for FY 2016-2017 with the finding there remains a reasonable relationship between the current needs for the City's Development Impact Fees and the purposes for which they were originally charged and collected (per *California Government Code Section 66000 et. seq.*).

- (f) Approved the list of the preferred and alternative street names for the shared driveway of four single-family homes in the Verna Way residential subdivision project.

#### 4. RECOGNITIONS AND PRESENTATIONS

- (a) Presentation to the City of a framed photo of Brierley Green Farm, the birthplace of Joel Clayton in Bugsworth, England, by Ray Strong, a great great grandson of Joel Clayton.

Mr. Ray Strong, great great grandson of Joel Clayton, presented to the City a framed photo of Brierley Green Farm, the birthplace of Joel Clayton in Bugsworth, England. Mr. Strong shared his experiences and the hospitality he and his wife received when they made a recent visit to Bugsworth, England.

Mayor Diaz thanked Mr. Strong for the beautifully framed photograph of the birthplace of this City's founder and indicated it would be hung in a visible place in Clayton City Hall.

- (b) Certificates of Recognition to selected CVCHS students for exemplifying the "Do the Right Thing" character trait of "Respect" during the month of October 2017.

Mayor Diaz and Clayton Valley Charter High School Academic Advisor (9<sup>th</sup> grade) Bob Ralston presented Certificates to students Brooke Johnson and Vanessa Chena Davila.

#### 5. ANNUAL REORGANIZATION OF CLAYTON CITY COUNCIL

- (a) Election of Mayor by the City Council

Mayor Diaz opened nominations. Councilmember Shuey nominated Keith Haydon for the office of Mayor. Councilmember Pierce seconded the nomination. There were no other nominations and Mayor Diaz closed the nominations.

**On call by Mayor Diaz, the election of Keith Haydon as Mayor passed by acclamation (Passed; 5-0 vote).**

- (b) Election of Vice Mayor by the City Council

Mayor Haydon opened nominations for Vice Mayor. Mayor Haydon nominated David Shuey for the position of Vice Mayor. Councilmember Pierce seconded the nomination. There were no other nominations and Mayor Haydon closed the nominations.

**On call by Mayor Haydon, the election of David Shuey as Vice Mayor passed by acclamation (Passed; 5-0 vote).**

- (c) Recognitions and comments by Mayor and Council Members.

Mayor Haydon thanked the City Council for its support and is honored and privileged to serve as the Mayor for the next term by maintaining the high standards that have been set.

George Escutia, Jr., Field Representative for California Senator Glazer, presented a certificate to former Mayor Diaz in recognition of his services as Mayor to the Clayton community.

Audrey Detmer, Field Representative for California Assemblyman Tim Grayson presented a certificate of recognition to former Mayor Diaz for his services as Mayor to the Clayton community.

Councilmember Diaz remarked he found the experience as Mayor to be enjoyable and busy with administration matters and working with City staff under the leadership of City Manager Gary Napper who is available whenever needed. He added Janet Brown, City Clerk ably takes care of numerous document preparations for signatures. Councilmember Diaz thanked the City Council for its support and assistance, in particular from now Vice Mayor David Shuey and Councilmember Julie Pierce.

Mayor Haydon presented Councilmember Diaz a gavel plaque in recognition for his service as Mayor to the Clayton community.

7:23 p.m. Social Break

Mayor Haydon called for a short break in the Council proceedings so attendees in the audience and members of the City Council could socialize with the members of the community in attendance tonight.

7: 43 p.m.

Mayor Haydon called the Clayton City Council meeting back to order.

**6. REPORTS**

- (a) Planning Commission – No meeting held.
- (b) Trails and Landscaping Committee – No meeting held.
- (c) City Manager/Staff

City Manager Napper noted with the Holiday Season approaching it is typically a slow time of the year at City Hall. Along with the previous cancellation of the December 19th City Council meeting, he talked with the City Hall employees and they have collectively elected to use personal accrued paid time to close City Hall between Christmas Day, which is a regular holiday, and New Year's Day, also a regular holiday, making City Hall closed until January 2, 2018 except for Police field services and Maintenance crews for City-determined emergencies.

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

Councilmember Diaz attended the Clayton Business and Community Association's Clayton Rib Cook-off committee meeting, Senator Glazer's Holiday Reception, the County Connection Operations/Scheduling committee meeting, the East Bay Communication Authority meeting, the Contra Costa County Public Works Department's celebrated completion of the Morgan Territory Road Slide Repair Project with a ribbon cutting, the Clayton Business and Community Association's Annual Tree Lighting event followed by the Clayton Business and Community Association's Annual Member Appreciation dinner.

Vice Mayor Shuey indicated no report.

Councilmember Pierce attended the California Council of Governments Board meeting.

Councilmember Catalano attended the Clayton Business and Community Association's Annual Tree Lighting event followed by the Clayton Business and Community Association Member Appreciation dinner.

Mayor Haydon attended the Clayton Business and Community Association's Annual Tree Lighting event, the Clayton Business and Community Association's Member Appreciation dinner, and a Trails and Landscaping Committee meeting.

(e) Other – None.

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

8. **PUBLIC HEARINGS** – None.

9. **ACTION ITEMS**

(a) Consider a proposed Resolution adjusting and approving a salary adjustment, a one-time discretionary pay for performance award, and authorizing the Mayor to execute a Fourth Amendment to the City Manager's Agreement to adjust compensation.  
(City Attorney)

City Attorney Mala Subramanian noted since October 2017 the City Manager and City Council have been in discussions regarding his annual performance evaluation and associated compensation. As a result of those discussions the City Council requested she prepare the attached Resolution, which does three (3) things: 1. Modifies the City Manager's monthly salary range effective October 29, 2017 for each of the five (5) steps by 3%; 2. It provides a one-time discretionary performance pay award of \$9,000.00 to the City Manager, payable in the first pay period of 2018; and 3. Authorizes the execution of a 4<sup>th</sup> Amendment to the City Manager's employment contract amending and approving the City Manager's salary to be \$206,016.00 per year, effective October 29, 2017. This Staff Report serves as the City Council's oral report for purposes of the Brown Act related to city manager compensation.

Mayor Haydon opened the item for public comment; no comments were offered.

Councilmember Pierce commented these last several years have been a test for Clayton as there have been number of personnel changes and other issues come up and Gary's innovation and dedication to this small community is a testament to what can be done with a small budget.

Vice Mayor Shuey added many cities have tried to poach Gary over the years; he has remained here and we are really blessed to have him. This is a well-deserved raise and one-time bonus.

Councilmember Diaz also added while he was Mayor he was able to see Gary's leadership first-hand with day-to day operations which requires a thoughtful decision maker. Councilmember Catalano indicated she supported the sentiments expressed.

Mayor Haydon finally added his observation of the City getting by with a limited staff and many cases Gary takes on quite a bit himself; he is very effective with the small number of staff that he does have.

It was moved by Councilmember Pierce, seconded by Councilmember Diaz, to adopt Resolution No. 47-2017 setting, adjusting and approving the City Manager's Salary Range, awarding the City Manager a one-time discretionary pay for performance reward, and authorizing the Mayor to execute a Fourth Amendment to the City Manager's Employment Agreement.  
(Passed; 5-0 vote).

10. COUNCIL ITEMS – None.

11. CLOSED SESSION – None.

12. ADJOURNMENT– on call by Mayor Haydon, the City Council adjourned its meeting at 7:55 p.m.

The City Council regularly scheduled meetings of December 19, 2017 and January 2, 2018 were canceled by previous action of the City Council.

The next regularly scheduled meeting of the City Council will be January 16, 2018.

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Respectfully submitted,



Janet Brown, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL



Keith Haydon, Mayor

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