

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

TUESDAY, July 3, 2012

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:02 p.m. by Mayor Geller in Hoyer Hall of the Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Geller, Vice Mayor Medrano, Councilmembers Pierce, Shuey, and Stratford. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, City Engineer Rick Angrisani, and City Clerk Laci Jackson.
2. **CLOSED SESSION** – None.
3. **PLEDGE OF ALLEGIANCE** – led by Mayor Geller.
4. **CONSENT CALENDAR**- It was moved by Councilmember Pierce, seconded by Councilmember Stratford, to approve the Consent Calendar as submitted (Passed; 5-0 vote).
 - (a) Information Only (no action)
 1. Planning Commission position paper on Solar Access Rights (CDD 01-12).
 - (b) Approved the minutes of the regular meeting of June 19, 2012.
 - (c) Approved the Financial Demands and Obligations of the City.
 - (d) Approved award of contract to Downtown Ford Sales in the amount of \$26,057.93 for the purchase of one new 2011 Ford Crown Victoria "Police Interceptor" as the FY 2012-13 replacement patrol vehicle for the Clayton Police Department.
 - (e) Authorized a flat fee donation in the amount of \$172 from the Clayton Woman's Club for use of the Clayton Library Meeting Room (Hoyer Hall) for its Annual Craft Sale on November 17th and 18th, 2012.
 - (f) Adopted Resolution 31-2012 authorizing the levy of annual tax assessments for Community Facility District No. 2007-1 (Landscape Maintenance District; Fund No. 210) in FY 2012-2013.
 - (g) Adopted Resolution 32-2012 authorizing the levy of annual tax assessments for Community Facility District No. 2006-1 (Downtown Park O & M; Fund No. 211) in FY 2012-2013.
 - (h) Adopted Resolution 33-2012 approving the one (1) year Addendum No. 4 to the 2006 base Memorandum of Agreement with the Clayton Undesignated Miscellaneous City Employees Group effective the Fiscal Year 2012-13.
 - (i) Adopted Resolution 34-2012 authorizing the levy of annual tax assessments for the Clayton Station Community Facility District No. 1990-2R; Fund No. 421) in the 2012-2013 Tax Year.

- (j) Approved an Agreement authorizing a three (3) month time extension (Addendum No. 4) to the 2008 base Memorandum of Understanding (MOU) and Addenda Nos. 1-3 with the Clayton Police Officers Association through September 30, 2012.
- (k) Adopted Resolution 35-2012 authorizing the levy of annual tax assessments for the Diablo View Middle School and Clayton Community Park Community Facility District No. 1990-1R (2007) for the Fiscal Year 2012-13.

5. RECOGNITIONS AND PRESENTATIONS

- (a) Mayor Geller recognized Bob Armstrong for his 6 years of civic service on the Clayton Planning Commission from July 2006 through June 2012 including its Chairman during 2009-2010. Mr. Armstrong thanked the Council for letting him serve and stated it was an honor.

6. REPORTS

- (a) Planning Commission – Commissioner Dan Richardson reported that at their last meeting the Commission approved a Home Occupation Permit for a beauty parlor in a home. The Commission also finalized a position paper for solar rights and appointed Dan Richardson as the new appointment to TRANSPAC (replacing Bob Armstrong).
- (b) Trails and Landscaping Committee – No meeting held.
- (c) The City Manager reported the State has approved its budget. The democrats approved the budget by the new 51% vote, and so far there are not a lot of impacts to cities, although the redevelopment trailer bills (e.g. AB 1484) could have a negative impact on the Successor Agency's low/moderate agency fund.
- (d) City Council

Councilmember Pierce attended the Sand Creek ground breaking on Route 4, a San Francisco Estuary boat cruise, a Contra Costa Council Transportation task force meeting, and a meeting with MTC.

Mayor Geller attended annual Meals on Wheels appreciation lunch, and a Central County Mayors' meeting. Lastly, he remind everyone about the Clayton 4th of July Parade and volunteers still needed.
- (e) Other – None.

7. PUBLIC COMMENTS – None.

8. PUBLIC HEARINGS- None.

9. ACTION ITEMS

- (a) Consideration of staff recommendation to reject the two (2) public works competitive bids received for the advertised 2012 Neighborhood Street Repaving Project (CIP No. 10411) due to both bids exceeding the Engineer's Estimate of \$675,000, and discussion with staff on rebidding the Project.

The City Engineer stated staff prepared a plan for a repaving project of selected residential streets, three public parking lots, and a trail segment. At the bid opening on June 26, 2012 only two bids were received and both were for more than \$1 million. He

stated staff was disappointed with the lack of interest in the project. He also stated the current bid is 40% over previous prices, 15% higher in material prices, and the unit prices received seemed high. He stated many of the companies who would have normally bid were busy with other projects and stated Caltrans has put out many projects which are keeping contracts busy. He stated staff believes we should reject these bids, try to generate more interest, and not re-bid until November in order to have a spring project.

Councilmember Pierce asked if area City Managers have talked about collectively putting together their street bids. The City Manager responded not in public works projects though cities have discussed working together to provide softer services such as IT support services.

Councilmember Pierce asked what the actual cost is for going out to bid again? The City Engineer responded it would cost about \$1,000.

Councilmember Shuey asked if every city does their paving projects every year or if they do larger projects every few years. The City Manager stated both but the reason Clayton typically does a project annually is to prevent more wear on the worst streets. He stated that is why our pavement condition index is always in the Top 6 in the county.

Councilmember Shuey asked if we decide to hold off for now are the funds at risk? The City Manager stated the funding comes from Gas Tax and from the Contra Costa Transportation Authority and the city's estimates on those funds is fairly conservative. He stated the project could be done next calendar year and Regency Drive would be done in the spring after Federal Funding is received.

Councilmember Shuey asked if these could all go out as one large project in the spring. The City Engineer responded once federal dollars come in there are environmental reviews and requirements to follow and they are federal guidelines not the state guidelines. Commingling projects is not the best when dealing with federal monies.

Vice Mayor Medrano stated he agreed to wait. He also suggested staff garner interest in the project before bidding. The City Engineer stated the biggest problem was not enough competition and this has never been a problem in the past.

Councilmember Shuey asked how many different companies have done the pavement work for the City in the past. The City Engineer stated three different companies recently but they are all booked through the season. He stated he spoke with several contractors and they would be available for an early spring 2013 project.

Vice Mayor Medrano asked how much more impact to street there would be if the project was postponed. The City Engineer stated there would be little impact.

Councilmember Shuey asked if we want to do two years' worth of projects at the same time and front the money for the project based on projected revenue from Gas Tax and CCTA in FY 2013-14? The City Engineer stated this project as proposed now will take care of the most serious problems and the project for next year would be more slurry seals. He also stated an updated pavement condition index is being prepared soon and could be used for preparing the bid in November.

The City Manager stated if the Council waits until spring, the City could bridge the funding but with the understanding there would not be another repaving project until 2014.

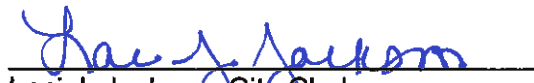
It was moved by Councilmember Pierce, seconded by Councilmember Shuey, to adopt the Resolution rejecting each of the two (2) competitive bids received for the 2012 Neighborhood Street Repaving Project due to both bids exceeding the Engineer's Estimate, and rebid the project at a later date (Passed; 5-0 vote).

10. **COUNCIL ITEMS**

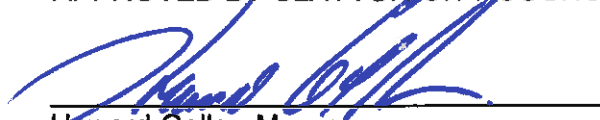
Vice Mayor Medrano inquired, with the current Chief of Police's pending retirement, if the Council should have a sub-committee or role in selecting the new Chief? The City Manager responded under this City's form of government, the Council-Manager, it is the City Manager's sole authority to hire and appoint department heads, including the Chief of Police. However, he stated he is willing to listen to any desired qualifications and experiences by the Council for the next Chief of Police.

11. **ADJOURNMENT**– On call by Mayor Geller the meeting adjourned at 7:50 p.m.

Respectfully submitted,


Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL


Howard Geller, Mayor