

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

TUESDAY, April 6, 2010

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 6:30 p.m. by Vice Mayor Shuey in Hoyer Hall of the Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Stratford (arrived at 6:35 p.m.), Vice Mayor Shuey, Councilmembers Geller, Medrano, and Pierce. Staff present: City Manager Gary Napper, Assistant to the City Manager Laura Hoffmeister, City Attorney Dan Adams, Police Chief Dan Lawrence, City Engineer Rick Angrisani, and City Clerk Laci Jackson.
2. **CLOSED SESSION** Vice Mayor Shuey 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: *Katzman, et al. v. City of Clayton, et al.* Coordinated Cases Master/C07-01461/C07-00707, Superior Court of CA, Contra Costa County

7:15 p.m. OPEN SESSION Mayor Stratford reported the Council received reports from legal counsel and gave directions.

Mayor Stratford announced the Council meeting this night would be adjourned in memory of two people with ties to Clayton:

- a. Victor Thole - the father of Clayton Pioneer publisher, Tamara Steiner. A former resident of Richmond and Martinez, he worked for the Richmond Independent newspaper his entire career. In his retirement he was very active volunteering his time for the Lion's Club Wilderness Camp for Deaf Children and the Lake Don Pedro Baptist Church Food Basket. He was a very generous man who will be greatly missed by his family.
- b. Bill Allen - husband of former Clayton Mayor and colleague, Concord Councilwoman Helen Allen. Former residents of Clayton, Bill and Helen were very active in Clayton before moving to Concord.

Mayor Stratford, on behalf of the entire City Council; extend his sympathies to Tamara and Helen and their families.

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 March 16, 2010.
 - (b) Approved Financial Demands and Obligations of the City.
 - (c) Adopted Resolution 09-2010 establishing the City's 2010-2011 ERU Assessment Rate for Federal and State Mandated National Pollution Discharge Elimination System (NPDES) Program (Storm Water Pollution Prevention).

- (d) Authorized the extension of time for up to an additional twelve month period thru April 19, 2011 for continuation of two police corporal positions rather than filling one vacant police sergeant position.
- (e) Adopted Resolution 10-2010 approving covenant regarding operation and maintenance of storm water facilities on private property at 1519 N. Mitchell Canyon Road.

5. **RECOGNITIONS AND PRESENTATIONS** – None.

Mayor Stratford requested Public Comments be taken out of order on the Agenda.

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

Glenn Miller, Clayton resident, stated there are areas of open space adjacent to his home and others in Peacock Creek that have become a nuisance. He stated young adults are parking at the top of the hill on Brandywine Place and partying near the Contra Costa Water District's pump facility. He stated these young adults are leaving behind a mess of glass bottles, trash, and other unmentionables. He stated he is not sure how to combat the problem and urged the Council to consider finding a solution for the residents of the area. He stated that many times he has called dispatch but officers are busy dealing with priority other matters.

6. **REPORTS**

- (a) Planning Commission – No meeting held.
- (b) Trails and Landscaping Committee – No meeting held.
- (c) The City Manager reported the Clayton Cleans Up, sponsored by the Clayton Pioneer again this year, is on April 24th at 9am. He stated the event is good way for citizens to help beautify the community. He also thanked former Mayor Gregg Manning who always donates his time help pick up the trash bags throughout the City during the event.
- (d) City Council

Councilmember Geller attended the monthly Mayors' Conference and reminded citizens to come down to the Clayton Cleans Up.

Vice Mayor Shuey stated he has been working on trying to bring in a new partner to take the place of the YMCA. He stated he met with an organization that could potentially provide recreation services out of the gym.

Councilmember Medrano participated in the Every 15 Minutes program at Clayton Valley High School and thanked Corporal Enea and Sergeant Dansie for their work on the event. He also worked on the gym recreation services issues, as has the City Manager.

Councilmember Pierce thanked the Clayton Police Department for being involved with the Every 15 Minutes Program. She attended a Transportation Authority meeting and a Council sub-committee meeting to discuss a small tot lot possibility for Lydia Lane Park. She stated a neighborhood meeting would be held before final decisions were made. She attended the Mayors Conference, a Transportation Authority Administration and Planning Committee meeting, and was a speaker at Leadership San Ramon educating citizens about local government.

Mayor Stratford attended the East Contra Costa Habitat Conservancy Meeting and the Mayors' Conference.

- (e) Other – None.

8. **PUBLIC HEARINGS** - None.

9. **ACTION ITEMS**

- (b) Consideration and discussion of a status report concerning the City's existing Community Emergency Response Team (CERT) and its mission and objectives.

The Police Chief stated the purpose of the report is to provide a guide for moving forward with the CERT Program. He stated the CERT Program was established during the Bush Administration as a way to prepare citizens for disasters (natural or other). In August, 2006, the City Council approved the CERT Program and since its inception more than 130 people have graduated from the program. The growing number of CERT participants spurred the Municipal Pooling Authority (MPA) to investigate transferring the risk from the Pool to the State. The CERT Corp Council came up with a 3-tiered program that addressed part of the liability exposure by requiring CERT graduates to register as Disaster Service Worker Volunteers (DSWV) through the State of California's program. The CERT Corp Council sent notices to the CERT graduates outlining their proposed program and received mixed responses which led to production of this report.

Staff had an in depth conversation with MPA staff regarding the rationale for transferring the risk to the DSWV program. The CERT classes have been placed on hold pending the outcome of tonight's meeting. Staff reviewed the CERT Corp Council's program and believes that while it was a good concept, it is not necessary. The Police Chief reminded the City Council that the goal of the program is to train citizens. He suggested the City Council restart the CERT program and register all future and past CERT participants with the State DSWV program.

The City Manager stated the Municipal Pooling Authority believes the State of California is the suitable entity to transfer worker risk in the case of a disaster.

Councilmember Pierce thanked the Police Chief and the CERT Corp Council for looking into the liability situation. She stated the Chief's proposal seems like a simple solution and it will retain people who have been trained in the program.

Herb Yonge, CERT Corp Council member, stated there were people signed up for the next CERT class and he was disappointed it had to be deferred. However, he stated all instructors are Clayton residents and they are self contained.

Harun Simbirdi, CERT Corp Council member, asked about what type of emergencies are covered under the State's program?

Councilmember Pierce stated the program was intended to allow citizens to feel confident that if an emergency strikes that they know how to respond. She stated she wants more people trained and should not allow disaster worker injury responsibilities to get in the way.

Gregg Manning, CERT Corp Council member, stated that transferring Workers Compensation risk to the State seemed like a good thing. He stated he believes all Councilmembers should be CERT trained.

It was moved by Councilmember Pierce, seconded by Councilmember Medrano to re-start the City's CERT Program and authorize registration of past and future Clayton CERT volunteers as State of CA Disaster Service Worker Volunteers (DSWV) (Passed; 5-0 vote).

- (a) Consideration and discussion of staff report critiquing preliminary identification of possible public and private lands for a community group-requested dirt bike park.

The Assistant to the City Manager presented the staff report and stated seven public and private sites had been identified as possible locations for a dirt bike park. She stated each location posed positive features and challenges. Each site would need to look at zoning regulations, an environmental study issues related to California Fish and Game and Water Quality Control District guidelines, as well as prepare for mitigation measures on soil stability, geotechnical studies, and storm-water run-off. Also, some of the sites pose challenge with visibility and emergency access. She stated the public sites have the proper general plan designation in all but the "PD" district which does not allow for recreational use.

The Assistant to the City Manager stated the cost for doing the associated environmental work and construction could be \$295,000 for any site and does not included ongoing maintenance which is estimated at a cost of between \$12,000 and \$60,000 per year. She stated there are challenges for the project on all proposed sites because Clayton does not have a lot of land left for development and this process could take 18 months to two years to complete.

Mayor Stratford noted a group of students from Saint Mary's College will be shortly distributing a survey to residents about desired recreational facilities and maybe that will offer some insight into needs and priorities. The City Manager stated the students would be mailing the survey to 1,200 homes in April and would hopefully be providing a report to the City Council by the end of May.

The City Manager stated the City is taking these young men's proposal very seriously but that creating recreational opportunities is serious and laws and regulations must be complied with.

By consensus the Council stated they would like to wait until the recreation survey results come back before moving forward with this request.

Mayor Stratford stated he would email the young men the staff report since they could not be present at the meeting due to Spring Break. The council also requested staff develop and add plausible timetable for land use entitlement permits and construction

- (c) Consideration of a Resolution authorizing T-Mobile to submit land use entitlement applications for two cell tower locations on City open space property for equipment building and antenna (Ridge Trail above Oakhurst Golf Course and ridge above Field 3 at Clayton Community Park); and further authorizing the City Manager to enter into a lease agreements upon T-Mobile receiving City planning entitlements.

Assistant to the City Manager presented the staff report stating T-Mobile approached the City about wanting to place two cell towers on hillsides to provide better coverage for the area. Both proposed locations are on City owned open space: one above Field 3 at the Community Park, and one on the ridgeline transmission power above the Oakhurst Golf Course. Tonight before the Council are the concept deal points for a lease agreement that would provide approximately \$61,000 annually (to increase yearly with CPI). The antenna would be hidden in an artificial oak-type tree.

The City Manager reaffirmed for the public that this decision does not prejudice the City's and public's right to analyze, critique, and ultimately deny the necessary Use Permit Application during the planning process.

It was moved by Councilmember Geller, seconded by Councilmember Pierce to adopt Resolution 11-2010 authorizing T-Mobile to submit land use entitlement applications for two cell tower locations on City open space property for equipment building and antenna (Ridge Trail above Oakhurst Golf Course and ridge above Field 3 at Clayton Community Park); and further authorizing the City Manager to enter into a lease agreements upon T-Mobile receiving City planning entitlements (Passed; 5-0 vote).

- (d) Consideration of a design concept plan for a public parking lot expansion and snack shack project at Clayton Community Park (CIP No.10413: EBRPD WW Grant funds).

The City Engineer stated at their March 16th meeting the City Council directed staff to prepare plans for expanded parking and a concession stand at Community Park. Staff prepared the plan which would add 100 full-size parking spaces at the existing park. The plan also calls for moving an existing pathway and relocating a picnic area. The parking lot will be sloped toward the field into a filtration planter to meet stormwater run-off requirements. The cost of this portion of the project is estimated at \$480,000. A concession stand at field 1 is projected to cost an additional \$178,000. The next funding cycle for the East Bay Regional Parks Measure WW funding is in March 2011.

Councilmember Pierce stated the parking lot expansion was great but she did not necessarily believe the concession stand (snack shack) was needed.

The City Engineer noted the pre-fabricated concession stand would meet all health department codes.

Councilmember Shuey stated the concession stand was not needed at Field 1 (lower level) and that it would be difficult to get people to rent it out. He stated he is opposed to the concession stand idea.

Councilmember Medrano asked how much it would cost to upgrade the existing unused concession stand in the upper park level to meet health code regulations?

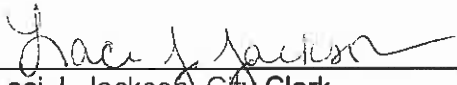
Councilmember Geller asked if it would be possible to bring in self contained motor food coaches that sell snacks and hot food and are already approved by the Health Department?

It was moved by Councilmember Pierce, seconded by Mayor Stratford to instruct staff to move ahead with the parking lot expansion, eliminate construction of a snack shack at Field 1 but look at costs to retrofit the existing upper field's concession stand, and dialogue with approved health caterers to gauge interest in concession lease operations (Passed; 5-0 vote).

10. **COUNCIL ITEMS**- None.

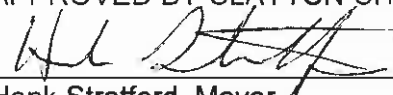
11. **ADJOURNMENT**- On call by Mayor Stratford the meeting adjourned at 9:15 p.m. in memory of Victor Thole and Bill Allen.

Respectfully submitted,



Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL



Hank Stratford, Mayor