

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

TUESDAY, March 2, 2010

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 6:30 p.m. by Mayor Stratford in Hoyer Hall of the Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Stratford, Vice Mayor Shuey, Councilmembers Geller, Medrano, and Pierce. Staff present: City Manager Gary Napper, City Attorney Dan Adams, Finance Manager Merry Pelletier, and City Clerk Laci Jackson.
2. **CLOSED SESSION** Mayor Stratford announced the following purpose for Closed Session and then adjourned into Closed Session at 6:30 p.m.
 - (a) *Government Code Section 54956.9, Conference with Legal Counsel*
Pending Litigation: JFC Construction, Inc. v. City of Clayton
Contra Costa county Superior Court, case No. C10-00293

6:52 p.m. Report out of Closed Session: Mayor Stratford reported the Council received a report from and gave direction to legal counsel.

Mayor Stratford recessed the meeting until 7:00 p.m.

7:00 p.m.

3. **PLEDGE OF ALLEGIANCE** – led by Mayor Stratford.
4. **CONSENT CALENDAR-** It was moved by Vice Mayor Shuey, seconded by Councilmember Pierce to approve the Consent Calendar as submitted (Passed; 5-0 vote).
 - (a) Approved the minutes of the regular meeting of February 16, 2010.
 - (b) Approved Financial Demands and Obligations of the City.
5. **RECOGNITIONS AND PRESENTATIONS**
 - (a) Mayor Stratford read a Proclamation declaring March 2009 as "American Red Cross Month" and presented it to Emily Hopkins, Community Relations Officer for the Contra Costa Fire District and Red Cross Leadership Council volunteer. She thanked the Council for recognizing the efforts of the Red Cross and stated the Red Cross responds to emergencies with immediate services. She stated the Red Cross also provides many training opportunities for the community.
6. **REPORTS**
 - (a) Planning Commission – Commissioner Bob Armstrong stated at its February 23rd meeting the Commission reviewed parliamentary procedures and protocols for meetings.

- (b) Trails and Landscaping Committee – No meeting held.
- (c) The City Manager reported the Mt. Diablo Region YMCA is consolidating five branch sites back to one in Pleasant Hill due to economic plight. On February 23rd the City of Clayton received notice from the YMCA stating that they are cancelling their agreement with the City for operations of community recreation programs out of the Clayton Community Gym at Diablo View Middle School. Since the YMCA started providing programs out of the gym there have been many community benefits provided including youth and adult basketball, adult volleyball, and an afterschool program. The closer of the YMCA does not mean the City is giving up its right to use the gym, but should the City continue to open the doors to the gym it will be responsible for approximately \$60,000 per year in School District custodial charges, electricity, and other costs, not including recreation paid staff to run the facility or for equipment.

The YMCA closed due to economic plight and community or municipal recreation is subsidized by the general tax payer by 30-50%. In order to keep the City from being charged for custodial fees the school district has been notified that effective April 1, 2010 the City is temporarily suspending its non-school hour use of the gym. Since the City is not geared up to create a recreation department which may take as many as one full time person and five part-time people, citizens who wish to rent the gym after school hours may still do so by contacting and booking time through the school district.

The City Manager also reported that Saint Mary's College students will be surveying the community on recreation services and facilities which will help provide an idea of what the community believes is missing and will provide priorities.

The Mayor asked that anyone who had a speaker card for this item to speak at this time.

Gary Duncun stated he had been involved with the YMCA since they opened and his son worked as one of the sports coordinators. He stated he developed an adult basketball league over the last five years that has played at the gym on Sundays and that 85 men participate in the league. He stated there is also an adult volleyball league, and CYO youth basketball. He stated he thinks volunteers can help run programming, and he asked for the chance to present a proposal to the City.

Councilmember Medrano stated the City still has the availability to use the gym but in the interim it needs to be booked through the school district.

Councilmember Pierce stated she spent six years raising money for the construction of the gym. She stated the reality is the school district will charge the City \$15,000 per quarter whether or not anyone is actually using the gym. She stated another issue is that volunteers would fall under the City's workers compensation policy which may pose problems. She stated everyone is disappointed but this is a reality.

Vice Mayor Shuey stated a sub-committee should be formed to try to look outside the box and do something.

Councilmember Geller stated he feels badly the City had such short notice but stated he is happy that those who want to use the gym can pay to play by contacting the school district.

By consensus, Vice Mayor Shuey and Councilmember Medrano were appointed to an adhoc sub-committee to look at the future of the gym's use for community recreation.

(d) City Council

Councilmember Geller was a judge at the Clayton Club's Chili Cook-off, and booked the 9th band for the Concerts in The Grove series. He stated the ABA team Clayton Showtime have their last home game on Friday evening March 5th.

Vice Mayor Shuey stated he has been talking to citizens about the YMCA's departure.

Councilmember Medrano attended the East Bay Division meeting of the League of California Cities and stated the League has collected 500,000 signatures to put an initiative on the ballot to keep tax dollars local.

Councilmember Pierce attended meetings for the Transportation Authority, Clayton Emergency Response Team Corps Council, and the Clayton Cleans Up.

Mayor Stratford attended the Library Foundation meeting and stated the first weekend of March is the 15th anniversary of the Library opening and is also the Creekside Arts Festival.

Other – None.

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

8. **PUBLIC HEARINGS** – None.

9. **ACTION ITEMS**

- (a) Discuss request by community members for the City to provide public land for the construction and maintenance of a dirt bike park.

Mayor Stratford invited Sawyer Crane and Peter Pratt forward to discuss their ideas for a dirt bike park.

Sawyer Crane and Peter Pratt stated there are many boys interested in a dirt bike park in Clayton. He stated the group is looking for a possible location and have emailed the rock quarry site manager to find out information about that site. Mayor Stratford stated he had also contacted the rock quarry and was waiting for a response.

Bobby Ward stated that his father owns a trucking company and would be willing to help build and maintain the park.

The young men then presented a powerpoint explaining the type of bicycles used for this type of sport.

Mayor Stratford noted there are many restrictions placed on government for prevailing wage and that construction and maintenance are not as easy as one might hope.

The young men proposed three possible sites: Clayton Community Park (behind the last picnic area); on Regency Drive at Hoyer Hill; and the Rock Quarry.

Councilmember Pierce stated that many of the bike parks in the area are on more than two acres of land. Councilmember Geller added that if the young men wanted more space an ideal area would be on private property out east Marsh Creek Road.

The City Manager stated there are many design and environmental considerations if this City is to get involved with this type of project. .

The following other areas were given as possible locations for the park, the open space area before Diablo View Middle School; the vacant lot adjacent to City Hall, and Diablo Open Space at the end of Black Point Place. Councilmember Pierce suggested the young men canvass the neighborhoods and get a feel for the property owners concerns.

- (b) Consideration of a multi-year professional services contracts for independent auditing services of the City and the Clayton Redevelopment Agency (RDA), and for preparation of annual Financial Statements and the State Controller's Report.

The Finance Manager presented the report and stated she sent out Requests for Proposals to ten qualified auditors in January 2010. Cropper Accountancy Corporation (Walnut Creek) proposed the lowest contract price. She explained and compared the differences in cost between the lowest bidders. She stated she checked references and Cropper Accountancy has provided audits to many local entities. She stated the cost for Thales Consulting to provide the Annual Financial Statements and State Controllers report would not be changing for the upcoming contract.

Mayor Stratford stated the price is good, the company is local, and the principal seems to personally spend time reviewing the audit.

No public comments were received.

It was moved by Vice Mayor Shuey, seconded by Councilmember Pierce to:
1. Award a 3-year contract to Cropper Accountancy Corporation, CPA (Walnut Creek) in the amount of \$16,635 each year for basic City and RDA independent auditing services, and authorize the City Manager to sign the professional services contract in behalf of the City; and 2. Award a 3- year contract to Thales Consulting, Inc. in the amount of \$6,300 each year for preparation of annual Financial Statements and the mandated State Controller's Report, and authorize the City Manager to sign the professional services contract in behalf of the City (Passed; 5-0 vote)

- (c) Consideration and approval of the Landscaping Plan for Daffodil Hill and the terraced retaining walls west of the CVS/Pharmacy on Clayton Road.

Maintenance Supervisor John Johnston stated the hardscape of Daffodil Hill is complete and in order to compete the project the landscaping plan needs to be approved. The area being considered in this plan includes the terraced retaining wall portion of the project as well as the remainder of the hill project. He stated this project cannot be started until the CCWD drought restrictions are lifted. He stated the project can be on well water or hooked up to Water District water, and will comply with the current and proposed Water Efficient Landscaping ordinances. He stated the fiscal impact for this project is unknown and the CBCA is in the primary organization to pay for beautification of the hillside. The City will pay for the retaining wall landscaping.

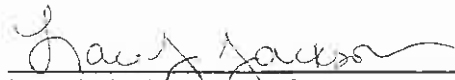
Councilmember Pierce stated the plan looked good expect she was not happy with the selection of seven redwood trees near Diamond Terrace. The Council and the Maintenance Supervisor discussed the redwood trees and came to a consensus that oak trees would be more fitting and less likely to block senior residential views.

It was moved by Councilmember Geller, seconded by Councilmember Pierce to approve the recommended Landscaping Plan for implementation when funds are allocated and the CCWD-imposed water drought restrictions are lifted as amended with the substitution of oak trees for the redwood trees as long as there is no opposition from the CBCA group (Passed; 5-0 vote).

10. **COUNCIL ITEMS**- None.

11. **ADJOURNMENT**- On call by Mayor Stratford the meeting adjourned at 8:43 p.m.

Respectfully submitted,



Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL



Hank Stratford, Mayor