

MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

TUESDAY, April 19, 2016

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:00 p.m. by Vice Mayor Diaz in Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Vice Mayor Diaz and Councilmembers Haydon and Pierce (Shuey arrived at 7:10 p.m.). Councilmembers absent: Mayor Geller. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, and City Clerk/HR Manager Janet Brown.

2. **PRESENTATION OF THE COLORS AND PLEDGE OF ALLEGIANCE** – led by Boy Scouts from BSA Troops 262 and 484, Mt. Diablo Silverado Council, Boy Scouts of America (BSA)

3. **CONSENT CALENDAR**

It was moved by Councilmember Haydon, seconded by Councilmember Pierce, to approve the Consent Calendar as submitted. (Passed; 3-0 vote).

- (a) Approved the minutes of the City Council's regular meeting of April 5, 2016.
- (b) Approved the Financial Demands and Obligations of the City.
- (c) Accepted the City's Investment Portfolio Report for Third Quarter of FY 2015-16, ending March 31, 2016.
- (d) Adopted Resolution No. 20-2016 finding and declaring that a continuing local emergency condition remains arising from damage to a portion of the Cardinet Trail while undertaking the previously-authorized emergency repairs on the Cardinet Trail.
- (e) Adopted Resolution approving a Tolling Agreement extending the limitations period to file a legal challenge by West Coast Home Builders, Inc. concerning the City's disapproval of the Final Map for the Oak Creek Canyon Subdivision (MAP-04-03).

4. **RECOGNITIONS AND PRESENTATIONS**

- (a) Presentation by the Mt. Diablo Silverado Council, Boy Scouts of America, regarding the status of Scouting in Clayton (Arnel Jaime, District Executive)

Several Boy Scouts from Troops 262 and 484, Mt. Diablo Silverado Council, provided verbal reports on the amount and extent of scouting in the City of Clayton. Various Scouts offered brief presentations about the history, ranks, activities and volunteer service hours provided within the Clayton community. The City Council was presented with a plaque noting 1,612 community hours working on Eagle Scout and Service Projects for the community.

(Councilmember Shuey arrived)

- (b) Presentation of its Annual Report for 2015 by Joyce Atkinson, President of the Clayton Community Library Foundation.

Joyce Atkinson presented the 2015 Annual Report of the Clayton Community Library Foundation highlighting: the recent Spring Used Book Sale brought in a profit of \$5,942.44; in-library service hours totaling 4,826 hours provided by volunteers for daily needs and special events, valued at \$129,674.62; Boy Scout Troop 484 assistance with physical tasks; Clayton Valley Garden Club maintenance of flower boxes and garden areas; the twentieth Birthday Celebration of the Clayton Community Library; local second grade classes visited the library and students received their first library cards; Clayton Community Library Foundation generated income of \$44,413.94 from a variety of sources in 2015. Ms. Atkinson noted the Foundation is also considering an unspecified amount of monies for donation to the City to assist in funding the extra Sunday operation hours of the Library paid by the City.

Members of the City Council expressed their appreciation for the wonderful works by the Clayton Community Library Foundation supporting the operation and existence of the library.

- (c) Proclamation declaring the week of April 18th – 24th, 2016 as “Clayton Community Library Volunteer Recognition Week,” and recognition of Clayton’s “Library Volunteers of the Year.”

Vice Mayor Diaz read the Proclamation declaring the week of April 18th – 24th, 2016 as “Clayton Community Library Volunteer Recognition Week.” Vice Mayor Diaz asked Karen Hansen-Smith, Branch Librarian, and Arlene Kikkawa-Nielsen, Volunteer Coordinator, to assist in the presentation of Certificates of Recognition to “Library Volunteers of the Year” Carol Gurrad and Beverly Loomis, honoring their many hours of service to the Clayton Community Library.

- (d) Kickoff of Clayton’s Certified Farmers’ Market for 2016 “Opening Day” is Saturday, May 7th (8:00 am – Noon, each Saturday on Diablo Street) (Shawn Lipetzky, Regional Manager, Pacific Coast Farmers’ Market Association, Jorge Vega, District Manager, Pacific Coast Farmers’ Market Association)

Jorge Vega, District Manager, and Shawn Lipetzky, Regional Manager, introduced Lynette Miscione, Clayton’s Certified Farmers’ Market Manager for the 2016 season. Mr. Lipetzky summarized a PowerPoint presentation its 2015 Pacific Coast Farmers’ Market Annual Report for Clayton’s certified farmers’ market and highlighted upcoming attractions for the 2016 season.

Mr. Vega, Mr. Lipetzky and Lynette Miscione presented Vice Mayor Diaz, each City Council Member, and City Manager Napper with baskets of fresh produce to share.

Councilmember Pierce confirmed the Market’s 2016 start date of May 7th is from 8:00 am to Noon, and it is located on Diablo Street between Main and Center Streets.

- (e) Proclamation declaring the month of April as “Sexual Assault Awareness Month.”

Vice Mayor Diaz read the Proclamation and requested staff send it to the requestor as no representative was present to receive the Proclamation.

5. REPORTS

- (a) Planning Commission – Commissioner Dan Richardson summarized the Commission’s meeting of April 12, 2016. He noted its agenda included a Temporary Use Permit (TUP) for the new community event, the “Round Up”, as a fundraiser for Relay for Life. It will occur from 5:00 pm to 11:00 pm on Saturday, June 11 at Easley Ranch located at 6955 Marsh Creek Road. A few neighboring residents expressed concerns of additional noise being generated by this event at this venue, as well as amplified noise from the property’s outdoor wedding events. After discussions, the TUP was conditioned the audio equipment be repositioned and redirected to try to reduce the noise. This TUP was approved by the Planning Commission.
- (b) Trails and Landscaping Committee – No meeting held.
- (c) City Manager/Staff

City Manager Napper provided details regarding the upcoming “Clayton Cleans Up” event taking place on Saturday, April 23rd from 9:00 am to Noon; meet in the City Hall courtyard for sign-ins, area assignments and trash bags.

Mr. Napper advised the Cardinet Trail is expected to be closed starting on Monday, April 25th for approximately 3 weeks for emergency repair. He also provided an update on the Peacock Drive median tree replacement project noting the requested eight (8) trees were replanted, however it was discovered one additional tree was missing so that 9th tree is currently on order. The work was more labor-intensive than envisioned as the main irrigation line runs through the center of the median and under the tree roots, so the stumps had to be dug out by shovels.

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

Councilmember Haydon attended the Clayton Business and Committee Association’s Rib Cook-Off Committee meeting, the Contra Costa County Mayors’ Conference, and a BBQ at City Hall in honor of three employees of the Clayton Police Department that have accepted positions with another city. Mr. Haydon also had the opportunity to meet Clayton’s newest Police Sergeant, Daryl England.

Councilmember Shuey did not provide a report.

Councilmember Pierce attended several meetings of the Contra Costa Transportation Authority, the Metropolitan Transportation Commission, the Association of Bay Area Governments, the California Council of Governments, the TRANSPAC, the Bay Area Regional Council, the Contra Costa County Mayors’ Conference, and the first 2016 4th of July Committee meeting. Ms. Pierce announced the upcoming Clayton Historical Society Garden Tours takes place this weekend, April 23rd and April 24th. She also advised the community of an upcoming MTC and ABAG Merger discussion meeting on Friday, April 22nd from 9:00 a.m. to 12:00 p.m.

Vice Mayor Diaz attended the Clayton Business and Committee Association’s Art and Wine Committee meeting, a Press Conference by State Senator Steve Glazer regarding the new 4-year BART labor agreement, Assemblywoman Catharine Baker’s reception, the ground ceremony for JetSuite’s inaugural flight from Buchanan Field to Burbank’s Bob Hope Airport, a BBQ at City Hall in honor of three employees of the Clayton Police Department that have accepted positions with another agency, and met with Diablo Valley Ranch thanking them for its services at various community events. He also participated in the Shred Day sponsored by Travis Credit Union.

City Manager Napper added this is the final weekend to see a play by Neil Simon, "Rumor's", performed by the Clayton Theatre Company at Endeavor Hall.

Councilmember Haydon also announced the upcoming Clayton Business and Community Association's upcoming Art and Wine Festival taking place on April 30th and May 1st.

- (e) Other – None.

6. PUBLIC COMMENT ON NON - AGENDA ITEMS

Battalion Fire Chief Dominic Ciotola advised the Boy Scouts present that Contra Costa County Fire District offers an Explorer Program that may be of interest to them. Chief Ciotola updated the City Council on its new partnership with American Medical Response handling first responder emergency medical services; he reported they are assisting 175 to 200 patients per day with an average response time of 10 minutes. Mr. Ciotola also advised there was a recent incident involving minor injuries in a difficult to access area on Mount Diablo. This particular incident included the assistance of an air flight nurse provided by REACH and Contra Costa County Sheriff's Office paramedics.

Vice Mayor Diaz wanted to be sure that Fire Chief Jeff Carmen is thanked for putting together this alliance and he is happy to hear how much it is assisting with response times as the past closure of Fire Station No. 11 in Clayton was of great concern to numerous people in town regarding emergency medical response times.

Councilmember Pierce inquired on the deadline for cutting back weeds as she has observed some potential fire danger areas and received many comments from citizens. Chief Ciotola advised that date has not yet been determined due to the recent rains and the potential for re-growth of weeds if they are cut too early. He indicated the Fire District's website will post that information as soon as it has been decided and notices will be sent to affected property owners. Chief Ciotola added there is a Fire Academy in session of about 20 candidates who will be graduating in late May.

7. PUBLIC HEARINGS – None.

8. ACTION ITEMS

- (a) Council Member report on the progress and possible content of a Contra Costa Transportation Authority (CCTA) ballot measure in November 2016 to levy an additional sales tax rate of 0.5% for transportation-related projects and needs.

Council Member Pierce provided a detailed report of the prospective contents of an upcoming potential transportation sales tax measure by Contra Costa Transportation Authority (CCTA). The tax measure is considering a rate of one-half percent increase over a 25-year period that would generate an estimated \$2.3 billion in constant 2015 dollars and \$3.7 billion in escalated dollars between 2017 and 2042. Ms. Pierce outlined in depth the CCTA's Draft Transportation Expenditure Plan that is under consideration for distribution/use of the new tax revenues, and as a member of CCTA she is seeking any feedback by the Clayton Council members. Highlighted descriptions of the initial draft Transportation Sales Tax Expenditure Plan included funding categories, the growth

management program, Urban Limit Line definitions and compliance requirements, the Complete Streets policies, the governing body and administration, and implementing guidelines. Presently, the proposed tax measure calls for a Return to Source monies of 23% to the cities for local transportation maintenance and needs.

Councilmember Shuey inquired if once the policies are written will the Board have the ability to make changes? Councilmember Pierce advised the Board will be able to makes changes until the funding is determined by voter approval.

Councilmember Haydon would like to ensure the CCTA potential tax measure remains as a separate ballot measure from the proposed Bay Area Rapid Transit (BART) ballot measure and that each measure is very clear to voters.

Councilmember Pierce advised the final form of the proposed tax measure will come back to the City Council for final consideration since CCTA must have approval of the majority of cities representing a majority of the County population in order to place the measure on the November 2016 ballot.

Vice Mayor Diaz opened the item to receive public comments; no public comments were offered.

No City Council action was taken.

9. **COUNCIL ITEMS** – None.

10. **CLOSED SESSION**

Vice Mayor Diaz announced the City Council would adjourn into a closed session to discuss the subject matters listed below (8:59 p.m.):

(a) Conference with Legal Counsel – Existing Litigation
Government Code Section 54956.9(d)(1)

1. *Brandon House, Petitioner, v. Superior Court of the State of California for the County of Contra Costa, Respondent; City of Clayton, Real Party in Interest.*
Contra Costa County Superior Court, Case No. 1-173712-1.
2. *Khalil Luis Guerra, Petitioner, v. Superior Court of the State of California for the County of Contra Costa, Respondent; City of Clayton, Real Party in Interest.*
Contra Costa County Superior Court, Case No. 1-173426-8.

Report out from Closed Session (9:12 p.m.)

Vice Mayor Diaz reported the City Council received a briefing from its City Attorney regarding these matters and no reportable action was taken.

11. **ADJOURNMENT**– on call by Vice Mayor Diaz, the City Council adjourned its meeting at 9:13 p.m. in memory of Mahlon Gilman “Ming” Hanson, a military veteran and long-time Clayton community member, who recently passed away.

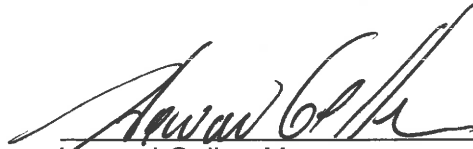
The next regularly scheduled meeting of the City Council will be May 3, 2016.

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Respectfully submitted,

Janet Brown, City Clerk

APPROVED BY CLAYTON CITY COUNCIL



Howard Geller, Mayor

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