MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

TUESDAY, January 15, 2008

1. **CALL TO ORDER & ROLL CALL** – the meeting was called to order at 6:03 p.m. by Vice Mayor Pierce in the Library Community Meeting Room, 6125 Clayton Road, Clayton, CA. Councilmembers present: Vice Mayor Pierce, Councilmembers Stratford, Shuey, and Walcutt. Absent: Mayor Manning. Staff present: City Manager Gary Napper, City Attorney Dan Adams, Community Development Director Jeremy Graves and City Clerk Laci Jackson.

2. **CLOSED SESSION**

On call by Vice Mayor Pierce, the City Council adjourned into Closed Session for the stated purposes at 6:03 p.m.

(a) *Government Code Section 54956.9*, Conference with Legal Counsel
Pending Litigation:
1). *Daniel Katzman, et al. v. City of Clayton, et al.*
Case No. C07-00707, Superior Court of CA, Contra Costa County

2). *Glade Gaffney v. City of Clayton, et al.*
Case No. C07-02677, Superior Court of CA, Contra Costa County

3). *Lorna Belskey, et al. v. The Presley Companies, et al.*
Case No. C05-00837, Superior Court of CA, Contra Costa County

(b) *Government Code Section 54956.8,* Conference with Real Property Negotiator

Real Properties: APNs 119-050-009 and 119-050-034; 1005 and 1007 Oak St.
Instructions to City Negotiator (City Manager) concerning price, terms & conditions
Negotiating Parties: PERMCO, Inc.; and Uzoma Nwakuche, LLB.

7:10 p.m. Report out from Closed Session: Vice Mayor Pierce reported the Council gave direction to legal counsel and to its real property negotiator.

3. **PLEDGE OF ALLEGIANCE** – Led by Vice Mayor Pierce.

4. **CONSENT CALENDAR- Councilmember Walcutt pulled Item 4a for a separate vote. It was moved by Councilmember Walcutt, seconded by Councilmember Stratford to approve the Consent Calendar, Items 4b-4h (4-0 vote). It was moved by Councilmember Shuey, seconded by Councilmember Stratford to approve the Consent Calendar Item 4a (3-0-1 vote, Walcutt-abstained due to his absence from the meeting).**

(a) Approved the minutes of the regular meeting of January 2, 2008.

(b) Approved Financial Demands and Obligations of the City.

(c) Approved the declaration of a 2001 Ford Crown Victoria (Police Vehicle No. 1722) as equipment surplus to the City's needs and authorize the City Manager to dispose of the surplus property via public auction.

(d) Appointed Francesca Wood as Clayton's representative to the Contra Costa County Advisory Council on Aging.

(e) Set January 29, 2008, at 5:30 p.m. in the Clayton City Hall, 3rd Floor, 6000 Heritage Trail, Clayton, CA as date, time and location for a Special Meeting of the City Council to discuss and establish Council-Manager Goals and Objectives for Calendar Year 2008.

(f) Approved the award of contract to Gradetech, Inc. in the amount of $107,553.00 for construction of an expanded Municipal Parking Lot located at the corner of High and Diablo Streets (CIP No. 10360).

(g) Approved the award of contract to G&G Builders in the amount of $24,862.00 for the tot lot and picnic area demolition phase of the Clayton Community Park Renovation Project.

(h) Adopted Resolution 02-2008 awarding a 2-Year contract with Wildland Resource Management, Inc. in the amount of $67,200 ($33,600 for FY 2007-08) for abatement of noxious weeds in the City open space of the Oakhurst Development north of Peacock Creek (Landscape Maintenance District Fund).

5. RECOGNITIONS AND PRESENTATIONS –

(a) Vice Mayor Pierce accepted of photograph of George Cardinet for City Hall from the Cardinet Family.

Vice Mayor Pierce stated that George Cardinet mapped the trails on Mt. Diablo and in his honor the City previously named a trail after him. She stated the photograph would be prominently placed in City Hall.

6. REPORTS

(a) Planning Commission – Commissioner Ed Hartley reported on their January 8, 2008 meeting. The Commission approved a use permit for a massage therapy business and approved a one year extension to Lemke Construction for the Diablo Pointe project. They continued to work on Zoning updates for consistency with the Town Center Specific Plan amendments.

Vice Mayor Pierce then presented Ed Hartley with a Certificate of Appreciate for his work on the Park Design Committee, in recognition of The Grove's opening on January 12th.

(b) Trails and Landscaping Committee – No meeting held to report.

(c) By request of the Council, the City Manager reported on the Governor's budget proposal and outlined possible impacts to the City.

(d) City Council –

Councilmember Walcutt attended "The Grove" park Grand Opening and stated it is doing exactly what the Council had hoped it would do, bringing more people to the downtown area.

Councilmember Shuey reiterated Councilmember Walcutt's sentiments about the park and stated that families are filling the park already and it is accomplishing its purpose.

Councilmember Stratford also attended the park opening. He thanked the citizens for voting for the O & M for the park in November 2006.

Vice Mayor Pierce also attended the park opening and stated that Gary Lee Price the sculpture of the statue in the park also attended the event by traveling from Utah. She thanked John Croswhite, Park Project Manager, for his hard work on the park.

(e) Other- None.

7. **PUBLIC COMMENTS**- None.

8. **PUBLIC HEARINGS** -None

9. **ACTION ITEMS**-

(a) Presentation and consideration of two (2) concept development proposals submitted in response to the City's limited Request for Proposals to purchase and construct ground-floor retail commercial developments on City-owned property located at 1005 and 1007 Oak Street (APNs 119-050-034 & -009).

1. PERMCO Engineering & Management mixed-use concept proposal.

2. Uzoma Nwakuche, LLB, mixed-use concept proposal.

The City Manager presented the staff report noting a limited Request for Proposals had gone out, as the timeline for this project was very short. He stated the Request was sent to four developers and two submitted proposal. Two developers who submitted proposals were in attendance at the meeting to present their ideas to improve the blighted property area of the downtown.

Councilmember Shuey asked the City Manager what the impact of not selling the property would be.

The City Manager responded that the buildings on the property were decaying and that they will continue to cost more money in maintenance and repairs.

Vice Mayor Pierce then asked each of the developers to come forward and present their project proposals.

Rick Angrisani, Permco Engineering and Management and Dave Johnson, Johnson Architects, presented the idea for a mixed-use three story building with ground floor retail and second and third floor residential. Mr. Angrisani discussed the theme and size of the project and stated that the residential units would be sold as condominiums.

The Council asked many questions of the developer including questions about the underground parking garage option, architectural style, building height, impervious surface area, and financing options available to the developer for the project.

Mr. Angrisani state he was comfortable with the underground parking proposal and that he had worked on other projects with similar structures. He stated that the Victorian theme of the building fit well in the area because of the Mitchell Creek Place development's close proximity. He stated that building height would need to be looked at as it was close to the 40 feet limit, if not slightly over. He stated that the stormwater requirements would be mitigated. He stated that he had not secured financing but believed he had the support for the project from interested parties.

Uzoma Nwakuche and Bob Staehle presented their plan for a two story mixed-use concept proposal with ground floor retail and second floor residential. The developer discussed the theme and the size of the project. Mr. Nwakuche stated the residential units would be for rent.

The Council asked the developer many questions including questions about stormwater issues, and financing options. The developer stated he believed the footprint of the building would be under the 10,000 sq/ft. requirement for stormwater attention. The developer stated that he had discussed the project with Colliers International and though they had not formally committed to the project he believed they were interested in continuing their investment relationship in the City of Clayton.

Vice Mayor Pierce asked for public comments.

Joe Medrano stated that this was a short time frame for developers and he wanted to make sure the Council did not rush the process.

The Council discussed their appreciation to both developers for providing the information on short notice.

The Council Sub-committee on Economic Development stated that they were concerned about the time constraints placed on the project and that they preferred the western architectural style of Mr. Nwakuche's proposal. Councilmember Pierce expressed her concern about underground parking in Mr. Angrisani's proposal.

The Council discussed their preferences on the design of each project, and by consensus preferred Mr. Nwakuche's project.

It was moved by Councilmember Shuey, seconded by Councilmember Walcutt to move forward with Uzoma Nwakuche's mixed use concept proposal (4-0 vote).

(b) Introduction and First Reading of proposed Ordinance No. 413 amending Title 1 of the *Clayton Municipal Code* by amending Chapter 1.18 entitled Administrative Citations, Chapter 1.20 entitled General Penalty, and adding Chapter 1.25 entitled Interest on Outstanding Obligations to establish interest accrual on past due debts owed the City of Clayton.

The City Attorney presented the staff report. In response to question, for this purpose, the current maximum legal interest rate permissible is 7%.

No public comments were received.

Councilmember Stratford recommended the City add this interest rate penalty notice to its bills.

It was moved by Councilmember Shuey, seconded by Councilmember Walcutt to have the City Clerk read Ordinance No. 413 by title and number only and waive further reading (4-0 vote).

The City Clerk read Ordinance No. 413 by title and number only.

It was moved by Councilmember Shuey, seconded by Councilmember Walcutt, to approve Ordinance No. 413 for Introduction and First Reading (4-0 vote).

12. COUNCIL ITEMS – None

13. **ADJOURNMENT**– On call by Vice Mayor Pierce the meeting adjourned at 9:42 p.m.

Respectfully submitted,

Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

Gregory J. Manning, Mayor