

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

TUESDAY, October 21, 2008

1. **CALL TO ORDER & ROLL CALL** – the meeting was called to order at 6:02 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 (arrived during closed session), Stratford and Walcutt. Staff present: City Manager Gary Napper, City Attorney Dan Adams and City Clerk Laci Jackson.

2. **CLOSED SESSION-** On call by Mayor Manning, the City Council adjourned into Closed Session for the stated purposes at 6:02 p.m.

(a) *Government Code Section 54956.9(b)(1)*, Conference with Legal Counsel
Anticipated Litigation: One (1) case.

(b) *Government Code Section 54956.8*, Conference with Real Property Negotiator
Real Properties: APNs 119-050-008, 119-050-009 & 119-050-034 (1005 & 1007 Oak St.)
Instructions to City Negotiator (City Manager) concerning price, terms & conditions.
Negotiating Parties: Uzoma Nwakuche, LLB.

7:08 p.m.-Report out of Closed Session: Mayor Manning reported the Council received a report and provided direction to legal counsel and would adjourn back into closed session to discuss Item 2(b) after the conclusion of the Redevelopment Agency meeting.

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 (5-0 vote).

(a) Approved the minutes of the regular meeting of October 7, 2008.

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

(c) Adopted Resolution 55-2008 finding the 2008 Pavement Rehabilitation Project (CIP No. 10406) as complete and ordering the filing of a Notice of Completion.

(d) Adopted Resolution 56-2008 approving an Easement Agreement with and granting an easement to the Contra Costa Water District for water meters at The Grove Park.

(e) Approved City co-sponsorship and flat fee donation of \$168 from the Clayton Woman's Club for use of the Library Community Meeting Room for their Annual Craft Sale on November 22 and 23, 2008.

(f) Approved the closure of the Clayton Community Library on certain holiday/weekend Sundays (4) in 2009.

5. **RECOGNITIONS AND PRESENTATIONS**

(a) Mayor Manning presented a Certificate of Recognition to Brooke Townsend for voluntary Community Beautification and Litter Removal.

- (b) Mayor Manning presented Certificates of Recognition to the 2008 "Concerts in The Grove" Volunteer Committee. Howard Geller, Concert Promoter thanked the volunteers for giving up 14 Saturdays and for their hard work with set up and take down.
- (c) Mayor Manning presented a Proclamation declaring October 27-30, 2008 as "Red Ribbon Week" in the City of Clayton to Sergeant Marchut of the Clayton Police Department. Sergeant Marchut stated the Police department would be working with Mt. Diablo Elementary school to promote Red Ribbon Week.

6. **REPORTS**

- (a) Planning Commission – Commissioner Haydon reported on the October 14th meeting of the Planning Commission. The Commission reviewed and discussed the Clayton Town Center Retail Study and received a presentation by Mr. Harrigan (EDS) on his draft Downtown Retail Commercial analysis and recommendation. They also held a study session to review the amendments to the Municipal Code for increases in the heights and size additions that require a presentation to the Planning Commission.
- (b) Trails and Landscaping Committee – No meeting held to report.
- (c) The City Manager reported the City is soliciting feedback about the Concerts in The Grove series in an electronic survey available on the City of Clayton's website. He stated the surveys are anonymous and that business owners in the downtown area received a paper copy of the survey for completion. He also stated that the California Redevelopment Association had voted to sue the State for seizing \$350 million in local agency monies to balance the State budget. Further he stated the cities are still in jeopardy of losing more money because the State Budget is already \$3 billion out of balance.

Councilmember Walcutt asked when a presentation on the Concerts in The Grove would be expected. The City Manager indicated the second meeting in November.

- (d) City Council

Councilmember Shuey attended meetings with the Quarry and neighbors to discuss concerns.

Councilmember Stratford met with Ed Hartley, Clayton Bocce Federation, to discuss that subject.

Vice Mayor Pierce attended a TRANSPAC meeting and a central county planning committee meeting. She also attended a New Year's Eve planning meeting and stated the committee was asking for donations and community sponsors. She stated the events theme this year is "Passport to 2009." She also attended a Transportation Authority meeting.

Mayor Manning attended the Library Commission meeting and noted the library is doing very well. He was recently installed as the Chairman of the Board for the County Connection. He reported a new CERT class was in progress and that they would be holding an all county CERT drill on October 25th. He participated in the Oktoberfest activities, attended a meeting of the County Connection and the Mayors' Conference. Also, as Chairman of the County Connection he attended the American Association of Transportation Conference in San Diego, and stated the County Connection would soon begin operating a hybrid diesel bus. He also attended the New Year's Eve committee meeting and the Library Foundation Book Sale.

- (e) Other – Introduction of City Council candidates present in the audience.

Jim Diaz noted he is a 30 year resident of Clayton seeking one of the vacant City Council positions. He has been active in CBCA, the Art and Wine Festival, and the Concerts in The Grove. He thanked his supporters and the Clayton Police Department for their endorsement.

Howard Geller stated his commitment to community started more than 30 years ago with the Kiddie Land at the 4th of July Parade, the Clayton Round-up, and the Concerts in The Grove. He stated he would not be afraid to make crucial decisions. He wants to maximize the Landscape District, and bring a "Shop Clayton First" program to the Community. He also wants to bring businesses and people to the downtown.

Keith Haydon has been on the Planning Commission for over 12 years, has worked on the citywide landscape initiatives, and is active in his Homeowners Association. He believes City Committee experience is crucial. He stated his goals are to continue to keep a balanced budget and bring additional growth to the downtown area. He stated with his experience and ideas he would be a good addition to the Council.

Allen Lampo is running for the City Council and has lived in Clayton for 12 years. He is involved with Boy Scouts Troop 444, the Homeowners Association Board in Dana Ridge, announces at the Dana Hills swim meets. He is active but wants to do more; he wants to attract new business to the community, offer first year tax breaks, help with loans, and help new business owners start business. He stated this will help keep the budget balanced and build Clayton appropriate buildings.

Julie Pierce is running for re-election and has been on the Council for 16 years. She stated that during that time the State has taken \$5 million from the City and while she has been part of the Council they have maintained a balanced budget without visible impacts to the community. She stated the City needs economic development but she will not spend money on projects that the City can not maintain. She is the co-chair of the New Year's Eve and 4th of July Parade committees. She also has the endorsement of the Police Officers Association. She thanked everyone for their support.

Councilmember Shuey noted the Clayton Cleans Up is being sponsored by the *Clayton Pioneer* on April 25, 2009 and if citizens want to volunteer they should contact Tamara Steiner.

7. PUBLIC COMMENT ON NON-AGENDA ITEMS

Richard Taylor has been leading the Halloween Ghost Walk in Clayton for 28 years and has had up to 500 people attend on one evening. The walk begins at Endeavor Hall at 8pm. Also, there will be celebrity ghosts and everyone who completes the walk receives a certificate stating they survived the Clayton Ghost Walk.

8. PUBLIC HEARINGS- None.

9. ACTION ITEMS

- (a) Continued consideration of a Resolution endorsing the East Bay Regional Parks District's (EBRPD) November 2008 ballot measure (Measure WW) to extend its regional open space, wildlife, shoreline and parks Bond.

The City Manager stated Measure WW is an extension of an existing tax that would provide another \$500 million over a 20 year period. Clayton would receive \$492,000 for local parks and recreation projects. This is the third time this issue has been in front of the Council for consideration. The Trails and Landscaping Committee did look at this issue but declined to make a recommendation.

No Public Comments were received.

Councilmember Walcutt stated he supports this measure.

Councilmember Shuey stated he was initially reluctant to support this measure but was satisfied with the responses from the EBRPD.

Councilmember Stratford stated he is not supporting the measure though he would love to see Clayton get the money. He has concerns with the measure because EBRPD would be purchasing property without a plan to maintain it. Also, he is not comfortable with private properties coming off the tax rolls after the EBRPD purchases the land.

Vice Mayor Pierce is opposed to the measure because it is for capital acquisition only and has no provision for maintenance. She stated many of the properties are already protected from development, are under private maintenance and are on the tax rolls. The EBRPD already has 65 parks and over 1,500 miles of trails and while she would love to see the City receive the money from the measure, the price is too high.

Mayor Manning stated he sees this as something that is going to last 20 years and the population of this county is going to increase significantly. With this increase the citizens are going to want recreation and open space. He also stated he does not trust the county to maintain the Urban Limit Line. He stated this is something that is needed.

Councilmember Walcutt also noted land prices are lower than they have been in 20 years so it is a good time to buy; based on EBRPD's proven record there is no reason not to believe them.

It was moved by Councilmember Walcutt, seconded by Councilmember Shuey to approve Resolution 57-2008 (Passed 3-2 (vote); Noes: Pierce and Stratford).

- (b) Presentation and consideration of the Trails and Landscaping Committee's final recommendation for the establishment of an Adopt-a-Trail Program.

The Assistant to the City Manager presented the staff report and stated there were two different types of groups being targeted by the program. The first would a sponsorship that would provide \$1,000 annually to go toward the repair of trails and the second would be to simply pick up trash on the trails.

Trails and Landscaping Committee member Virginia Siegel stated that Ms. Hoffmeister had explained the program well and that she was open to any questions from the Council.

Vice Mayor Pierce thanked the TLC Subcommittee for their hard work on this program and stated it would truly be a self funded program. She also thanked the Trails and Landscaping Committee.

Mayor Manning asked if there were Public Comment.

Tamara Steiner asked what the revenue collected would be used for. Ms. Siegel stated the money would be put back into the trails.

The Council then discussed the trail markers. Ms. Siegel thanked the Maintenance staff for the design of the trail markers.

It was moved by Vice Mayor Pierce, seconded by Councilmember Stratford to approve the "Adopt-a-Trail" Program and begin its implementation with staff (5-0 vote).

RECESS

At 8:25 p.m. Mayor Manning recessed the City Council meeting until after the completion of the Redevelopment Agency meeting.

RECONVENE

On call by Mayor Manning at 10:05 p.m., the Council reconvened to Closed Session to discuss Item 2b.

2. CLOSED SESSION

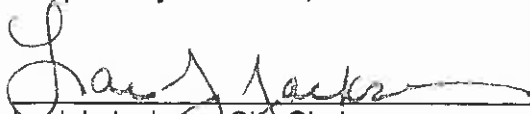
- (b) *Government Code Section 54956.8, Conference with Real Property Negotiator*
Real Properties: APNs 119-050-008, 119-050-009 & 119-050-034 (1005 & 1007 Oak St.)
Instructions to City Negotiator (City Manager) concerning price, terms & conditions.
Negotiating Parties: Uzoma Nwakuche, LLB.

10:28- Report out of Closed Session- Mayor Manning report the Council gave direction to the Real Property Negotiator.

10. COUNCIL ITEMS – None.

11. ADJOURNMENT– On call by Mayor Manning the meeting adjourned at 10:28 p.m.

Respectfully submitted,


Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL


Gregory J. Manning, Mayor