

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

TUESDAY, May 6, 2008

1. **CALL TO ORDER & ROLL CALL** – the meeting was called to order at 7:00 p.m. by Mayor Manning in the Library Community Meeting Room, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Manning, Vice Mayor Pierce, Councilmembers Shuey, Stratford, and Walcutt. Staff present: City Manager Gary Napper, Assistant City Attorney Maury Huguet, Police Chief Dan Lawrence, City Engineer Rick Angrisani, and City Clerk Laci Jackson.

2. **CLOSED SESSION** – None.

3. **PLEDGE OF ALLEGIANCE** – Led by Mayor Manning.

4. **CONSENT CALENDAR-** It was moved by Councilmember Walcutt, seconded by Vice Mayor Pierce to approve the Consent Calendar as submitted (5-0 vote).

- (a) Approved the minutes of the regular meeting of April 15, 2008.
- (b) Approved Financial Demands and Obligations of the City.
- (c) Adopted Resolution 19-2008 approving the Industrial Disability Retirement of John "Tim" O'Hara, Clayton Police Sergeant.
- (d) Adopted Resolution 20-2008 calling for the preparation of the annual Engineer's Report for the Clayton Street Lighting Assessment District (pursuant to the Street Lighting Act of 1919).

5. **RECOGNITIONS AND PRESENTATIONS**

- (a) Mayor Manning recognized Clayton Volunteers In Police Services (VIPS) Herb Yonge and Jim Webb as recipients of the U.S. President's Volunteer Service Award. He noted the VIPS program is nationally recognized and since inception the Clayton VIPS volunteers have worked on the Neighborhood Watch program, CERT program and have contributed hundreds of hours of service to the Clayton community.
- (b) Mayor Manning presented a Proclamation declaring May 9, 2008 "*Clayton Pioneer Day*" to Tamara Steiner, owner of the *Clayton Pioneer*, in honor of the newspaper's ownership of 5 years.

6. **REPORTS**

- (a) Planning Commission: Commissioner Joe Odrzywolski reported on its April 29th meeting. The Commission worked on the development plan and the environmental review for the Rivulet Project. They also conducted the six month review of the Alves Large Family Daycare permit and found the applicant to be in substantial compliance.
- (b) Trails and Landscaping Committee – No meeting held to report.

- (c) City Manager reported the State budget deficit of \$17 billion remains a concern to the City. He stated the water feature in The Grove was being worked on and other punch list items such as the public lockers are to be completed soon. The renovations at Community Park are coming along with the play structures and play surfaces installed.

Councilmember Shuey asked about the status of the outdoor speakers in The Grove park. The City Manager responded the City was still waiting for the retrofitted speakers but the speakers installed in the park are ready for the summer concerts.

- (d) City Council

Councilmember Walcutt reported he met with the independent auditors and they explained the audit process. He stated they assured him the audit would be completed on time and that staff had complied with suggestions they made in their last audit.

Councilmember Shuey attended and worked at the Clayton Art and Wine Festival.

Councilmember Stratford also met with the auditors. He attended the Mayors' Conference and the CERT training. He also took a tour of the Community Park improvements and was impressed.

Vice Mayor Pierce attended the ABAG General Assembly as Clayton's delegate. She attended the Historical Society Garden Tour and was a docent, attended the Trails and Landscaping Committee meeting, worked at the Art and Wine Festival, attended a meeting of the Admin. Committee for the Contra Costa Transportation Authority, and attended the Mayors' Conference.

Councilmember Manning reported the Library Foundation Book Sale generated more than \$8,400. He met with Supervisor Susan Bonilla and talked about a number of City issues. He stated the Clayton Art and Wine was very successful and people enjoyed using the new park restrooms. He also attended the Mayors' Conference.

- (e) Other- None.

7. PUBLIC COMMENTS

Joe Koonin, resident, asked the Council to revisit the Noise Ordinance and enforce the provisions after 10 p.m. in order to respect all lifestyles. He also expressed concern with nighttime glare from swimming pools. He asked the Mayor to discuss the noise issue in his Mayors Column in the *Clayton Pioneer*.

8. PUBLIC HEARINGS

- (a) Public Hearing on the Chief of Police's proposed and revised expenditure of Supplemental Law Enforcement Services Funds (SLESF; restricted-use COPS Grant monies) on front-line law enforcement personnel and law enforcement capital equipment in the amount of \$58,468.46 from FY 2007-2008.

The Police Chief presented the staff report and asked the Council to approve the use of the SLESF monies to include the City's share of upgrades to the Concord Police Dispatch Center (one time costs).

Councilmember Stratford asked the Chief to describe the new data and communications systems.

The Police Chief replied the new system allows the dispatchers to communicate confidential law enforcement information through encrypted messages which is required due to the new Homeland Security requirements.

Mayor Manning opened the Public Hearing at 7:48 p.m., no Public Comments were received, and he closed the Public Hearing at 7:49 p.m.

It was moved by Councilmember Shuey, seconded by Vice Mayor Pierce, to adopt Resolution 21-2008 for the use of the SLESF grant monies as proposed by the Chief (5-0 vote).

9. ACTION ITEMS

- (a) Second Reading and Adoption of Ordinance No. 417 amending the *Clayton Municipal Code* to establish procedures for the City's recordation of a Notice of Pending Action on real property involving public nuisances and other violations of the *Municipal Code*.

The City Clerk presented the staff report and recommended adoption of Ordinance No. 417.

It was moved by Councilmember Shuey, seconded by Vice Mayor Pierce, to have the City Clerk read Ordinance No. 417 by title and number only and waive further reading (5-0 vote).

The City Clerk read Ordinance No. 417 by title and number only.

It was moved by Councilmember Shuey, seconded by Vice Mayor Pierce to adopt Ordinance No. 417 (5-0 vote).

- (b) Review of Pavement Management Program update by Asset Management Specialized Consulting concerning conditions of local streets and roads, and direction regarding scope of streets for inclusion in the City's 2008 Street Repaving Project (CIP No. 10406)

The City Engineer presented the staff report indicating the alternatives for the pavement project and recommended the re-paving of the Clayton Road arterial street and to have an alternative bid for night work.

Vice Mayor Pierce asked what would happen next year for priority street repaving. The City Engineer stated the program would revert back to fixing the lowest Pavement Condition Index (PCI) scores.

By consensus the Council agreed that although they would like to exercise one of the other staff options, the amount of funding was not available and this project was the best solution in order to halt the degradation of Clayton Road.

Councilmember Walcutt wanted staff to insure the public was notified about the night work should that be the outcome. Staff noted Council will make that decision when the bids come back for award of contract.

It was moved by Vice Mayor Pierce, seconded by Councilmember Walcutt, to approve the staff recommendation and seek bid alternatives for night time work on Clayton Road (5-0 vote).

12. **COUNCIL ITEMS**

Councilmember Shuey asked the Council to consider discussing the placement of temporary shade structures in "The Grove" until the shade trees grow larger.

Councilmember Manning and Councilmember Pierce did not want to discuss the matter until after this summer's experience is known.

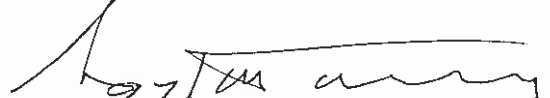
13. **ADJOURNMENT**– On call by Mayor Manning the meeting adjourned at 8:52 p.m.

Respectfully submitted,



Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL



Gregory J. Manning, Mayor