

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

TUESDAY, May 5, 2009

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 6:30 p.m. by Mayor Pierce in Hoyer Hall of the Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Pierce, Vice Mayor Stratford, Councilmembers Geller, Medrano, and Shuey. Staff present: City Manager Gary Napper, City Attorney Dan Adams, City Engineer Rick Angrisani, Maintenance Supervisor Mark Janney, and City Clerk Laci Jackson.

2. **CLOSED SESSION-** Conference with Labor Negotiator
Government Code Section 54957.6.
Instructions to City-designated negotiator: City Manager

- (a) Employee Organization: Clayton Police Officers Association (CPOA)
- (b) Employee Organization: Undesignated City Employees Unit

7:36 p.m.- Report out of Closed Session: Mayor Pierce reported the Council gave direction to the City-designated negotiator.

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

4. **CONSENT CALENDAR-** The City Manager asked that item 4(b) be pulled so that Obligation No.15848 (\$404,570.00) can be removed. He stated it was a check from the Redevelopment Agency to the County Auditor Controller. He stated the money was required by the State to pay for public education and schooling and was to be sent by May 10th. On April 30th the California Redevelopment Association won a lawsuit which declared the money shift/diversion from redevelopment agencies as unconstitutional. The judge ruled Redevelopment money could only be used for Redevelopment projects, therefore the City had no authority now to send this money to the State. He noted the State would likely appeal, but at this time there was no constitutional authority for the money.

It was moved by Councilmember Shuey, seconded by Councilmember Geller to approve the Consent Calendar as amended on Item 4(b) (Passed; 5-0 vote).

- (a) Approved the minutes of the regular meeting of April 21, 2009.
- (b) Approved Financial Demands and Obligations of the City (as amended).
- (c) Adopted Resolution 08-2009 calling for the preparation of the annual Engineer's Report for levy of FY 2009-2010 assessments in the Clayton Street Lighting Assessment District (pursuant to the Street Lighting Act of 1919).
- (d) Adopted Resolution 09-2009 approving a California Department of Transportation Disadvantaged Business Enterprise Program (DBE) Implementation Agreement for Local Agencies.

5. RECOGNITIONS AND PRESENTATIONS

Vince from the Pacific Coast Farmers' Market stated the Clayton Market begins on Saturday May 9th and will run until October 31st. This year's market will include music and cooking demonstrations and should be a great event. The hours have changed to 8 a.m.- Noon.

- (a) Presentation on the proposed Reuse Plan for the Concord Naval Weapons Station.

Michael Wright (Director - Community Reuse Plan, City of Concord) presented a PowerPoint presentation of the Reuse Plan for the Concord Naval Weapons Station. He responded to questions from the Council.

6. REPORTS

- (a) Planning Commission – no meeting held to report.
- (b) Trails and Landscaping Committee –no meeting held to report.
- (c) The City Manager reported the Clayton Farmers' Market starts May 9th and the Concerts in The Grove series begin May 16th. He then invited Jennifer Beck from the Mt. Diablo YMCA forward to discuss upcoming recreation services at the Clayton Community Gym.

Ms. Beck stated the spring sports were up and running including soccer, t-ball, and volleyball. She stated for the first time the YMCA would be holding a summer program at the Gym for ten weeks from 7 a.m. to 6 p.m. She stated the program would include field trips and should be entertaining for the children involved. She stated the cost for the program would be \$115 per week per child. She stated there would also be a weekly outing for teens scheduled.

The City Council expressed its compliments and favorable impressions of the summer programming.

- (d) City Council

Councilmember Geller reported May 16th is the first Concert in The Grove from 6 p.m. to 8 p.m. The first band is LAVA a Latin salsa band and he reminded citizens to walk down, eat at the restaurants and Shop Clayton First.

Councilmember Shuey met with school groups regarding Measure D (parcel tax for the Mt. Diablo School District) and encouraged everyone to look into it because many children will be affected if the measure does not pass.

Mayor Pierce attended a Transportation Authority Meeting and the ABAG General Assembly. She also attended the Clayton Cleans Up and thanked the *Clayton Pioneer* for organizing the day. She had presented Kent Ipsen and Skip Ipsen with the Proclamation declaring May 3, 2009 as "Skipolini's Day," in honor of its 35 years in Clayton, and noted the next CERT class starts May 11th, and will run for the next six weeks.

- (e) Other – None.

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

8. **PUBLIC HEARINGS** – None.

9. **ACTION ITEMS**

- (a) Discuss the scope and cost of improvements in the low bid for the proposed Town Center Entry Improvements Project (CIPs No. 10402 & 10403), and then approve the award of contract to Maxicrete, Inc. in the amount of \$199,167 for the Improvement Project.

City Engineer presented the staff report and stated the bids for the project were opened on April 17th. The City received 13 bids and Maxicrete Inc. was the lowest bidder. He stated the bid was broken down into specific projects to be paid for by each of the following: the Redevelopment Agency, the CBCA Daffodil Hill Committee, and the CBCA Tractor Committee. The costs were apportioned and the CBCA Daffodil Hill cost for the project was reduced because of drought restrictions and the Committee's decision to remove the seat wall. The City Engineer stated to date the City had not heard from the Tractor committee. He stated the construction for the project without the tractor pads would be approximately \$178,000 with a 15% contingency totaling \$204,000 (assuming CBCA increased funding to pay for their portion of the Daffodil Hill project). He stated the project would be over budget by approximately \$31,000. He stated without the CBCA improvements funding would need to be augmented by \$17,600. He recommended the Council approve the contract to Maxicrete and transfer the necessary money from the CIP.

Councilmember Medrano questioned the cost of the entry signs asking why the price would be more for a two sided sign (with only one extra post) compared to a one sided sign? The City Manager stated that in the public bidding process various contractors put their profit margin in different areas but overall Maxicrete has the lowest bid. He also explained the process for awarding bids is complex and specific items cannot be picked out of several bids because the City is required to award contract to the lowest responsible bidder overall.

Vice Mayor Stratford asked what the Engineers Estimate was for the project? The City Engineer responded \$250,000. Vice Mayor Stratford asked if the references were checked for Maxicrete, Inc. The City Engineer responded the references were checked for the top three bidders and he stated Maxicrete, Inc. received good reports.

Councilmember Geller asked about the tractors installation. The City Engineer stated the City had not heard from the Tractor Committee.

Councilmember Medrano stated he talked with the CBCA Board and the project will likely need to go before the CBCA membership again and its re-approval process. The City Manager stated the Council could move forward and make change orders if the CBCA decided to eliminate funding.

Councilmember Medrano stated seeing the breakdown of the 3 lowest bids would be helpful so that the Council could re-bid the project if the CBCA portion was left out to better price for the City signs. The City Engineer responded the bid cannot be picked apart and the Council would need to re-bid the project to see different prices. Councilmember Medrano stated maybe the project should be re-bid.

Vice Mayor Stratford asked about the 15% contingencies. The City Manager indicated the City had covered 100% of the cost up until this point and the contingency was for inspections and work yet to be done by the City Engineer's office.

No public comments were received.

Councilmember Medrano asked to postpone the projects approval until the CBCA made their decision. Vice Mayor Stratford stated the Council should move forward and select the favorable low bidder at this time.

The Council then discussed the cost of re-bidding the project and the monetary difference doing so might make to the cost of the project. Mayor Pierce asked how long the City had to award contract. The City Manager responded 30 days unless the Council extended the deadline for awarding the contract.

The City Manager stated the Daffodil Hill committee's first priorities were the monument sign and landscaping.

It was moved by Vice Mayor Stratford, seconded by Councilmember Shuey to adopt Resolution 10-2009 awarding a contract to Maxicrete, Inc. in the amount of \$199,167 as the lowest responsible bidder (Passed 4-1; Medrano-no).

It was moved by Councilmember Geller, seconded by Vice Mayor Stratford to authorize the allocation of additional CIP interest-earned monies to the project, as necessary, up to \$31,000 (Passed 4-1; Medrano-no).

- (b) Consider and approve the City's required Water Conservation Plan for irrigation of City facility grounds and public landscaped areas during the declared drought period starting May 1, 2009.

Mark Janney, Maintenance Supervisor presented the Water Conservation Plan stating the City must cut water usage by 45% for landscaping and 15% for buildings as required by the Contra Costa Water District (CCWD). He stated the Maintenance Department will be monitoring the water usage and will encourage people to conserve water. For the Landscaping Maintenance District he stated the Plan will require pooling the meters in order to save the newest landscaping while letting turf and older landscaping bear the brunt of the reduction in water. He stated most of the groundcover would not survive but the Plan calls for keeping the trees and medians alive. For the City Parks (excluding The Grove) the Plan will try to keep the playing areas semi-green and playable but the water will be turned off on the edges. He stated as plant die they will be removed. For The Grove park, a nearby abandoned well could be tested for feasibility of use and the Department would be monitoring the use.

The Council questioned the feasibility of the well near The Grove park. The City Manager stated the Maintenance Department was doing its due diligence in researching ways to keep the park green.

Mr. Janney stated that since May 1st the sprinklers had been turned off and that water banking from one month to the next was not allowed by the CCWD regulations.

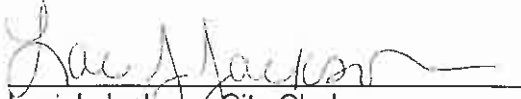
It was moved by Councilmember Shuey, seconded by Vice Mayor Stratford to approve the City's Water Conservation Plan for City facility grounds and public landscaped areas (Passed 5-0 vote).

10. **COUNCIL ITEMS**

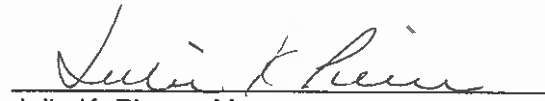
Councilmember Medrano asked that discussion be held about removing CalPERS as a benefit for Councilmembers and discuss a reduction in the stipend of the Planning Commission based on fewer meetings.

11. **ADJOURNMENT**– On call by Mayor Pierce the meeting adjourned at 9:38 p.m. in memory of Dee Munk (1942-2009).

Respectfully submitted,


Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL


Julie K. Pierce, Mayor