MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

TUESDAY, September 7, 2010

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:00 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, Community Development Director David Woltering, Assistant to the City Manager Laura Hoffmeister, and City Clerk Laci Jackson.

2. **CLOSED SESSION** – None.

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 July 20, 2010.

(b) Approved Financial Demands and Obligations of the City.

(c) Authorized the City Clerk to complete and transmit the 2010 Local Biennial Notice to the Fair Political Practices Commission indicating no amendments are required to Clayton's Conflict of Interest Code.

(d) Adopted Resolution 36-2010 approving specific project and operational encumbrances from the FY 09-10 Budget and amending the FY 10-11 City Budget accordingly.

(e) Approved City co-sponsorship and flat fee donation of $168 from the Clayton Woman's Club for use of Hoyer Hall (Library Community Meeting Room) for its Annual Craft Sale on November 20 & 21, 2010.

5. **RECOGNITIONS AND PRESENTATIONS**

(a) Mayor Stratford read aloud the Proclamation declaring the week of September 17 - 23, 2010 as "U.S. Constitution Week" in the city of Clayton.

(b) Mayor Stratford presented the Proclamation declaring the week of September 19-25, 2010 as "Fall Prevention Awareness Week" in the city of Clayton to Emily Hopkins of the Fall Prevention Coalition. She stated on September 25th the coalition will be holding a fundraiser in Ellinwood (Pleasant Hill) to raise money to help prevent injuries, and fund educational support and home safety repairs.

(c) Introduction of new Contra Costa Fire Protection District Fire Chief Daryl Louder

County Supervisor Susan Bonilla introduced Chief Louder and stated the County is very pleased he has joined the department. She stated he comes from Virginia and brings new kind of leadership. She noted the District is facing very challenging times but will continue to provide excellent service, including improved communication and notification to elected officials.

Chief Louder thanked Supervisor Bonilla for the introduction and stated he is looking forward to working with the cities within the District.

6. REPORTS

(a) Planning Commission- Commissioner Ted Meriam reported on the August 24th meeting of the Planning Commission. The Commission approved a Home Occupation Permit for a small cooking school in a residential neighborhood. The Commission also moved Ordinance No. 429 (Water Landscaping Ordnance) forward for City Council approval.

Mayor Stratford stated he, Vice Mayor Shuey and Ted Meriam and Jim Diaz were running for the two City Council seats in the November 2010 election. In accordance with Council policy, he invited Mr. Meriam to now speak since he was already at the podium.

Ted Meriam stated he is running for City Council and anyone looking for information can visit www.tedmeriam.com or call 388-6011.

(b) Trails and Landscaping Committee- Committee member Jake Pauline stated the Committee received written status about the median island noses, Marsh Creek Road, Clayton Fountain, and the Adopt-a-Trail program. The Committee also received response from the Maintenance Department regarding a resident who inquired about cutting the weeds on the trails three times a year. Staff found it would not be cost effective to do the weed cutting more than twice a year. The Committee discussed Councilmember Geller's suggestion to use donated wood chips from local tree trimmers. The Committee followed the advice of Maintenance staff, and did not support the use of a free woodchips program because of the lack of space to secure the chips, and the likelihood of disease. He stated the Committee's Annual Report fo4r 2009 will be ready in October or November.

(c) The City Manager reported there are big things happening in town with the anticipation of a fairly large neighborhood street pavement project ($1.3 million) and the installation of a small tot lot in Lydia Lane Park.

(d) City Council

Councilmember Geller attended the Mayors' Conference in Danville and stated the final Concert in The Grove is set for September 11th and will include a color guard. He also stated the concerts continue to bring in donations which will help fund next years series. Mayor Stratford thanked Councilmembers Geller and Pierce for collecting the donations.

Councilmember Medrano stated the Passport 2 Communities' golf tournament will be held Monday, September 27th at Oakhurst Country Club and he attended the Mayors' Conference.

Councilmember Pierce attended the ABAG Regional Planning Committee meeting, the Mayors' Conferences in Walnut Creek and Danville, the groundbreaking of the fourth bore of the Caldecott Tunnel, and the Lydia Lane Park tot lot neighborhood meeting. She was also a judge for the CBCA rib cook-off/ membership drive and contacted 511 Contra Costa about providing bike racks for different public facilities of the City.

Mayor Stratford attended the Mayors' Conferences in Walnut Creek and Danville and was introduced to the new Chief of the Danville Police Department, Steve Simpkins, who is a Clayton resident. He also cooked in the Mayors' Healthy Food Cook-off and attended the Trails and Landscaping Committee meeting.

(e) Other

Mayor Stratford invited City Council candidate Jim Diaz forward to speak.

Jim Diaz stated he is running for City Council. He is a 30 year member of the community, and he has very involved working with the CBCA, the Concerts in the Grove, Oktoberfest and the Art and Wine Festival. He stated he is looking forward to this race in November.

Mayor Stratford noted he and Vice Mayor Shuey are also candidates for reelection to Council.

7. PUBLIC COMMENT ON NON-AGENDA ITEMS

Linda Hudak stated she is still concerned about the character trait banners and would like to know when the program will be approved the City Council. Mayor Stratford stated the issue will be brought forward to the City Council at its September 21, 2010 meeting.

John Trammell, stated he is still concerned with the banners but suggested the librarian pull together lists of books that show the character straits and remind citizens of the Golden Rule.

8. PUBLIC HEARINGS – None.

9. ACTION ITEMS

(a) Consider the award of contract to MCK Services in the amount of $1,341,295.00 for performance of the 2010 Neighborhood Street Repavement Project & old Marsh Creek Road Repavement Project (CIPs No. 10409 & 10416)

The City Engineer presented the staff report and explained the two alternate bid options. He stated one project is for rehabilitation of old Marsh Creek Road and the second is for overlays to residential streets. The project specifications asked for an alternative bid for the use of rubberized asphalt concrete (RAC). The alternate bid results show that the cost savings for RAC would only be realized on the old Marsh Creek Road part of the project.

The City Engineer recommended the City Council approve the Resolution with RAC on old Marsh Creek Road.

Councilmember Geller questioned MCK's experience with installing RAC as well as Caltrans experience with the product. The City Engineer explained that MCK has completed several RAC projects and is currently constructing a RAC overlay of Highway 4 in East County. The City Engineer stated RAC is ideal for old Marsh Creek Road because of its length and width which will allow for a minimum number of paving joints as opposed to cul-de-sacs.

Councilmember Medrano asked where the funding for these projects comes from? The City Engineer stated gas taxes the Measure J funds can only be used on transportation projects, and the Measure J monies for the for the old Marsh Creek road overlay.

Councilmember Pierce stated she is a proponent of using RAC. However, she questions the adequacy of the fabric proposed for underlayment instead of the rubberized chip seal (SAMI-R). She suggested an independent person check the specifications and durability of the alternate underlay before executing the contract.

The City Manager recommended the street Falcon Place be eliminated from the list for this pavement project in order to retain sufficient money for litigation in the Oakhurst Geologic Hazard Abatement District (GHAD).

Vice Mayor Shuey asked that in the last paragraph of the contract the words "or defense" be added.

Councilmember Pierce asked for the final sentence on page 1 of 7 be modified to make better sense. She also noted the streets slated for repaving in the Oakhurst Subdivision are only on the list due to funding by GHAD; without the GHAD money, their condition would not be low enough to warrant inclusion in the regular neighborhood street project.

It was moved by Vice Mayor Shuey, seconded by Councilmember Pierce to adopt Resolution 37-2010 awarding the competitive bid contract to MCK Services in the amount of $1,341,245.00, eliminate Falcon Place, and this action is contingent on the adequacy of specifications of the alternative underlying fabric with 3rd party review and acceptance, and bring that item back as an Information item (Passed; 5-0 vote).

(b) Consider the award of contract to Miracle Playsystems, Inc. (Alamo, CA) in the amount of $44,133.69 for the purchase and installation of a new small tot lot with resilient play surface in Lydia Lane Park using developer impact mitigation monies [CIP No. 10336 – Phase II].

The Assistant to the City Manager presented the staff report. She stated the sub-committee of the City Council (Councilmember Geller and Pierce) along with 15 neighbors, met at Lydia Lane Park to discuss the possibility of installing a small tot lot in the park. The feedback from the residents present was positive and they suggested a bench be installed near the play area. The new tot lot will be visible from the parking lot, buffered from the neighbors and will include vandalism deterrents. The purchase and installation of the equipment will be procured through the previously-bid State CMAS listing and the contract will be executed directly with the contractor.

Councilmember Pierce stated the meeting was very successful and the residents seem to be happy with the tot lot as an addition to the park.

No public comments were received.

It was moved by Councilmember Pierce, seconded by Councilmember Geller to adopt Resolution 38-2010 and to send a note to neighbors notifying them of the action (Passed; 5-0 vote).

(c) Consider a Resolution establishing new fees and adjusting existing fees in the City Master Fee Schedule for certain user-benefit City services and rental of City facilities and parks in FY 2010-11.

The Assistant to the City Manager presented the staff report and outlined the proposed changes to the Fee schedule. For the Community Development Department she outlined some of the fee changes. She stated the Administrative Use Permit for Fences would move to a flat rate fee of $150. Construction and Demolition Compliance will continue to collect the $2,000 deposit but will also collect a $130 fee for the review of the documents (direct cost). Minor Storm Water Permit fees will be changed from $75 to $100, and standard Storm Water Permits from $75 to $125.

The Assistant to the City Manager reviewed the changes to the Police Department fees. She stated for non-residents wishing to have their fix-it tickets signed off the fee is moving to $20 which is consistent with other cities. Lastly, she stated an additional fee of $35 for late payments of parking citations has been added to the fee schedule. These fees are to be collected from the cited party by the vendor.

She also outlined the fees for schedule changes to Endeavor Hall and the Sports Fields as follows:
Endeavor Hall Reservation rental change of time (same date): $35 (less than 30 days prior to the event)
Endeavor Hall Reservation date change: $45 (less than 90 days prior to the event)
Sports Field Rental change of time: $ 35 (less than 7 calendar days prior to use date)
Sports Field Rental date change: $45 (less than 7 calendar days prior to use date)
Field Rental cancellation: No refund (less than 14 calendar days prior to use)

Finally, she noted the Business License Renewal Fee has an actual cost of $40 per license therefore it is suggested the fee move from $10 to $25 to help offset the actual cost. The City Manager added that unless identified in the staff report and resolution the remaining City fees do not change.

The Council discussed the Business License Renewal Fee and Councilmember Pierce stated she would like to see all businesses pay the business licenses tax regardless of whether or not they are making $5,000 or less. It was noted the business license is a tax and its schedule cannot be altered without voter approval (Prop. 218).

Councilmember Shuey stated the adult field users seem to cause more wear and tear on the fields, though he did note those user groups are cleaning up after themselves much better.

The City Manager stated the adult soccer league is a consistent user and last year the adult fees were raised substantially in comparison to the youth fees. The Assistant to the City Manager also stated the adult soccer league did reduce the hours and their schedule based on the economic downturn and possibly the increased fees.

It was moved by Councilmember Pierce, seconded by Councilmember Geller to adopt Resolution 39-2010 setting City fee rates for FY 2010-11 (Passed; 5-0 vote).

(d) Consider Ordinance No. 429 amending Title 17 of the *Clayton Municipal Code* to supersede and replace the existing "Water Conserving Landscape Guidelines" with "Landscape Water Conservation Standards" to implement SB 1881, the Water Conservation in Landscaping Act of 2006 [Introduction and First Reading]

The Community Development Director presented the staff report. He stated the State of California adopted the Water and Landscaping Act of 2009 which set requirements and thresholds for developer, public, and homeowner landscape projects. The Planning Commission and staff reviewed the Department of Water Resources Ordinance and believe it needed to be modified to fit the City of Clayton. The goal of the Ordinance is the use best practices to conserve water when establishing or redesigning landscaping. Some of the changes include allowing City staff to review City projects for compliance. The Ordinance also encourages people to do water audits through the Water District to help reduce overrun and waste.

The Community Development Director stated for projects of 5,000 sq/ft or more of rehabilitated or new landscaping, a homeowner would be required to use this program for the design, installation, maintenance and auditing.

No public comments were received.

It was moved by Councilmember Medrano, seconded by Councilmember Pierce to have the City Clerk read Ordinance No. 429 by title and number only and waive further reading (Passed; 5-0 vote).

The City Clerk read Ordinance No. 429 by title and number only.

It was moved by Councilmember Medrano, seconded by Councilmember Pierce to approve Ordinance No. 429 for Introduction (Passed; 5-0 vote).

(e) Consideration of a status report on City objectives related to a variety of proposed environmental protection programs and Green Building Codes.

Assistant to the City Manager presented the staff report outlining many of the "green" programs staff has been monitoring, researching and implementing:.

- Recycling/Waste Reduction
- Commercial Recycling
- Plastic Grocery Bags
- Prohibition of polystyrene aka "Styrofoam" to go food containers
- Landscape Water Conservation
- Water Quality enhancements (newer/updated stormwater regulations)
- Bay Basin Plan Amendments
- Stream and Wetland and Riparian Corridor Policy
- Green Building
- Solar Energy and Energy Retrofit
- ABAG Residential solar assessment and energy retrofit program [PACE] and Residential Solar Leasing
- Status of consideration of use of Solar Panels city facilities
- City building interior and other energy efficiency items
- AB32/SB375
- Local Climate Action Plan
- Greenhouse Gas Guidelines

The Council asked that a mandatory recycling program for commercial businesses be discussed with the next Solid Waste and Recycling franchise extension.

By consensus the City Council determined key items, such as elimination of plastic grocery bags and Styrofoam containers, must be addressed by Statewide action; therefore, they decided to continue to have staff monitor the issues.

(f) Consideration of a Resolution committing the City's participation in and financial obligations thereof to the East Bay Regional Communications System Authority (EBRCSA) for a two county radio interoperability system to enhance inter-public safety and emergency response communications in disasters or civil emergencies.

The City Manager presented the staff report. He stated this agenda item was discussed at the last Mayors' Conference. He stated because of the tragic events (9/11; Hurricane Katrina), agencies realized there is a critical need for interoperability for emergency response. Contra Costa and Alameda Counties came together to coordinate a program which will allow for all agencies to talk to each other on the same radio system. The cost of the infrastructure is being divided by the number of radios needed in each jurisdiction. The City of Clayton verified a need for 38 radios. The agreed to be involved in the program but now needs to either a) be part of a bond issuance of $17 million, of which Clayton's share would be $107,046 paid over 15 years; or b) pay outright for the infrastructure share in the amount of $58,710. Unexpended COPS grant money can be used for this purpose though the City will still incur approximately $13,000 in annual operations and maintenance expenses beginning in 2013. By buying out the cost of the infrastructure now the City will save $48,336 in principal and interest payments.

The City Council discussed the number of radios needed. The City Manager stated he and the Police Chief discussed the number of radios needed and their recommendation is 38 in order to cover field personnel and the Emergency Operations Center. It was also noted the portable radios need periodic recharging so additional radios are necessary.

It was moved by Councilmember Pierce, seconded by Councilmember Medrano to adopt Resolution 40-2010 committing the City's participation in and financial obligation thereof to the East Bay Regional Communication System Authority (EBRCSA) (Passed; 5-0 vote).

(g) Consideration of City Council position and voting instructions on the six (6) proposed General Resolutions at the 2010 Annual Conference of the League of CA Cities.

The City Manager outlined the six (6) Resolutions and provided recommendations on each of them.

1. Administrative Services Policies (League by-law amendment) - Support
2. Community Services Policies (Let's Move campaign) - Support
3. Multiple Policy Committees Review (Resolution opposing the Board of Directors' decision to defer action on AB 32 and SB 375 and to adopt the Board-appointed Task Force recommendations) - Support
4. Multiple Policy Committees' Review (responsible banking) - Oppose
5. Revenue and Taxation Policies (unfunded state mandates) - Support
6. Transportation, Communication & Public Works Policy Committee (enhancing public safety while driving a motor vehicle) - Support

The City Council gave corresponding direction to its voting delegate (Councilmember Pierce) in concurrence with the City Manager's recommendation.

10. **COUNCIL ITEMS**- None.

11. **ADJOURNMENT**– On call by Mayor Stratford the meeting adjourned at 10:18 p.m.

Respectfully submitted,

Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

Hank Stratford, Mayor