

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

TUESDAY, October 6, 2009

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 6:02 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 (arrived at 6:20 p.m.), Medrano and Shuey. Staff present: City Manager Gary Napper, City Attorney Dan Adams, Community Development Director David Woltering, and City Clerk Laci Jackson.

2. **CLOSED SESSION** – Mayor Pierce announced the following purposes for Closed Session and then adjourned into Closed Session at 6:02 p.m.

- (a) *Government Code Section 54956.8, Conference with Real Property Negotiator*
Real Properties: APNs 119-050-008, 009 & 034 (1005 & 1007 Oak Street)
Instructions to City Negotiator (City Manager) concerning price, terms & conditions.
Negotiating Parties: 1. Rick Angrisani and Andrew Morse; 2. Robert Staehle.

- (b) *Government Code Section 54956.9, Conference with Legal Counsel*
Pending Litigation: *JFC Construction, Inc. v. City of Clayton*

7:02 p.m. Report Out From Closed Session: Mayor Pierce reported the Council gave direction to the Real Property Negotiator and Legal Counsel.

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

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

- (a) Information Only

1. Preliminary survey results from attendees at last Concert in The Grove Park.

Councilmember Geller reminded the public they can still provide input for the survey by going online to the City's website.

- (b) Approved the minutes of the regular meeting of September 15, 2009.
- (c) Approved Financial Demands and Obligations of the City.
- (d) Adopted Resolution 39-2009 accepting sidewalk easement at 333 Chardonnay Circle (O'Neil).
- (e) Adopted Resolution 40-2009 accepting the ARRA Street Repaving Project as complete and ordering the filing of a Notice of Completion.

5. **RECOGNITIONS AND PRESENTATIONS**

- (a) **Presentation:** Annual Report on Central Contra Costa Transit Authority (CCCTA).

Gregg Manning, Board Chair, reported the CCCTA is still having monetary problems and has cut services by 25%. He stated they will have to continue cutting budgets and more services if the State of California continues taking money from transit. He stated he will continue to serve as Clayton's representative on the Authority at the leisure of 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 last year the State of California tried to take Redevelopment money to patch their budget deficit, but the California Redevelopment Association sued and in April 2009 a Sacramento court ruled the raid was unconstitutional. The State filled an appeal last week the State dropped its appeal. However they decided to take money more redevelopment money again this year. The Clayton Redevelopment Agency expects the State will take almost \$2 million from Clayton alone.

- (d) City Council

Vice Mayor Stratford attended the Habitat Conservancy meeting and toured the Ang properties which are being purchased by the Conservancy and the East Bay Regional Parks District. He attended the Mayors' Conference in Oakley, the Keller Canyon waste facility tour, and the YMCA Strong Kids Campaign. He reminded citizens that the 7th CERT training class is underway.

Councilmember Geller attended the Mayors' Conference, and the tour of the Keller Canyon waste facility. He also attended the YMCA Strong Kids Campaign.

Councilmember Shuey volunteered at Oktoberfest, and met with Mayor Pierce on economic development issues.

Mayor Pierce attended the Contra Costa Transportation Authority meeting, and the ABAG Executive Board Meeting where the Hazard Mitigation Plan was approved. She also attended the Mayors' Conference and the YMCA Strong Kids event. Lastly, she attended the first meeting of the 7th CERT class and reminded citizens that donations are needed for the Clayton Counts Down New Year's Eve event.

- (e) Other – None.

7. **PUBLIC COMMENT ON NON-AGENDA ITEMS**

Sawyer Crain and Peter Voit stated they would like to have accessible bike jumps areas in Clayton and stated other cities have them. They stated good areas for the jumps might be near Regency Drive near London Court.

Mayor Pierce stated that it might be worthwhile for them to make a presentation to the Trails and Landscape Committee.

Vice Mayor Stratford stated the Boy Scouts brought this issue up in the past but the liability to the City is high and the insurance costs would increase.

The City Manager indicated they might consider talking to their State Senator and Assemblyman to help create law for public agency immunities when offering this type of recreation. He stated until there is legislation cities will be reluctant because of the increased risk and liability.

Councilmember Medrano thanked the young men for their report.

Richard Taylor reminded citizens the Clayton Halloween Ghost Walk is October 31st and those interested should meet at 8pm at Endeavor Hall.

8. **PUBLIC HEARINGS** –None.

10. **ACTION ITEMS**

- (a) Second Reading and Adoption of amendments to *Clayton Municipal Code* Section 17.36.020 – Building Height Restrictions, to remove specified outdated building height references and to clarify the purpose of this Section.

The Community Development Director presented the staff report and stated the Ordinance clarifies the building height limitations for structures in specific districts. He stated the Ordinance also removes outdated sections.

No public comments were received.

It was moved by Councilmember Medrano, seconded by Councilmember Shuey to have the City Clerk read Ordinance No. 424 by title and number only and waive further reading (Passed; 5-0 vote).

The City Clerk read Ordinance No. 424 by title and number only.

It was moved by Councilmember Medrano, seconded by Vice Mayor Stratford to adopt Ordinance No. 424 (Passed; 5-0 vote).

- (b) Consideration of a Resolution authorizing the execution of a Purchase and Sale Agreement and related documents concerning the sale of the City's Proposition 1A receivable from the State of California in the estimated amount of \$139,195.00 (aka Proposition 1A Securitization Program).

The City Manager presented the staff report and stated the State of California has taken more than \$5 million in local property tax revenues from the City of Clayton since the 1990's. In November 2004 voters approved Proposition 1A which now requires the State to pay back the money they borrow with interest and only allows them to borrow during an emergency twice in a ten year period. He stated the State will borrow \$139,195 from the City of Clayton this fiscal year. He stated the cities, counties, and special districts up and down the State are joining the California Communities to sell their notes to bond holders in order to stay whole with the State's stealing. With the adoption of the

Resolution the City of Clayton will join these agencies and sell bonds; in three years the State will pay the bond holders. No City responsibility arises for bond issuance costs or repayment of bond holders.

No public comments were received.

It was moved Vice Mayor Stratford, seconded by Councilmember Geller to approve Resolution 41-2009 authorizing the execution of a Purchase and Sale Agreement and related documents concerning the sale of the City's Proposition 1A receivable from the State of California in the estimated amount of \$139,195.00 (Passed; 5-0 vote).

- (c) Presentation and general discussion of an Economic Cost-Benefit Analysis Report on prospective improvements for installation of field lights and/or synthetic turf at the existing sports fields located at Clayton Community Park (7411 Marsh Creek Road).

City Manager stated the discussion of this subject arose because of the East Bay Regional Parks Measure WW grant funds. He stated the Trails and Landscaping Committee wants to use the \$492,883 grant to repair and improve the trails system (an eligible project). There were also several conversations about using the money to improve the Clayton Community Park. The City contacted Pacific Municipal Consultants to analyze the costs and benefits of a renovation project at the park for sports lights and synthetic turf. He then invited Derek Wong, PMC Consultant, up to provide the in depth report.

Mr. Wong stated it was a pleasure working on this project. He outlined the reasons for looking at synthetic turf, the methodology used for the report, the costs of different options for the project, and the possible benefits of the investment.

The Council held a lengthy discussion about the available resources, fundraising, and the concession stand and additional parking at the site.

The City Manager thanked Mr. Wong for his work on the project and stated the information provided was a comprehensive and flexible plan. He stated the parking enhancements would give the park a public safety visual from the street and provide savings to the landscaping district, as well as ease the burden on the Regency Drive neighbors.

Mayor Pierce asked for Public Comments.

Brandon Sullivan stated synthetic turf fields are nice to play on and that more time for field rentals would ease the burden on the playing space constraints.

Sharon Cuff stated she has two sons who play baseball and the turf gets very hot. She also questioned putting the turf on the lower field and its impact on the Middle School.

The Council continued its discussion about the parking, lighting, synthetic turf, and the possibility of fundraising to help pay for the project. They also discussed the possibility of doing the project in segments (piecemeal).

The City Manager stated the object of the research presented was to look at the totality of opportunities and get a greater understanding of the value of the project.

Mayor Pierce stated the Council might want to look at the parking aspect of the project.

The City Manager stated the Council now has the information and can incorporate it into the dialogue about future CIP projects. He stated that beyond the economics the recreation improvements could enhance the quality of life for residents and be an investment for the community. The City Manager stated even before the CIP budget talks the Council could prioritize this project at their goal setting session but that essentially the study created a vision for what can be done at the Community Park.

No action was taken; general consensus for consideration of the project components during the January 2010 Goal Setting Session.

- (d) Council Member request to discuss the concept of a "Main Street Program" to promote and hold additional special and community events in the Clayton Town Center area.

Councilmember Geller presented his ideas about bringing a "Main Street Program" to the Town Center area. He stated the program would be a joint venture with merchants and could help stimulate the downtown by providing more events that would bring people downtown.

Vice Mayor Stratford suggested an exploratory committee be formed to see if there is buy in from the downtown business.

Councilmember Medrano stated he would like to be involved and thinks an exploratory committee is a good idea.

Mayor Pierce stated her concern that more events downtown will take more staff time that is not available.

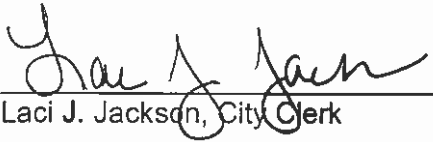
Mayor Pierce stated an exploratory committee consisting of Councilmember Geller and Medrano could discuss the proposal with the City Manager.

11. COUNCIL ITEMS

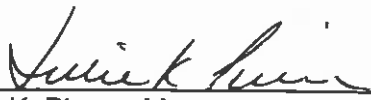
Councilmember Shuey asked that the Council discuss how they would like to spend its Measure WW grant monies. The Council agreed they will discuss the matter at their goal setting session in 2010.

12. ADJOURNMENT— On call by Mayor Pierce the meeting adjourned at 8:55 p.m.

Respectfully submitted,


Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL


Julie K. Pierce, Mayor

