

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

TUESDAY, January 18, 2011

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:00 p.m. by Mayor Shuey in Hoyer Hall of the Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Shuey, Vice Mayor Geller, Councilmembers Medrano and Pierce. Councilmembers absent: Councilmember Stratford. Staff present: City Manager Gary Napper, City Attorney Dan Adams, Community Development Director David Woltering, and City Clerk Laci Jackson.
2. **PLEDGE OF ALLEGIANCE** – led by Mayor Shuey.
3. **CONSENT CALENDAR**- It was moved by Vice Mayor Geller seconded by Councilmember Medrano to approve the Consent Calendar as submitted (Passed; 4-0 vote).
 - (a) Approved the minutes of the regular meeting of December 21, 2010.
 - (b) Approved Financial Demands and Obligations of the City.
 - (c) Set Monday, January 31, 2011 at 6:30 p.m. in the Contra Costa Transportation Authority's (CCTA) Board Room, Suite 100, 2999 Oak Road, Walnut Creek as the date, time and location of a City Council special meeting for the purpose of meeting jointly with other city councils within TRANSPAC's jurisdiction and the Board of Supervisors for a collective presentation and briefing on SB 375 – Sustainable Communities Strategy (SCS) by staff of CCTA and the Association of Bay Area Government (ABAG).
4. **RECOGNITIONS AND PRESENTATIONS**
 - (a) Presentation: City of Clayton's Community Emergency Response Team (CERT) (Herb Yonge, Chairman, Citizens Corps Council)

Herb Yonge presented a history of the CERT program and stated 168 Clayton residents are CERT certified. He encouraged all employees and City Councilmembers to take the CERT training starting April 6th.

The City Manager stated the CERT group is a marvelous organization and the Corps group is proactive and dedicated to ensuring Clayton is prepared for a disaster.
5. **REPORTS**
 - (a) Planning Commission – Commissioner Bob Armstrong reported on the January 11th Planning Commission meeting and stated the Commission approved the parking lot extension project for the Clayton Community Park and has recommended it to the City Council for approval.
 - (b) Trails and Landscaping Committee – No meeting held to report.
 - (c) The City Manager noted the Planning Commission moved forward a recommendation for the approval of an Environmental Impact Study for the Clayton Community Park parking lot expansion. He stated the project is expected to be funded by over \$400,000 in grant

monies from the East Bay Regional Parks District's (EBRPD) Measure WW. He stated voters approved this bond measure and the City Council decided to use the money to improve the Community Park's parking area and not to create a new park or ongoing facility expense. Currently the City owns the property that the parking lot will go on, but in order to maximize traffic flow the City would like to extend the parking and driveway to the Gym Court entrance off Marsh Creek Road. The expanded parking lot will also enhance parking at the middle school as it will be easily accessible and will allow a safer option during the pick-up/drop-off times for middle school parents.

In November, the City sent a letter to the District Superintendent indicating the need for the easement (a requirement of the grant application), and has not heard anything in official response. The City is currently in a dispute with the school district over custodial fees being charged at the Clayton Community Gym during City use hours. This dispute has not been worked out and until the District meets to discuss the issue the City sent a November 2010 letter indicating no bills for custodial services to the District will be paid until it is resolved.

The City Engineer was able to schedule meeting with the District last Friday to deal with the easement which he believed was a non-issue. The Director of Maintenance and Operations and the District's attorney abruptly refused to converse on the easement until such a time as the bills for the janitorial are paid by the City. The easement from the District is mandatory for the EBRPD grant application, and the application must be submitted by the end of February or the City has to wait another year before the next funding cycle. The City Manager expressed surprise and disappointment that School District staff would link the two matters in this way, that the City has tried to get a meeting with the School District for a long time without success to resolve the custodial bills at the Gym, and that the parking lot expansion project is also beneficial to the middle school so why would their staff hold this up?

Mayor Shuey stated he and Councilmember Medrano were part of a sub-committee that met with them last spring when the school board was composed of different members. He stated this is a matter of urgency so that the City can move forward with the grant application. He stated he emailed School Boardmember Gary Eberhart.

Councilmember Pierce stated she worked on the gym fundraising and joint use agreement, and she sent an email to School Boardmember Linda Mayo requesting intervention.

Mayor Shuey stated District staff is doing what they believe they have to in regards to their contracts with the union employees.

Councilmember Medrano stated the District has been putting off meeting with the City for over a year on the Gym custodial expenses.

Councilmember Pierce stated when they set up the joint use agreement there was clear understanding that the school district would use the gym during school hours but after school and on weekends it would be under the control of the City.

Vice Mayor Geller stated the gymnasium would not exist if it were not for the committee of citizens who raised the money to help fund it.

Mayor Shuey stated the school district has had a lot of things to deal with, but this is a free project for them.

Next, the City Manager updated the Council on the proposed State budget by the new Governor. He stated the good news is that the COPS grant monies, funds for local law

enforcement personnel, will stay in tact. He stated in November voters approved Proposition 22 to protect local government revenues, but the Governor believes the Legislature can terminate Redevelopment Agencies. He stated the proposal would allow agencies to continue to pay for their debt service but would take the remainder of the local money and return it to counties and schools. This will eliminate the Agency's economic development efforts and will not allow new projects to cure blight. He stated Redevelopment Agencies are the only economic engine for improvements in communities. He stated the Redevelopment Agency also administers the affordable housing program, but with the elimination of Redevelopment Agencies the money will be sent to the county regional housing authority. He stated the Redevelopment Agency pays \$400,000 a year into the General Fund for administration of the Agency therefore if the Agency no longer exists there will be a gap to fill in the City budget of approximately \$350,000 each year (9.5%) until the Agency's debt is retired in 2015.

Councilmember Pierce stated this is dismal news and reminded citizens the Redevelopment Agency in Clayton provided funding for many projects including providing sewers to two-thirds of the community.

(d) City Council

Councilmember Medrano attended the Clayton Counts Down New Year's Eve event and thanked all of the volunteers for donating their time. He also attended the Mayors' Conference.

Councilmember Pierce thanked the volunteers for helping with the Clayton Counts Down and thanked the members of Diablo Valley Ranch, the Boy and Girl Scouts and their parents who helped. She attended the Mayors' Conference, an ABAG Admin Committee meeting, and gave a tour of City Hall to a group of Girl Scouts.

Vice Mayor Geller attended the Clayton Counts Down and also attended the Mayors' Conference.

Mayor Shuey attended the Clayton Counts Down and the Mayors' Conference. He also met with the employee groups and stated hopefully it opened the eyes of both sides.

(e) Other – None.

6. PUBLIC COMMENTS

Matt Mazzei commented he is not surprised by the School District's position on custodial fees as for year's the CYO group has been billed in the same manner.

Councilmember Pierce stated the City is not a renter of the gym facility, it is under the City's control during non-school hours per the agreement with the school district when the gym was built.

Tamara Steiner stated John Jawad former owner of the Pioneer Inn, recently passed away and there will be more details coming forth on memorial services.

Bob Manion stated Mr. Jawad's funeral will probably be held next week. He stated he was hoping the City might consider establishing a memorial plaque on the former Pioneer Inn to commemorate Mr. Jawad's service to Clayton. Next, he stated the City should consider establishing an Ordinance to prohibit people from parking on the streets on the days when the street sweeper comes. He stated it would generate revenue based on citations.

Lynn Hadley stated she had questions regarding possible conflicts of interest for Ted Meriam and Joe Medrano. She asked if insurance sales to members of the Clayton Community Church and contributions to the annual Labor Day Derby would prohibit Councilmember Medrano from taking action on the Clayton Community Church project?

Joe Medrano stated he had received a written response from the FPPC in this regard and because he is on a month to month business lease in the Town Center and the dollar amount of his business is below the threshold there is no conflict.

The City Attorney stated a written statement from the FPPC is sufficient as the only way a public official can obtain full protection regarding no conflict of interest is to obtain a written opinion from the FPPC.

Sean Robinson stated he was saddened to hear about John Jawad and the Clayton Community Church would be honored to have a plaque on their property for him.

Ted Meriam stated he has submitted a letter to the FPPC and they will be sending a letter of determination soon.

7. PUBLIC HEARINGS - None.

8. ACTION ITEMS

- (a) Consideration of an award of contract to Bay Area Economics (Davis, CA) in the amount of \$35,760.00 for the preparation of the Fiscal Impacts and Potential Economic Implications Analysis on the proposed Clayton Community Church mixed-use project in the Clayton Town Center.

The Community Development Director provided a report and stated this item was continued from the December 21, 2010 meeting at the request of the applicant. He stated the matter at hand is an award of a professional services contract, normally handled at a staff level, but because it exceeds the City Manager's \$20,000 threshold the \$35,760 contract must be approved by the City Council. He stated this particular contract is associated with the Clayton Community Church project proposal which was submitted in December 2009. He stated a full Environmental Impact Report (EIR) has already been started for this application. He stated the mixed-use development proposal includes a 22,500 square foot sanctuary and three other building on a 2.3 acre site on Main Street. He stated 70% of the space involved is church related. He stated the application itself involves a number of entitlement requests, including amendments to policy and code documents to allow for an assembly use in the Town Center Specific Plan area. He stated there would also need to be an amendment to the zoning ordinance. He stated these amendments will have fiscal and economic impacts on the City's general fund revenues as well as environmental and community land use impacts. He stated in February 2009 the applicant was informed by letter that a Financial and Economic Study would be required for this project in order to provide the community and decision makers with information to make an informed rational decision on the proposed project.

The Community Development Director stated staff sent out proposals to five (5) firms and all responded. He stated the costs ranged from \$19,900-\$48,200 and the most responsive proposal was from Bay Area Economics (BAE). He stated that although all respondents met the minimum standards for the Fiscal Analysis piece, BAE was the only firm that demonstrated a clear understanding of the key questions regarding the possible

economic implications of the proposal. The City Manager concurred with the recommendation of the Community Development director, stating BAE stood out in their approach and understanding of the issues. He stated that he expected BAE will bring objectivity as staff and the organization gather all information to provide to the public and Council.

Mayor Shuey opened public comment.

Shawn Robinson, Pastor, Clayton Community Church, thanked the Council for continuing this item from the last meeting. He stated his Leadership Council needed to get their hands around the issues. He stated they met with the Community Development Director and have since determined the approach was fair and he had no objections to the staff recommendation. He stated his only concerns were that the Council and staff contain costs whenever possible in the processing of the Church's application.

Pete Laurence, resident, stated he is glad the church is going along with the recommendation. He stated the study will give the Clayton decision makers needed information in order to make a decision on this very important proposal in the community.

Bob Manion, resident, stated he had not heard any mention of traffic circulation impacts being addressed in the proposed study by BAE. The Community Development Director stated traffic circulation impacts would be addressed in the EIR document being prepared by LSA Associates, which is separate from the fiscal analysis and economic impacts.

It was moved by Councilmember Medrano, seconded by Councilmember Pierce to award a contract to Bay Area Economics (Davis, CA) in the amount of \$35,760.00 for the preparation of the Fiscal Impacts and Potential Economic Implications Analysis for the proposed Clayton Community Church mixed-use project in the Clayton Town Center (Passed; 4-0 vote).

- (b) Review and determination of City Council sub-committee, inter-governmental and regional board assignments for 2011.

Mayor Shuey announced and outlined his proposed Council committee assignments for 2011.

By general consensus the Council approved their sub-committee assignments for 2011 as submitted by Mayor Shuey.

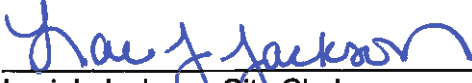
- (c) Determination of the date, time and location for the City Council's annual Goals and Objectives Setting Session with its City Manager.

It was moved by Vice Mayor Geller, seconded by Councilmember Medrano to call a City Council special meeting for February 1, 2011 at 5 p.m. in the City Hall Conference room to discuss the annual Goals and Objectives with the City Manager (Passed; 4-0 vote).

9. **COUNCIL ITEMS** – None.

10. **ADJOURNMENT**– On call by Mayor Shuey the meeting adjourned at 9:10 p.m. in memory of John Jawad.

Respectfully submitted,



Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL



David T. Shuey, Mayor