

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

**TUESDAY, May 19, 2009**

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:02 p.m. by Mayor Pierce in Hoyer Hall of the Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Pierce, Vice Mayor Stratford, Councilmembers Geller, Medrano, and Shuey (arrived at 8:08 p.m.). Staff present: City Manager Gary Napper, City Attorney Dan Adams, and City Clerk Laci Jackson.
  
2. **CLOSED SESSION-** None.
  
3. **PLEDGE OF ALLEGIANCE** – led by Mayor Pierce.
  
4. **CONSENT CALENDAR-** It was moved by Vice Mayor Stratford, seconded by Councilmember Geller to approve the Consent Calendar as submitted (Passed; 4-0 vote).
  - (a) Approved the minutes of the joint special meeting of the City Council and Planning Commission of April 28, 2009 and regular meeting of May 5, 2009.
  - (b) Approved Financial Demands and Obligations of the City.
  - (c) Adopted Resolution 11-2009 approving Engineer's Report and Declaring Intention to Levy and Collect Assessments for the Street Lighting Assessment District for Fiscal Year 2009-2010, and Giving Notice of the Notice of the Time and Place for Hearing on the Levy of the Proposed Assessment.
  
5. **RECOGNITIONS AND PRESENTATIONS**
  - (a) Mayor Pierce read aloud the Proclamation declaring a "Wellness Challenge" in the City of Clayton. Cindy Gerchen, of the Wellness Challenge, accepted the Proclamation and urged people to adhere to the healthy eating guidelines.
  - (c) Mayor Pierce presented Larry Hunt, AV Technician, with a Certificate of Appreciation for his work on the installation of the Hoyer Hall AV Equipment.
  
6. **REPORTS**
  - (a) Planning Commission – no meeting held to report.
  - (b) Trails and Landscaping Committee –will report at a meeting in June.
  - (c) The City Manager reported the Concerts in The Grove kicked off on May 16<sup>th</sup> and the second concert will be held on May 30<sup>th</sup>. The Farmers' Market will continue on Saturdays and the Memorial Day ceremony will be held at 10am on Monday the 25<sup>th</sup> at the VFW memorial flag pole in downtown.

(d) City Council

Councilmember Medrano attended the Mayors' Conference and the Concerts in The Grove.

Vice Mayor Stratford attended the Mayors' Conference and the Trails and Landscaping Committee meeting.

Councilmember Geller reported 1,200 people attended the first Concert in The Grove. He thanked the Diablo Valley Ranch crew which helped set up before the concert. He also attended the Mayors' Conference.

Mayor Pierce attended the Mayors' Conference, the Regional Water Quality Control Board meeting, Transpac, and E-BART meetings. Lastly, she was a docent at the Clayton Historical Society's Garden Tour and attended the Concert in The Grove.

(e) Other – None.

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

Ted Meriam, Clayton resident, attended the Trails and Landscaping Committee meeting and stated his concern for the loss of landscape plants in the planter boxes in the Downtown area. He stated the dead plants would be visually unappealing and contradictory to the Town Center Plan and the Shop Clayton First program where the goals were to get people into the downtown area. He stated the Garden Club had provided the plants for the boxes and asked the City to consider making cuts to other areas of the City rather than by plant type. He also stated he has a well on his property and might be willing to discuss options for use of his well.

The City Manager stated the City has never experienced this severe of water cutback before and the plan and strategy is to water plants and trees that could not easily be replaced or are more expensive to replace, such as turf. He stated water to some areas had to be completely cut. He stated the Maintenance Department is looking into ideas such as a water truck.

Mayor Pierce stated the Water Conservation plan will continue to be refined after the Maintenance Department is able to assess the actual water reduction impacts.

8. **PUBLIC HEARINGS** – None.

9. **ACTION ITEMS** –Mayor Pierce changed the order of the Agenda as follows.

(c) Consideration of a Resolution finding a severe local fiscal hardship will exist if additional local property tax funds are seized or additional unfunded mandates are enacted by the State of California.

The City Manager presented the staff report and stated the Resolution before the Council was similar to a Resolution presented to the City Council in August 2008. He stated the Governor's May revision indicated the intention of the State to "borrow" \$2

billion from local government. He stated the State's budget problem is very disturbing and has the potential to negatively impact the City of Clayton with more stolen revenue equaling \$152,338 (4.4% of the General Fund revenue) or more. He stated since 1991 the State had taken \$5.42 million in local revenues from the City of Clayton alone.

Mayor Pierce added the money the State is expected to take could pay for more than one Police Officer and is more than it costs for the City to support the expense of the Community Library for a year. She stated she did not believe the State would ever pay the "borrowed" money back and urged citizens to let their State legislators know they are unhappy with this potential action.

**It was moved by Councilmember Geller to approve Resolution 12-2009 as amended with the amount of "\$152,338 or more" (Passed; 4-0 vote).**

- (a) Council Member request to discuss the present enrollment of elected City officials in the California Public Employees Retirement System (CalPERS).

Councilmember Medrano stated the reason he brought this issue in front of the Council was to look at the Councilmembers participation in the CalPERS system. He stated that after reading the information staff put together it does not seem as though there is an option to opt out of the program once already in. He stated that since the Council had asked staff to take cuts the Council should consider doing the same. He asked if it was possible for Councilmembers to use their stipend to pay for their portion of the benefit? The City Manager stated yes, the amount could be deducted from the \$390 a month stipend provided to the Council.

Councilmember Medrano stated he does not believe this is a benefit the City should be paying for and stated Councilmembers should pay for their portion of the retirement benefit.

Councilmember Geller stated there are other benefits of being members of the CalPERS systems such as the option to pay 100% of the premium for group medical insurance.

Vice Mayor Stratford stated he was considering the option for Councilmembers to pay for the 7% employee portion of the benefit but asked how that would affect the taxes. The City Manager stated he would have to look into the tax rules more closely if Council wished to pursue that option.

Mayor Pierce stated the benefit is a valuable one. She stated she was willing to discuss paying the employee portion but reminded the Council that if the CalPERS benefit was not offered the City might have to pay Social Security on the salary.

**Councilmember Shuey arrived at 8:08 p.m.**

Councilmember Medrano reiterated that staff was taking a pay cut and by the Council paying the employee portion for the benefit they were being team players.

City Manager stated he was not in Clayton in 1999 but believed the thought behind becoming members of the CalPERS system was to allow Councilmembers to be covered (at their own cost) by the medical insurance offered to other City employees. Mayor Pierce stated that was exactly the reason for enrolling in the program.

Councilmembers Shuey and Geller stated that Councilmembers were volunteers and believed the benefit was important because the Councilmembers do not ask for reimbursements for expenses to attend City meetings or conducting other City business.

Councilmember Medrano and Vice Mayor Stratford stated they would like to see the Council pay the 7% employee portion of CalPERS.

Mayor Pierce stated she does not want to obligate future Council's to pay for their portion of the CalPERS benefit but that if individually Councilmembers wanted to pay for their portion they could do so right now.

The City Manager stated that if the Council paid for their portion on a voluntary basis no action would need to be taken. He also stated that unlike other cities Councilmembers it has been past practice in Clayton not to submit expense reimbursements for Council business.

**It was moved by Councilmember Medrano, seconded by Vice Mayor Stratford to have each Councilmember pay for the 7% employee portion of the CalPERS costs (Failed, 2-3 vote; Geller, Shuey, and Pierce-no).**

- (b) Council Member request to discuss the frequency of Planning Commission meetings.

Council Member Medrano thanked Chairperson Catalano and Commissioner Haydon for their submitted written comments regarding the meeting schedule.

The Council discussed the frequency and monthly stipend of the Planning Commissioners, and whether it should be a per meeting rate.

Councilmembers Shuey, Geller, and Stratford stated they were against changing the compensation or the meeting schedule of Planning Commissioners.

No action was taken.

## 5. RECOGNITIONS AND PRESENTATIONS


- (b) Mayor Pierce presented a Certificate of Appreciation to the Clayton Pioneer for their support services preparing advertisements of the 2009 Concerts in The Grove and stated a Certificate would be mailed to Pete Barra for his work on the Concert posters.

## 10. COUNCIL ITEMS


Mayor Pierce requested that at the June 2<sup>nd</sup> meeting the Council discuss the upcoming Planning Commission interviews. She stated she would like to discuss interviewing the candidates as a committee of the whole instead of at the sub-committee level because of the major projects coming in front of the Planning Commission in the next year.

11. ADJOURNMENT– On call by Mayor Pierce the meeting adjourned at 8:40 p.m.

Respectfully submitted,

  
\_\_\_\_\_  
Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

  
\_\_\_\_\_  
Julie K. Pierce, Mayor