

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

TUESDAY, November 1, 2011

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 6:02 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, Pierce and Stratford. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, City Clerk Laci Jackson, and Special Legal Defense Counsel John Broghammer.

2. **CLOSED SESSION** – Mayor Shuey announced the following purposes for Closed Session and then adjourned into Closed Session at 6:02 p.m.

- (a) *Government Code Section 54956.9*, Conference with Legal Counsel
Existing Litigation: *Katzman, et al. v. City of Clayton, et al.* Coordinated Cases Master/C07-01461/C07-00707, Superior Court of CA, Contra Costa County.
- (b) *Government Code Section 54956.9*, Conference with Legal Counsel (Michael Treppa)
Existing Litigation: *JFC Construction, Inc. v. City of Clayton, and related cross action* Superior Court of CA, Contra Costa County; Case No. C-10-00293

7:02 pm. **Report out of Closed Session:** Mayor Shuey stated the Council received information and gave direction to legal counsels.

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

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

- (a) Approved the minutes of the regular meeting of October 18, 2011.
- (b) Approved Financial Demands and Obligations of the City.
- (c) Adopted Resolution 43-2011 approving a contract with American Fidelity Assurance Company for administration of the Section 125 City employee flexible spending account plan effective 01 January 2012.

5. **RECOGNITIONS AND PRESENTATIONS**

Mayor Shuey read the following Proclamations aloud:

- (a) Proclamation declaring November 2011 as "Hospice/Palliative Care Month."
- (b) Proclamation declaring November 2, 2011 as "Shelter-in-Place Education Day."

6. REPORTS

- (a) Planning Commission – Commissioner Gregg Manning reported on the October 25th meeting. He stated the Commission heard two items; the first was a Public Hearing on Creekside Terrace approving a one year extension for the development plan. The second item was discussion about amending various sections of the Municipal Code allowing poultry in residential zones. He stated the Commission directed staff to review other cities codes and bring back information at a future meeting.
- (b) Trails and Landscaping Committee – Chairman Jake Pauline reported on the October 24th meeting. He stated the Committee reviewed status reports for various maintenance projects. He stated the Adopt-a-Trail Program has collected \$6,000 and staff will be providing recommendations on trails projects to spend the money. The Committee also reviewed and approved the 2010 Annual Report to submit to the City Council. He thanked Bob Steiner for his work on the report. The Committee reviewed the plan for the Median Re-Landscaping from Mitchell Canyon Road to Oakhurst Drive. He stated Maintenance Supervisor Johnston presented the plan but some of the members were having a hard time visualizing the median so they postponed the vote and will hold a Special Meeting on November 7th before recommendation of the project to the City Council.
- (c) The City Manager stated as the Trails and Landscaping Committee is looking at the design plans, that project will come to the City Council on November 15th. He stated this project will need to go out to competitive bid after Council approval, likely in the spring 2012. Councilmember Stratford asked why the project needed be bid out? The City Manager responded it is a very large project, outside of normal maintenance standards and therefore must be placed for competitive bids by contractors.
- (d) City Council
 - Councilmember Stratford attended a Habitat Conservancy meeting.
 - Councilmember Pierce attended a Disaster Resilience Conference, and an ABAG Housing Methodology meeting. She stated the committee for the Clayton Counts Down met and donations are coming in. She thanked CBCA for their \$2,500 donation and stated Alyse Smith is a new member on the committee this year. Lastly, she attended a Transportation Authority Board meeting.
 - Councilmember Geller attended the Trails and Landscaping Committee meeting and walked the medians with the Maintenance Supervisors. He also attended the CBCA meeting and the Mt. Diablo Unified School Board meeting on the charter high school.
 - Mayor Shuey attended the Mt. Diablo Unified School Board meeting on October 25th and urged the Board to make a decision at their November 8th meeting. He also attended the CBCA meeting.
- (e) Other – None.

7. PUBLIC COMMENTS

Richard Taylor reported on his hosting of the 31st Annual Ghost Walk held on Halloween. He thanked City staff, the Police Department, the Clayton Pioneer, and KTVU Channel 2 for their support of the event. He reported 150-200 people attended.

8. **PUBLIC HEARINGS** – None.

9. **ACTION ITEMS**

- (a) Consideration of an offer by Clayton's first Mayor (Robert Hoyer) to donate a flagpole for installation in The Grove Park in memory of his wife, Eldora Hoyer.

Councilmember Pierce stated Bob and Eldora Hoyer contributed a great deal to this community. Bob Hoyer is interested in donating a flag pole, similar to the flag pole he donated for City Hall, to be placed in The Grove park. She stated Mr. Hoyer was one of the contributors to the planning of The Grove park and he believes a flag pole would make a great addition to the park. She stated a 20 foot pole would be a suitable size for the location. She and Mr. Hoyer visited the park and tried to find a location near an electrical box (for lighting), where trees would not be in the way of the flag. She stated the Hoyer's have offered to pay for the flag pole, the installation, and the lighting, while the installation company has offered the initial flag.

Councilmember Stratford asked what the tree issues were? Councilmember Pierce stated the location selected would not require staff to prune trees as they grow and branch out around the pole.

Mayor Shuey suggested moving the location of the pole to a spot near the park bench and the sculpture.

Councilmember Medrano stated he would prefer the pole be placed in a location other than the recommended site.

Bob Hoyer stated they spent a lot of time looking at the site and stated he likes the site Councilmember Pierce selected but is not opposed to other locations.

Maintenance Supervisor Janney stated there are plenty of electrical circuits and either location would work to provide appropriate night lighting.

It was moved by Councilmember Pierce, seconded by Councilmember Stratford to accept the gracious offer of the flag pole and installation by Bob Hoyer in memory of Eldora Hoyer in the revised scale of 20 feet and the location near the bench and the statuary in the park (Passed; 5-0 vote).

- (b) Presentation and acceptance of its Annual Report for FY 2010-11 by the citizens' Trails and Landscaping Committee.

Chairman Pauline presented the Annual Report and stated the Committee is in charge of the oversight of the Measure B funds. The Committee is charged with reviewing the budget and making sure the City is spending money on the District as voters approved. He noted the Committee is always looking for new members as well.

No public comments were received.

It was moved by Councilmember Stratford, seconded by Vice Mayor Geller, to accept receipt of the Trails and Landscaping Committee's Annual Report for FY 2010-11 (Passed; 5-0 vote).

10. COUNCIL ITEMS- None.

11. ADJOURNMENT- On call by Mayor Shuey the meeting adjourned at 8:03 p.m.

Respectfully submitted,



Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL



David T. Shuey, Mayor