

MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

TUESDAY, October 18, 2016

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 and Councilmembers Haydon and Pierce. Councilmembers absent: Vice Mayor Diaz and Councilmember Shuey. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, Community Development Director Mindy Gentry, 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; 3-0 vote).

- (a) Approved the minutes of the regular meeting of October 4, 2016.
- (b) Approved Financial Demands and Obligations of the City.
- (c) Approved City Response No. 2 to Civil Grand Jury No. 1615, “Truancy and Chronic Absence in Contra Costa County Schools.”

4. **RECOGNITIONS AND PRESENTATIONS**

- (a) Certificates of Recognition to “Do the Right Thing” public school students selected for exemplifying the character trait of “Responsibility” for August and September 2016.

Mayor Geller and Mt. Diablo Elementary School first grade teacher Mrs. Huarco presented Certificates to students Preston Marks and Brady Bahorski.

Mayor Geller and Diablo View Middle School Principal Patti Bannister presented Certificates to students Timmy Onakoya and Kellie Hintzoglou.

5. **REPORTS**

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

City Manager Napper indicated Chief of Police Chris Wenzel will provide a report this evening.

Police Chief Wenzel introduced Clayton’s newest Police Officer, Ashley Wright, to the City Council. Officer Wright thanked the City Council for the opportunity to ensure the safety of this community and she looks forward to many years of service here.

Chief Wenzel also reported on a recent one-day homeless event, "Project Hope," which occurred at the Antioch Fairgrounds. The Clayton Police Department was able to send 5-6 homeless residents to the one-day event for free assistance. Police staff was also provided with a list of local and county resources available to assist the homeless.

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

Councilmember Pierce participated in many campaign information activities and attended meetings of the Associated Bay Area Governments, the Contra Costa Transportation Authority, several meetings of the Metropolitan Transportation Commission, participated on an interview panel to hire a new Executive Director for Transportation Partnership and Cooperation (TRANSPAC), the Clayton Historical Society Keller Ranch historical monument dedication ceremony, and served as acting Executive Director at the recent Contra Costa Mayors' Conference hosted by the City of Martinez.

Councilmember Haydon attended the Contra Costa Mayors' Conference in Martinez, and the Quilts of Honor Bocce Tournament in downtown Clayton.

Mayor Geller attended the Contra Costa Mayors' Conference in Martinez, and also the Quilts of Honor Bocce Tournament.

- (e) Other – Introduction of City Council candidates (present at the meeting)

Mayor Geller invited candidates in attendance to share a few comments, if they wished.

Allen Lampo advised this evening he would provide his goals and reasoning for running for City Council. He noted he has volunteered a lot in Clayton and is seeking to do more for the community. Based on his background he would like to bring his expertise to assist with Concerts in The Grove. He also supports the idea of adding additional permanent restrooms in the downtown as there are multiple events occurring in the downtown; the goal would be to eliminate the need to rent port-a-potties. Mr. Lampo advised he is a member of Mt. Diablo Interpretive Association and Regional Parks Foundation and would like to organize an Arbor Day Celebration in Clayton. He would also like to involve the Contra Costa County Realtors Association to go over some of his ideas for possibilities for use of the City's vacant property downtown. He stated he has many more ideas to involve the park system and Mt. Diablo and he is hoping to provide a fresh prospective on the City Council.

Julie Pierce declined the opportunity.

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

7. **PUBLIC HEARINGS** – None.

8. ACTION ITEMS

- (a) Consider the adoption of an interim Urgency Ordinance No. 469 placing a local moratorium on the operation or establishment of parolee homes and community supervision programs within the city of Clayton.

Community Development Director Mindy Gentry recommended this item be continued to the next regular City Council meeting as the law requires a 4/5ths affirmative vote to enact the proposed moratorium and there is an insufficient number of Councilmembers present to meet that requirement.

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

No Action was taken on this item; deferred to the next City Council meeting.

- (b) Consider a request by Clayton Valley Garden Club for use of City-owned real property at the Keller Ranch House site for a home base where it could grow plants, store supplies, hold propagation and potting parties, and community workshops as a community service in conjunction with its plant sales.

Mayor Geller provided a brief background of the request by the Clayton Valley Garden Club. He invited Linda Cruz from the Clayton Valley Garden Club to provide a more detailed report to the Council regarding its request to use the Keller Ranch House site.

Ms. Cruz, Clayton Valley Garden Club's Program Chair and past Club President, outlined the many programs put on by the Garden Club which benefit the community. If they are able to use the Keller Ranch House site for its stated purposes, it could expand current and additional community outreach. Ms. Cruz noted the Clayton Valley Garden Club was established in 1997 as a non-profit 501 (c)(3) organization and is a Blue Ribbon Club as members of the Diablo Foothills District of the California Garden Clubs, Inc. and the National Garden Club. She also noted the club is very active with 98 members. The club raises funds each year by hosting an annual plant sale. Ms. Cruz indicated should the City allow the club to use the Keller Ranch site as its home base, it would be able to have more than one plant sale each year and provide more educational and planting workshops to community; perhaps the club could even restore the Elodia Keller Ranch garden which was on the grounds there. She also confirmed their cultivated plants would be placed in raised planters above the ground with no digging into the property so as not to disturb the Native American grounds.

Councilmember Pierce advised there is no available water source at the Keller Ranch House site and inquired on how water would get to the site for the plants and activities? Ms. Cruz said water would be trucked in however, she has heard there may be a water source already at the site. Councilmember Pierce noted she is unsure of any existing water source available at the site. She also inquired if the Clayton Valley Garden Club holds the types of events they are proposing, would there be sufficient parking? What about restroom facilities? Ms. Cruz advised parking and restrooms are available at the nearby Library.

Mayor Geller opened the matter to receive public comments.

Nadine Findley, Vice President, Clayton Valley Garden Club, noted the club's gardens are currently spread throughout Clayton and Concord, with some members having approximately 1,000 plants. Ms. Findley further advised the Garden Club has assisted local schools with the start of their gardens with students learning math and science

through plants. The maintenance of the school gardens is provided by students, teachers and parents. Ms. Findley also mentioned the Clayton Valley Garden Club was in charge of establishing the landscaping of Daffodil Hill.

Mayor Geller closed public comments

Councilmember Pierce advised she is reluctant to move forward with this proposal as other community groups have expressed similar interests in the use of the Keller Ranch site for additional storage, etc. In fairness, those groups have not been invited to submit alternative proposals. She is also concerned with the long-term maintenance of the property, and the availability and ability of volunteers to sustain that effort.

Councilmember Haydon is favorable to the concept; however, he shares concerns about the logistics in the reality of the proposal, as there are many issues that still need to be resolved.

Councilmember Pierce recalled the City already adopted a Keller Ranch Master Plan, noting the costs to restore the grounds and building on the property as very costly, in the millions. She expressed concern with conflicts posed with approved uses contemplated in that Master Plan.

Mayor Geller inquired if the Clayton Valley Garden Club might be able to grow plants suitable for replanting in the City's various medians and rights of way? That would be a beneficial partnership. He also inquired on the current location of the Clayton Valley Garden Club workshops? Ms. Cruz responded the Garden Club could certainly explore replanting the medians with approved City plants, but many of the club's plants are succulents and the City's approved plant list does not allow those. She added workshops and seminars are currently being held at Diamond Terrace by the club.

City Manager Napper noted this proposal would result in a City lease agreement which would outline responsibilities for maintenance and care of the land and address additional issues such as utilities, trash and security.

Robb Kingsbury, Clayton Valley Garden Club, advised surrounding communities have working farms that were started from garden clubs within their communities. Mr. Kingsbury urged the City Council to take this opportunity and provide guidance to the Clayton Valley Garden Club and to step forward as a leading community and be part of solving the issue of global warming through plants and education.

Mayor Geller suggested Ms. Cruz contact Community Development Director Mindy Gentry to assist the Clayton Garden Club in preparing a formal request considering all of the logistics and a potential lease of the Keller Ranch property.

- (c) Consider Mayor Geller's request for the City to commence a feasibility study for construction of a second public restroom in the Clayton Town Center area.

Mayor Geller provided a brief background noting there are many community events that would benefit from additional permanent restrooms in downtown Clayton; however, he acknowledged that with expected attendance at some of these events, portable restrooms would still be needed. Mayor Geller would like staff research to determine the cost for such a project including sewer and water hook-ups, permits, location options, and funding considerations. He noted the City Manager earlier calculated there are 22 days out of the calendar year when community event attendance supports the need for additional restroom facilities but he still believed the idea has merit and should be researched by staff.

Councilmember Pierce advised prior to this evening she performed her own research and learned the cost of a public restroom could be anywhere from \$200,000 to \$350,000 and that did not include all of site prep work and other components for a complete restroom. She indicated the City probably would not have the funds available for this project, and she does not consider this item as a high priority need of the City. She has observed at the Concert in The Grove series that the nearby portable restrooms across the street from the park are not being used as much as they could.

Councilmember Haydon confirmed he has received questions from concert attendees about the City installing an additional restroom in the downtown and would like to respond with an approximate cost to expand the existing restroom or add an additional location.

Mayor Geller opened the matter to receive public comments.

Allen Lampo advised he is in favor of obtaining quotes to add an additional restroom in downtown Clayton and is available to assist in obtaining the feasibility costs for a second public restroom in the downtown, if needed.

Mayor Geller closed public comments.

City Manager Napper commented the City Council must also consider the ongoing maintenance costs of a second public restroom, including sewer and water services; as is often the case on these capital improvements, the long term maintenance, operational and repair costs of such public facilities overtake the initial capital construction expense.

Mayor Geller requested this item be brought back to the next City Council meeting to allow input from the Councilmembers absent this evening.

No action taken – item continued to the November 1st Council meeting.

9. **COUNCIL ITEMS** – None.

10. **CLOSED SESSION**

Mayor Geller announced the City Council would go into a closed session to discuss the subject matters listed below:

(a) *Government Code Section 54956.8, Conferences with Real Property Negotiator.*

1. Real Property: 264 Stranahan Circle, Clayton, CA (APN 119-620-033).

Instructions to City Negotiator: City Manager Gary Napper, regarding price and terms of payment.

Negotiating Party: Libuska Erich, real property owner.

2. Real Property: 6005 Main Street, Clayton, CA (APN: 118-560-010-1).

Instructions to City Negotiators: City Manager Gary Napper, and Mr. Edward Del Beccaro, Managing Director, Transwestern, regarding price and terms of payment.

Negotiating Party: Joshua Reed, Director of Real Estate, Pacific Union Land Investors, LLC.

Report out from Closed Session (9:18 p.m.)

Mayor Geller reported the City Council received information from its negotiators regarding these matters but no reportable action was taken.

11. **ADJOURNMENT**– on call by Mayor Geller, the City Council adjourned its meeting at 9:19 p.m.

The next regularly scheduled meeting of the City Council will be November 1, 2016.

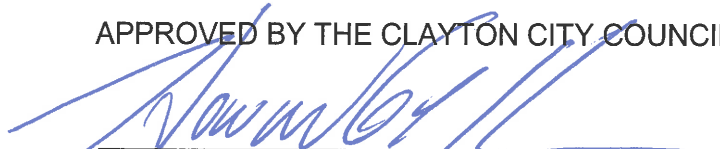
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Respectfully submitted,



Janet Brown, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL



Howard Geller, Mayor

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