

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

TUESDAY, May 18, 2010

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 6:04 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, Community Development Director David Woltering, City Attorney Dan Adams, and City Clerk Laci Jackson.

2. **CLOSED SESSION** Mayor Stratford announced the following purpose for Closed Session and then adjourned into Closed Session at 6:04 p.m.

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

7:04 p.m. **OPEN SESSION:** Mayor Stratford stated the Council had a discussion with its Labor Negotiator.

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

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

- (a) Approved the minutes of the regular meeting of May 4, 2010.
- (b) Approved Financial Demands and Obligations of the City.
- (c) Approved Engineer's Report declaring intention to levy and collect assessments for the Street Lighting Assessment District for Fiscal Year 2010-2011, and directed giving of notice of the time and place for hearing on the levy of the proposed real property assessment as required by law .

5. **RECOGNITIONS AND PRESENTATIONS**

- (a) Mayor Stratford presented a Certificate of Appreciation to Bob and Tamara Steiner, *Clayton Pioneer*, for their sponsorship of the 2009 and 2010 "Clayton Cleans Up" days. Bob Steiner accepted the Proclamation and thanked the volunteers for making the event successful.

- (b) Mayor Stratford presented a Certificate of Appreciation to the Walnut Creek California Stake, Church of Jesus Christ of Latter-day Saints, for their community service by approximately 100 volunteers who trimmed, pruned and cleared overgrown and dead landscape at the Clayton Community Park on May 8, 2010.

Stake President John Hunt and High Councilor Doug Bohne accepted the Certificate. President Hunt stated 75,000 volunteers worked on similar community projects throughout the State of California and the Walnut Creek Stake had more than 400 volunteers. Mr. Bohne thanked the City for the opportunity to serve and stated the group would like to do another project in Clayton next year.

6. REPORTS

- (a) Planning Commission – No meeting held.
- (b) Trails and Landscaping Committee – (Mayor Stratford presented the Committee's report during his City Council report).
- (c) The City Manager reported the Governor announced the May Revise which indicated the state revenues came in \$3 billion under projections. The Governor has proposed \$12.4 billion in spending cuts, \$3.4 in federal money, and \$3.3 billion in borrowing from other state funds. The City Manager stated at this point there are no direct monies taken from local government. He also reported the southern California cities disputing property tax administration fees with L.A. County are in appeals court, and overall the appeal panel's questions seemed in favor of the cities. He stated the outcome of this case will affect a significant amount of money statewide that has been overcharged to cities by counties.
- (d) City Council

Councilmember Geller announced the next Concert in The Grove is Saturday, May 22 and the band is local favorite Mamaluke.

Vice Mayor Shuey reported he was in Ukraine 35 days adopting his new 9 year old son.

Councilmember Medrano attended a meeting with the Mt. Diablo School District on the Gym expense billed the City.

Councilmember Pierce reported on the first Concert in The Grove and stated the community donated \$930 to help fund next years concerts. She attended a Contra Costa Transportation Authority meeting and the Mayors' Conference. She stated the Mayors' Conference reviewed pension reform options and stated it was intriguing but Clayton was not in the same spot as other cities because there is no healthcare in retirement provided to employees. She stated the Farmers' Market is open and the City needs volunteers for the 4th of July Parade. Lastly, she attended a Transpac meeting.

Mayor Stratford attended the new CERT class and the National Day of Prayer breakfast put on by local churches. He also attended the Mayors' Conference, Farmers' Market, an Eagle Court of Honor for Leo Rabbitt, and the Concert in The Grove. He attended the meeting with Councilmember Medrano and the Mt. Diablo School District. He also attended a meeting with local school officials to discuss a character development program which could be community wide to instill good character traits for all students. Lastly, he reported on a Trails and Landscaping Committee meeting where the Committee discussed the budget and a list of improvement projects to work on in the upcoming year with money saved during the drought. The projects will include replanting some areas, adding pavers to the noses of some of the medians, and replanting some of the trees on Keller Ridge Drive.

- (e) Other – None.

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

Kari Galler, Clayton resident stated she was concerned and offended when she read about the city working with the school to build a community of character. She stated she did not want religion discussed as part of any program. She stated she did not believe it was the job of the City Council to instill values which should be handled by parents.

Mayor Stratford said he had been the only member of Council involved in meeting with the schools and stated the schools are enthused about driving a program forward because it fits with other things they were already working on. He stated there had been no discussion of religion at the meetings. He stated for the most part the program would be focused on things like responsibility, integrity, respect and similar character traits. He stated this subject would come to the Council on a future agenda.

Linda Hudak stated she had read about the character development program in two Clayton Pioneer editions but was not sure why the City Council was involved. She also wanted to know if there was a way to measure the program. Mayor Stratford responded the discussions to this point did not have a measurement factor, but he believed there is no harm in encouraging good character traits. He stated there have been issues with disrespectful youth at the parks and a program like this would give our police officers and the youth something to talk about. He stated the goal was to enhance the character of the community. Linda Hudak suggested a community slogan be discussed instead.

8. **PUBLIC HEARINGS** – None.

9. **ACTION ITEMS**

- (a) Discussion of existing agreement between the City and the Mt. Diablo Unified School District for construction and use of a gymnasium at Diablo View Middle School (May 2001), and the City's temporary suspension and prospective resurrection of community recreation programs offered at the site.

City Manager stated for the last several months staff and a Council sub-committee have been in discussions with the Mt. Diablo Unified School District (MDUSD) about the Clayton Community Gym. He stated in 2001 the City and MDUSD entered into a number of agreements that provided the City access to the gym during non-school hours (ie. afterschool and on the weekends). The Redevelopment Agency provided funding assistance for the gymnasium and the community raised donations to buy essential items for the gym. The City also severed off a portion of its Community Park for the gym to be built on, and donated title to the District.

In 2003 the City entered into an agreement with the Mt. Diablo Region YMCA to provide recreation services at the Gym. The City was excited to be involved with the YMCA in a joint venture since many recreation programs end up requiring City General Fund subsidies of upwards 80%. In March 2010 the YMCA suddenly pulled out of the gym and has since filed bankruptcy. With this vacancy there has been a void for public recreation programming and a cost associated with maintaining the "non-school" hours of the gym. Currently the Mt. Diablo School District is charging

approximately \$60,000 per year in custodial (personnel and supplies) and PG&E costs which seem relatively high given the hours the gym is actually used by the City. He stated the School District had been billing the YMCA (via the City) whether or not the gym was being used. When the YMCA severed its contract, the City sent the school district a letter suspending its right to use the gym and requested a discussion about expenses needed to be scheduled (as is allowed per the agreement).

The City does not want the gym and its users to lose their following and when an individual came forward with a willingness to provide programming out of the gym, City staff and the Council sub-committee met to discuss the option. Casey Copeland, founder of All Out Sports League (AOSL) would like to begin programming out of the gym as soon as possible. He has already met with key Middle School staff members, sports league organizers, and other community members. While the City will continue to work with the School District to cut the billed expenses at the gym, Mr. Copeland is willing to begin programming with the understanding the City would require AOSL to cover the City's share of School District expenses.

Casey Copeland introduced himself and stated AOSL has been running for three years and he is excited to get the programs up and running in Clayton. He stated AOSL has created a website for Clayton recreation www.alloutsportsleague-clayton.com and encourages anyone interested in being involved to visit the site and obtain information. He stated Friday, May 21st he would be holding a "meet and greet" at Skippolini's Pizza. He stated AOSL is prepared financially to start the programming.

Sandra Bohn, adult volleyball league coordinator stated she is very excited about working with Mr. Copeland and has already prepared her members for starting services in July. She also thanked the City for securing all of the volleyball equipment and for being proactive by bringing in a new program facilitator.

The City Manager added that previous comments regarding the cost of custodial services were relative to the City not paying for expenses when the gym is not in use.

Councilmember Geller stated it is clear custodial fees need to be based on service and he would like to see the City continue with negotiations but move forward with AOSL as soon as possible.

Vice Mayor Shuey stated he would like to continue to negotiate with School District but in order to keep continuity he wants AOSL in the gym to start providing recreation programs again.

Councilmember Medrano stated the City is fortunate Mr. Copeland is interested, but wants to ensure the City continues to fight the \$60,000 per year expense so that Mr. Copeland has less overhead and is able to produce successful programs.

Councilmember Pierce agreed with Councilmember Medrano and stated she was willing to go to School Board meetings if the School District does not listen. She stated she was a member of the "Raise a Gym" committee and the community invested a lot of time and energy into getting the gym built. She stated there needs to be youth programs offered out of the gym in order to fulfill the purpose behind some of the funding and the land originally targeted for a youth center.

Mayor Stratford stated he is anxious to have AOSL begin programming. He stated that while there were some different options presented by the School District for scheduling, the City is not willing nor should it, give up its priority right to use the gym during non-school hours.

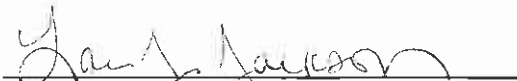
The City Manager spoke with Assistant Superintendent Pete Peterson from the School District and they are re-finish the gym floor in early July. Mr. Copeland is going to try to get a program started the week after school ends before the gym closes for repair, and then start again on July 12th.

It was moved by Councilmember Pierce, seconded by Councilmember Medrano to notify the Mt. Diablo School District of the City's plan to resume use of the gym and to draft an agreement with AOSL to be placed on the next City Council agenda (Passed; 5-0 vote).

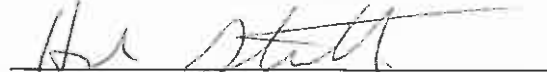
10. **COUNCIL ITEMS**- None.

11. **ADJOURNMENT**- On call by Mayor Stratford the meeting adjourned at 8:16 p.m.

Respectfully submitted,


Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL


Hank Stratford, Mayor