

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

TUESDAY, November 16, 2010

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:01m. 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 (arrived at 7:35 p.m.) Staff present: City Manager Gary Napper, City Attorney Dan Adams, and City Clerk Laci Jackson.

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

3. **CONSENT CALENDAR-** It was moved by Councilmember Medrano, seconded by Vice Mayor Shuey (Passed; 4-0 vote).

- (a) Approved the minutes of the regular meeting of November 2, 2010.
 - (b) Approved Financial Demands and Obligations of the City.

4. **RECOGNITIONS AND PRESENTATIONS-** None.

5. **REPORTS**

- (a) Planning Commission- Chair Sandra Johnson congratulated Mayor Stratford and Vice Mayor Shuey on their re-election. At their November 9th meeting the Planning Commission approved a Site Plan Review for a home on Lydia Lane. The Commission discussed the possibility of using story poles to outline the mass and height of certain projects such as the Clayton Community Church application.
 - (b) Trails and Landscaping Committee- No meeting to report.
 - (c) The City Manager congratulated Mayor Stratford and Vice Mayor Shuey on their re-election and stated the County Clerk is still counting ballots but the swearing in and reorganization is expected on December 7, 2010. He reported Proposition 22 was approved by the voters though the Clayton Redevelopment Agency will still have to pay \$405,000 to the State this year in addition to its \$2million state diversion last year. He reported the State has a reported \$26 billion deficit which will be a challenge for the new legislators.
 - (d) City Council

Councilmember Geller attended the Board of Realtors reception and the Mayors' Conference in Hercules. He also noted the Lydia Lane Park play structure is completed and it looks great.

Councilmember Shuey visited Lydia Lane Park and was amazed by how quickly the word got out about the new play structure because already several families are using the new park attributes.

Mayor Stratford attended the Veterans' Day ceremony in Concord, the Board of Realtors Reception, and Eagle Scout Court of Honor for Brendan Sullivan and Brandon Fry. He also noted Clayton Valley High School took a pledge to adhere to the "Do the Right Thing" program.

- (e) Other

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

Molly Avilez, Clayton Valley High School student stated she is holding a second Community Blood Drive on November 30, 2010 at Diablo View Middle School from 1:30-7:30 p.m. She stated her goal is to have 200 people attend and donate blood.

7. **PUBLIC HEARINGS** – None.

8. **ACTION ITEMS**

- (a) Consider a request by the new owners (NUCP, Inc.) of the Flora Square mixed commercial building at 1026 Oak Street for the City Council's approval to allow a commercial recreation use (longevity fitness studio) as a ground floor lease occupancy rather retail commercial ground floor uses indicated in the Disposition and Development Agreement (DDA).

The Community Development Director received a request from property owner to defer this item to a date unspecified. He stated the partnership group needs more time to talk about opportunities and challenges with the ground floor space. Staff supports the request for continuance.

Mayor Stratford opened the floor for public comments.

Steven Coates, Property Manager of Village Oaks stated he understands the problems the Flora Square building is facing. He stated even with active marketing he has not received many calls from people looking to rent retail space. He said there is not a demand for retail and he is concerned other businesses in ground floor spaces in the downtown area do not have to come before the Planning Commission for approval like he did.

The City Manager stated there is a distinction between the Village Oaks and Flora Square because Flora Square has a prior 2005 Disposition and Development Agreement.

- (b) Discussion on status of 8th annual "Clayton Counts Down" New Year's Eve event being at risk due to lack of community and business donations and volunteers.

The City Clerk reported the Clayton Counts Down committee is in need of volunteers and donations in order to make the event happen this year.

Councilmember Medrano stated 40-50% of attendees are not Clayton residents and when this started it was meant for the Clayton community. He stated the committee decided that because the economy has tightened up there will be a \$5 charge per person to help cover the cost of the event. He stated he would be open to only charging non-residents.

The City Manager stated the notion of charging a fee is somewhat troublesome because the idea of the event from inception was to provide an alternative non-alcohol event for the community that holiday night. With the introduction of a fee it could put a chill on the event. He stated with the down economy donors do not have as much money available for donations.

Councilmember Geller stated he has been looking for volunteers and spoke with the Diablo Valley Ranch and there is a good possibility they could help with man power to help set up. He also suggested widening the donation list to vendors who the City uses for services.

Councilmember Medrano stated if the Council is not in favor of charging at the event, maybe the event fee is deferred if enough donations are received to cover the event.

Councilmember Pierce arrived at 7:35 p.m.

Councilmember Pierce suggested either the Council raise the money by December 1st or the event be cancelled for this year. She stated the community would be less irritated if the event is cancelled rather than charging a fee, and may be more willing to raise money the next year.

Vice Mayor Shuey stated volunteers are needed because these community events are burning out the core of volunteers we do have.

Councilmember Pierce noted City staff should not have to work at such the events on holidays without being paid.

Molly Alvez suggested contacting Clayton Valley High School for volunteers.

Vice Mayor Shuey asked to bring this item back to the Council on December 7th and see how donations and volunteers look by then. He stated he does not like the idea of charging for the event. Open it up to Clayton Valley high school students too.

9. **COUNCIL ITEMS**- None received.

10. **CLOSED SESSION**

- (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.
- (b) *Government Code Section 54957(b) (1).*
1) City Manager annual performance evaluation. (City Manager did not attend

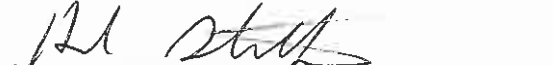
Report out from Closed Session: Mayor Stratford reported the Council gave direction to Legal Counsel on Item 10(a).

11. ADJOURNMENT– On call by Mayor Stratford the meeting adjourned at 9:20 p.m.

Respectfully submitted,


Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL


Hank Stratford, Mayor