

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

TUESDAY, October 19, 2010

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 6:15 p.m. by Vice Mayor Shuey in Hoyer Hall of the Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Stratford (arrived during closed session), Vice Mayor Shuey, Councilmembers Geller, Medrano and Pierce. Staff present: City Manager Gary Napper, City Attorney Dan Adams, 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 6:15 p.m.
 - (a) *Government Code Sections 54956.9 (a), (b) (1) and (c).*
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 and related coverage issues.

Mayor Stratford arrived during Closed Session.

Report out from Closed Session: Mayor Stratford reported the Council received a report from Legal Counsel and provided direction.

3. **PLEDGE OF ALLEGIANCE** – led by Mayor Stratford.
4. **CONSENT CALENDAR-** Councilmember Medrano pulled Item 4(a) for discussion. Councilmember Medrano questioned how the error in calculating the price for the RAC had occurred.

City Manager stated the only information he had was provided in the staff report. He stated the City Engineer had interpreted the quote differently than the contractor had. The City Manager stated this did not change the lowest bidder since the RAC was an alternative bid option.

Members of the Council expressed grave disappointment and unhappiness over the outcome of this error and the subsequent reliance on the previous memo that RAC would be used. The Council appointed a sub-committee of Councilmember Medrano and Councilmember Pierce to meet with the City Engineer regarding this matter.

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

- (a) **Information Only**
 1. City Engineer report the final contractor cost (\$113,283) to use Rubberized Asphalt Concrete (RAC) for repaving of old Marsh Creek Road exceeds the allocation of Measure J monies for the project by approximately \$50,000; therefore, use of standard hot mix asphalt (HMA) will occur on this street.
- (b) Approved the minutes of the regular meeting of October 5, 2010.

- (c) Approved Financial Demands and Obligations of the City.
- (d) Approved the award of competitive bid contract in the amount of \$24,337.63 to Diablo Ford of Pittsburg for the City's budgeted purchase of a 2010 Ford F-250 to replace a 1992 Ford F-450 using Capital Equipment Replacement Funds (CERF), declare the Ford F-450 truck as capital equipment surplus to the City's needs and authorize the City Manager to sell the surplus truck at public auction.

5. RECOGNITIONS AND PRESENTATIONS

- (a) Mayor Stratford presented a Certificate of Appreciation to La Veranda Café for catering the Contra Costa County Mayors' Conference hosted by the City on October 7th at Endeavor Hall. He thanked Mr. Anis Maamari for his hard work on the event and stated the Council received compliments on the fantastic food. Mr. Maamari thanked the Council for trusting La Veranda to cater such an important civic event.
- (b) Mayor Stratford presented a Certificate of Appreciation to Richard Taylor for 30 years of community service as the leader of the annual "Clayton Ghost Walk". Mr. Taylor thanked the Mayor and the Council for the recognition.
- (c) Mayor Stratford read a Proclamation declaring October 24, 2010 as "Polio Eradication Day" in the City of Clayton and presented it to Mr. Ken Mishabori of the Clayton Valley Rotary. Mr. Mishabori stated the goal of Rotary is to end Polio now.
- (d) Remarks by Mr. Rick Ramacier, General Manager of Central Contra Costa Transit Authority ("County Connection", or CCCTA), on its potential use of smaller busses. Mayor Stratford stated Mr. Ramacier was unable to attend this meeting due to illness.

6. REPORTS

- (a) Planning Commission- No meeting held.
- (b) Trails and Landscaping Committee- No meeting to report.
- (c) The City Manager reported street improvement signs were placed early on the roads affected by the street paving project. He stated this is a \$1.2 million project which will start with Old Marsh Creek Road and move to many neighborhood streets. He stated many of the curb ramps must be replaced in the project area because of required specification changes by the ADA. He stated it is required whenever a major or minor arterial is being repaired that handicap curb-cut ramps be brought up to code.
- (d) City Council

Councilmember Medrano attended the Mayors' Conference in Clayton and stated the food was great.

Councilmember Pierce attended the Mayors' Conference and stated she was impressed by the catering from La Veranda and the condition of Endeavor Hall. She attended a Regional Planning meeting and the Eagle Scout Court of Honor for Stephen Cuff.

Councilmember Geller attended the Mayors' Conference and stated La Veranda provided excellent food and service. He also attended the Mt. Diablo School Districts 5k fundraiser and the Clayton Club Saloon's first annual local band festival.

Councilmember Shuey attended the Mayors' Conference and stated he received great compliments on the food and stated the evening showcased La Veranda as one of the great restaurants Clayton has to offer the public.

Mayor Stratford attended the Mayors' Conference and thanked La Veranda and the City Clerk for their work on the event. He attended an Eagle Court of Honor for Stephen Cuff, a "Do the Right Thing" meeting, and reminded the public, to vote yes on Proposition 22, to protect local funds.

(e) Other

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

Mr. Diaz thanked the Clayton Pioneer and Library Association for sponsoring the Candidates Night last Monday and stated he would be holding a "Meet the Candidate" event at the Clayton Club on October 24th from 2-4pm. Sunday he will be attending the Clayton Community Church service.

Vice Mayor Shuey thanked the Clayton Pioneer and the Library Foundation for sponsoring the Candidates Night last night.

7. PUBLIC COMMENT ON NON-AGENDA ITEMS

Police Officer Darren Billington thanked the City Council for the opportunity to speak and introduced himself as the new President of the Clayton Police Officers Association. He stated the other new board members are Vice President Jason Shaw and Secretary Rich McEachin. He stated his main goal in coming to the meeting was to open the lines of communication with the City Council because of past miscommunication. He stated the POA is hoping to be more involved within the community. Mayor Stratford thanked Officer Billington for coming to the meeting.

Richard Taylor thanked the City Council for the support of the Ghost Walk over the last 30 years. He stated the Ghost Walk will be held this year on Sunday, October 31st meeting in front of Endeavor Hall 8 p.m.

8. PUBLIC HEARINGS – None.

9. ACTION ITEMS

- (a) Determination of date and time for the City Council's annual meeting with Clayton Town Center property owners and Downtown business persons to discuss matters of mutual interest and concern regarding community events and activities in the Town Center, promotion of a healthier local business economy, and a request to consider allowing City-approved food and/or alcohol booth(s) at the "Concerts in The Grove" series.

The City Manager stated the Council needed to determine a date and time to hold an annual meeting with business owners and operators, and to decide the scope of topics for the study session. He included in the Staff Report a suggested list of subject matters.

It was moved by Vice Mayor Shuey, seconded by Councilmember Pierce to call a Special Meeting of the City Council for November 23rd at 9am in Hoyer Hall, Clayton Community Library to discuss:

- a. Critique of the 2010 Concerts series and suggestions for 2011 series
- b. Request to allow City-approved food and/or alcohol booth(s) at Concerts series
- c. Consideration of suggestions/improvements to various community events held in the Town Center (e.g. CBCA festivals; 4th of July Parade; Labor Day Derby/Car Show, etc.)
- d. Roundtable discussion on ideas or programs to promote a healthier local business economy.

(Passed; 5-0 vote).

10. **COUNCIL ITEMS**

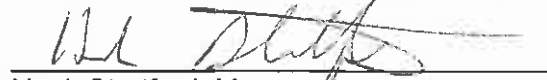
Councilmembers Geller and Pierce suggested the 2011 Concert dates and schedule be placed on an upcoming Agenda.

11. **ADJOURNMENT**– On call by Mayor Stratford the meeting adjourned at 7:45 p.m.

Respectfully submitted,


Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL


Hank Stratford, Mayor