

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

TUESDAY, June 1, 2010

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 6:12 p.m. by Mayor Stratford in Hoyer Hall of the Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Stratford, Vice Mayor Shuey (arrived at 6:14 p.m.), Councilmembers Geller, Medrano, and Pierce. Staff present: City Manager Gary Napper, City Attorney Dan Adams, Maintenance Supervisor John Johnston, and City Clerk Laci Jackson.

2. **CLOSED SESSION** Mayor Stratford announced the following purpose for Closed Session and then adjourned into Closed Session at 6:12 p.m.
 - (a) *Government Code Sections 54956.9 (a), (b) (1) and (c).*
Conference with Legal Counsel
Pending Litigation: *Katzman, et al. v. City of Clayton, et al.* Coordinated Cases Master/C07-01461/C07-00707, Superior Court of CA, Contra Costa County and related coverage issues.

7:20 p.m **OPEN SESSION:** Mayor Stratford stated the Council received a report and gave direction to Legal Counsel.

3. **PLEDGE OF ALLEGIANCE** – led by Mayor Stratford.

4. **CONSENT CALENDAR-** It was moved by Councilmember Pierce, seconded by Councilmember Medrano to approve the Consent Calendar as amended to reflect the May 18, 2010 minutes were approved, not the May 4, 21010 minutes (Passed; 5-0 vote).
 - (a) Approved the minutes of the regular meeting of May 18, 2010 and the special meeting of May 26, 2010.
 - (b) Approved Financial Demands and Obligations of the City.
 - (c) Adopt Resolution 14-2010 confirming approval of the Engineer's Report and declaring intention to levy and collect assessments for the Street Lighting Assessment District for Fiscal Year 2010-2011, and directing the giving notice of the time and place for hearing on the levy of the proposed real property assessment.

5. **RECOGNITIONS AND PRESENTATIONS-** None.

6. **REPORTS**
 - (a) Planning Commission – Commissioner Bob Armstrong reported on the May 25th meeting of the Planning Commission. The Commission reviewed the Creekside Terrace mixed use development project in the Town Center on Oak Street, and will continue review at their next meeting.

- (b) Trails and Landscaping Committee – No meeting held.
- (c) The City Manager reported there is a new identified owner of the Flora Square building. NUCP, Inc. owned by Dave Sanson and Steve Thomas purchased the property for \$1.7 million and are actively marketing the property. They are aware the building still needs to have ground floor floodgates installed. The City sent a letter and asked the new owners to provide a written action plan. The City Manager then outlined the Local Property Taxpayer, Public Safety, and Transportation Act of 2010. He stated the Proposition is still under signature review but would help close some of the loopholes not covered with Proposition 1A. Clayton has \$5.5 million at risk of being taken by the State.

(d) City Council

Councilmember Medrano attended the Memorial Day services.

Councilmember Pierce attended a Transportation Authority meeting and the Memorial Day services. She also stated the Concert was a success and citizens donated \$711.

Councilmember Geller reported the Concert in The Grove featuring Mamaluke was successful and the survey showed many concert goers are frequenting the downtown restaurants. He also attended the Memorial Day services.

Vice Mayor Shuey attended the Memorial Day services.

Mayor Stratford announced he presented a Proclamation to Patti Pratt, founder of Drama Mama, at her last performance. He attended the Clayton Valley Arts Academy senior night, gave a tour of City Hall to a Brownie Troop, attended the East Contra Costa County Habitat Conservancy meeting, and attended the Memorial Day services.

(e) Other – None.

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

8. **PUBLIC HEARINGS** – None.

9. **ACTION ITEMS**

- (b) Consideration of an Agreement with All Out Sports League, Inc. (AOSL) for the development and operation of recreation and enrichment programs at the Clayton Community Gymnasium, commencing June 21, 2010.

The City Manager reported Casey Copeland, founder of AOSL, has been selected as the replacement to take over programming at the Clayton Community Gym. Mr. Copeland has contacted community groups and is ready to start summer programs on June 21st. The Agreement before the Council has one change in Section 4 with the added words of “primary and non-contributory” and states that all policies should be endorsed with a waiver of subrogation. With the approval of this agreement AOSL will start a sports program on June 21st. He stated he is hopeful the community will take the opportunity to see what is available and use the gym.

Councilmember Shuey expressed concern that if AOSL terminates their contract with the City that the City may still be liable for contracts AOSL has signed with other groups. He

stated he wants to ensure the Agreement is more specific and states that if AOSL terminates their rental contracts the City is not liable to take over the contracts.

Councilmember Geller wanted a background check performed on Mr. Copeland.

The Council discussed insurance requirements and background checks in detail. The City Manager stated Mr. Copeland would provide \$2 million insurance with the City named as additionally insured. The City Manager also stated that Mr. Copeland is an independent contractor, a background check was completed, and he is not a registered sex offender.

Councilmember Pierce stated she was excited, pleased, and very optimistic this will become the youth center this facility was intended to be. She is excited to see how the programs will reach out into the community and put the gym to good use.

It was moved by Councilmember Pierce, seconded by Councilmember Medrano to approve the amended Agreement with AOSL for restoration of community recreation programs at the Clayton Community Gymnasium (Passed; 5-0 vote).

- (a) Consideration of the Trails and Landscaping Committee's recommendations for re-landscaping and improvement projects within the Landscape Maintenance District, and allocation of funds from the District's available reserves to fund the improvements.

The Maintenance Supervisor presented the staff report and outlined 7 proposed Landscape District projects and improvements. The first project is the replacement of landscaping with sienna colored pavers in the long narrow end sections of the medians on Oakhurst Drive. Second, replacing the landscaping at Marsh Creek Circle to prevent glare of the roadway traffic to the homes. Third, replanting the Jeffery Ranch Court island that died during the drought. Fourth, renovation of the Clayton Fountain area by removing and replacing turf, planting more trees and planting drought tolerant plants. Fifth, the replacement of arterial street plants with drought tolerant plants. Sixth, replacement of dying trees on Keller Ridge Drive with Columbia Sycamores. Seventh, allocating money toward deferred tree trimming to get back on track after the drought. The City Manager noted staff is asking the Council to allocate \$260,000 from the Landscape District reserves to cover the costs of these improvements. There are sufficient monies in the District's reserves (\$582,164).

Councilmember Geller asked why staff had not considered stamped concrete in the median noses? The Maintenance Supervisor responded that due to the stormwater regulations that option is not feasible; it must be a pervious surface.

Councilmember Geller also asked why other plants were not considered for the medians? The Maintenance Supervisor responded that different plants require more labor to maintain. Councilmember Pierce stated when the bushes are thriving, not in drought years, they look great. Councilmember Geller stated he thinks the roadway medians and plants should be more colorful, like Concord.

The Maintenance Supervisor stated the Trails and Landscaping Committee created a sub-committee to add color to the entryways and other areas but noted the medians are long, and watering high maintenance plants is not feasible.

Councilmember Medrano stated the Fountain area needs to be looked at as soon as possible because he receives complaints frequently about it. He stated volunteer labor could be used to get it done at a lesser cost.

Councilmember Pierce thanked the Trails and Landscaping Committee and staff for the work they put into these plans.

The City Manager stated staff would prioritize the Fountain re-landscaping and will determine the best way to approach the project.

It was moved by Councilmember Pierce, seconded by Councilmember Medrano to approve the re-landscaping and improvement plans as submitted by the citizens' Trails and Landscaping Committee, with priority timing for the Fountain area, and authorized the allocation and expenditure of \$260,000 from the Citywide Landscape Maintenance District reserves (restricted use funds) to install the landscape improvements (Passed; 5-0 vote).

- (c) Presentation and discussion of the results of St. Mary's College undergraduate class survey to 1,200 residential property owners on existing City recreation facilities, future recreation desires in Clayton, and voter willingness to pay.

The City Clerk presented a PowerPoint outlining the results of the Recreation Survey. The results outlined the survey respondent's demographics, their lack of participation in YMCA sponsored programming and gym use, and their overall high satisfaction with current City recreational facilities. The survey also showed the Trails are the most used recreational outlet in the community, and the community has some desire for Bocce Ball courts, a Community Pool, and Tennis Courts. The City Clerk stated overall the respondents were extremely satisfied with the current recreational offerings in the City of Clayton. While respondents preferred Bocce Ball, a Community Pool, and Tennis Courts added to the recreational offerings, there is no overwhelming desire by the community to pay more taxes to fund these services, and Bocce Courts were appealing to the average age of 54 by the respondents.

Councilmember Pierce stated she found it interesting that many of the respondents did not want new recreational facilities near their homes.

The City Manager noted the City is not preparing or seeking a ballot measure to propose funding any of these facilities.

Councilmember Pierce stated 20 years ago a similar survey was done and the results are almost identical. She stated the trails are the biggest use and apparently citizens do not feel they need many more recreational opportunities.

No action was taken.

- (d) Adopt Resolutions related to the upcoming November 2, 2010 General Municipal Election for two (2) City Council elected offices (4-year terms).

City Clerk presented the staff report indicating that in order to consolidate the November elections with the County the following resolutions must be approved. She also stated the Council will need to adopt a resolution to determine a deposit fee for voluntary Candidates' Statements and to decide if Local Filing Fee of \$25 would be imposed on candidates.

By consensus the Council agreed that charging the \$25 Local Filing fee was appropriate.

It was moved by Councilmember Medrano, seconded by Vice Mayor Shuey to adopt Resolution 15-2010 calling the General Municipal Election of November 2, 2010, requesting and consenting to consolidation and handling of the election by the Contra Costa County Elections Office, and setting specifications of the election order (Passed; 5-0 vote).

It was moved by Councilmember Medrano, seconded by Vice Mayor Shuey to adopt Resolution 16-2010 adopting a policy for voluntary Candidates' Statements printed in the November 2, 2010 Voter's Information Pamphlets (Passed; 5-0 vote).

- (e) Set a date, time and location for the full City Council to interview Planning Commission applicants for the three (3) terms of office expiring on 30 June 2010.

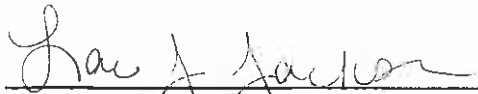
The City Clerk presented the staff report and stated if the Council wanted to interview all of the applicants for the Planning Commission they needed to set a time and place to do so. Applications are due June 5th at 5pm.

It was moved by Councilmember Medrano, seconded by Councilmember Pierce to set the interviews for June 29th before the Special Meeting; if no more than the three incumbents re-apply to re-appoint at the June 15th meeting (Passed; 5-0 vote).

10. **COUNCIL ITEMS**- None.

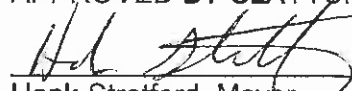
11. **ADJOURNMENT**- On call by Mayor Stratford the meeting adjourned at 9:37 p.m.

Respectfully submitted,



Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL



Hank Stratford, Mayor