

MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

TUESDAY, April 21, 2015

1. **CALL TO ORDER & ROLL CALL** – With a quorum present, the meeting was called to order at 7:01 p.m. by Councilmember Pierce in Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Shuey (arrived at 7:20 p.m.) and Councilmembers Diaz, Haydon and Pierce. Councilmembers absent: Vice Mayor Geller. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, City Clerk/HR Manager Janet Brown, and Community Development Director Charlie Mullen.

2. **PLEDGE OF ALLEGIANCE** – led by Councilmember Pierce.

3. **CONSENT CALENDAR**

It was moved by Councilmember Haydon, seconded by Councilmember Diaz, to approve the Consent Calendar as submitted. (Passed; 3-0 vote).

(a) Approved the minutes of the regular meeting of April 7, 2015.

(b) Approved Financial Demands and Obligations of the City.

(c) Accepted the City's Investment Portfolio Report for Third Quarter of FY 2014-15, ending March 31, 2015.

(d) Adopted Resolution No. 10-2015 approving an amended City Investment Policy to add federal agency notes as an investment option.

(e) Adopted Resolution No. 11-2015 approving and adopting an update to the City of Clayton Standard Specifications (dated March 2015) concerning the construction of public improvements, and authorization to post it on the City's website.

(f) Adopted Resolution No. 12-2015 approving a covenant, and the recordation thereof, with Lester Ipsen, Jr. for the perpetual maintenance of stormwater treatment facilities on real property located at 6024 and 6062 Main Street (APNs 119-013-003 and 119-013-004; dba Skipolini's Pizza).

4. **RECOGNITIONS AND PRESENTATIONS**

(a) Presentation of its Annual Report for 2014 by Joyce Atkinson, President of the Clayton Community Library Foundation.

Joyce Atkinson presented the 2014 Annual Report of the Clayton Community Library Foundation highlighting: the recent Spring Used Book Sale brought in a profit of \$7,439.49; in-library service hours totaling 6,450.16 hours provided by volunteers for daily needs and special events valued at \$169,897.21; Boy Scout Troop 484 assistance with physical tasks; Clayton Valley Garden Club maintenance of flower boxes and garden areas; the nineteenth Birthday Celebration of the Clayton Community Library; local second grade classes visited the library and students received their first library cards; Clayton Community Library Foundation generated income of \$48,183.45 from a variety of sources in 2014.

Members of the City Council expressed their appreciation for the wonderful works by the Clayton Community Library Foundation supporting the operation and existence of the library.

- (b) Proclamation declaring the week of April 20th – 24th, 2015 as “Clayton Community Library Volunteer Recognition Week,” and recognition of Clayton’s “Library Volunteers of the Year.”

Councilmember Pierce read the Proclamation declaring the week of April 20th – 24th, 2015 as “Clayton Community Library Volunteer Recognition Week. She presented Certificates of Recognition to “Library Volunteers of the Year” David Atkinson, Carol Wolfe, Joyce Atkinson, Jeanne Boyd, and Yola Liang who were present; she further acknowledged volunteers Diana Bauer, Carolyn McCombs, Clare Rogers, Larry Rogers, Louise Wall, Marnie Malcom, and Ted Holmsen for their many years of service to the Clayton Community Library.

(Mayor Shuey arrived)

5. **REPORTS**

- (a) Planning Commission – Commissioner Gregg Manning reported on its meeting of March 14, 2015: the Commission considered the State of California Property Assessed Clean Energy (PACE) programs for the City of Clayton consisting of the CaliforniaFirst, Figtree, and HERO programs, and recommends them to the City Council on a 4-0-1 vote (one Commissioner abstained).

Commissioner Gregg Manning also provided a brief report from his meeting at the Contra Costa County Connection where he serves as Clayton’s delegate (CCCTA). Its draft budget was approved for filing in compliance with Transportation Development Act. He noted CCCTA’s intent of a 10 percent fare increase, of which 2 percent covers staff wages that have been frozen for some time.

Mayor Shuey asked if the usage of Route 10, Marsh Creek/Clayton to Concord BART, is still reflecting numbers needed to continue this service. Mr. Manning advised Route 10 is the most used route in the Contra Costa County Connection system and more seniors are taking advantage of ride free time (10:00 a.m. to 2:00 p.m.), which has resulted in less transportation needs from paratransit.

- (b) Trails and Landscaping Committee – No meeting held.

- (c) City Manager/Staff – City Manager Gary Napper noted the PACE programs will be brought to the Clayton City Council at its May 5th meeting; however, the City has no control over closing costs and terms of contracts its citizen may choose to enter into with the PACE companies.

Mr. Napper mentioned that as the water drought continues, the State of California and Governor Brown continue to refine its per capita mandatory water use reductions for application statewide. Past water consumption will now be measured by a tiered metric system of 1-9, the highest water use tier being No. 9. The Contra Costa Water District serving Clayton was placed into Tier 7, bumping its earlier 25% reduction mandate to a 28% reduction for residential water usage. Commercial businesses, such as City of Clayton, could now be bumped from its earlier 40% reduction to a probable 43% water usage reduction.

Based on the severity of a 43% potable water reduction, he has ordered public drinking fountains at all City parks turned off due to volume usage and the potential for misuse and commodity theft, noting no state law requires a city to provide public drinking water in parks. He referenced public schools typically shut off exterior drinking fountains during school breaks and summer recess for similar reasons of water waste and misuse. City turf and public landscape watering must be two days per week. Public restrooms in the parks will remain open.

He added the City of San Juan Capistrano was recently sued for charging ever-increasing water rates when higher water quantities are used to further encourage water conservation; a state appellate court just ruled such practice is unconstitutional under Prop 218. This decision could complicate the State's and water purveyors' plans to employ such water rate practices to obtain the mandated water use reductions.

- (d) City Council - Reports from Council liaisons to Regional Committees, Commissions and Boards.

Councilmember Diaz attended the League of California Cities' Public Safety Policy Committee discussing peace officers use of body cameras.

Councilmember Haydon continues to walk the City trails and is impressed by the number of community members' use of the Trail System and the Clayton Dog Park. He is also preparing for Clayton Cleans Up event this Saturday, April 25, 2015 and encourages the community to come and help out.

Councilmember Pierce attended meetings of the California Association of Councils of Government, the Metropolitan Transportation Commission, the Contra Costa Transportation Authority and the Central County TRANSPAC. She also opened the Street Smarts/CHP Teen driving program at Clayton Valley Charter High School.

Mayor Shuey advised the Clayton City Council continues to monitor the happenings at Clayton Valley Charter High School and encourages the community, should they have any questions, to please feel free to approach any Clayton Councilmember as they are here to help. He was also pleased to

announce the Clayton Valley Charter High School graduation numbers are on the rise, and applications are being accepted for a community member opening on the Clayton Valley Charter High School Governing Board with a deadline of April 30.

- (e) Other – None.

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

Tamara Steiner announced the Clayton Cleans Up! event is scheduled Saturday, April 25th, 9:00 a.m., rain or shine, followed by a BBQ at the City Hall courtyard. She also noted this year's t-shirts were designed by one of the local artists from the recent Clayton Library Creekside Art event.

Mayor Shuey asked if location maps will be available for participants and if the drop-off area for trash collected will still be at the trailheads? The replies were "Yes" to both questions.

Councilmember Pierce added there will be a lot of good information booths in the City Hall courtyard, including Clayton Emergency Response Team (CERT), and she encouraged people to take advantage of those opportunities.

7. **PUBLIC HEARINGS** – None.

8. **ACTION ITEMS**

- (a) Discussion of current land use designation(s) for ground floor land uses and alternative(s) for possible amendments to the City's General Plan, Zoning Code, and/or Town Center Specific Plan regarding public and privately-owned real properties in the Clayton Town Center (downtown).

City Manager Napper referred the City Council to the displayed property owner map of the downtown area; the City owns several properties in the downtown with several marketed for sale. One of the vacant properties is approximately 1.67 acres acquired by the City in April 2013 from the Clayton Community Church. The other property consists of 3 smaller parcels which is a fully-entitled City-approved development project known as "Creekside Terrace". The properties have been listed exclusively with Transwestern for approximately 1 year with a recently approved listing extension to January 2, 2016. Transwestern created and developed a marketing plan, has outreached to numerous retail commercial enterprises or developers, and brought two interested developers to meet with the Council Sub-Committee on Economic Development and City staff. Mr. Napper advised both developers submitted property offers but their proposed land uses did not entail a full retail commercial use on the ground floor; each contained a dominant component of residential units.

Mr. Napper then invited Ed Del Beccaro, Managing Director for Transwestern to provide a more detailed update on the progress of the property listings.

Mayor Shuey thanked Transwestern, Ed Del Beccaro, and his staff for all the effort in generating interest with the City's property listings in downtown Clayton.

Mr. Del Beccaro, Managing Director for Transwestern, thanked the City Council for extending the list contract. He indicated Transwestern's proactive marketing efforts of the City's real properties were transmitted to approximately 675-700 distinct retailers, including Trader Joe's, extolling the existing downtown's amenities such as the new Bocce Ball Courts which he rated as a 5+ addition. Mr. Del Beccaro has found developers consider the Clayton demographics appealing; however the demographics are just not dense enough to attract the desired retail business. For example, Trader Joe's would need to earn \$2,500.00 per square foot in retail sales per month to cover overhead operating costs and it is likely the Clayton market would yield \$450 per sq. ft. Mr. Del Beccaro noted the nearby vacancies at Village Square and Flora Square also give a negative draw to prospective developers.

Mr. Del Beccaro rhetorically asked "How do you get some new development", and "How do you have other uses to subsidize the retail amenity?" One idea is to allow other uses on the City's sites to stimulate retail, retail becoming the perk, not the driver. Another idea is to consider the existing restaurant trade by allowing the opportunity, for example, for ground floor commercial office users like real estate agents or bankers to have a place to have lunch nearby. However, the restaurant trade downfall is lunch crowds do not generate enough revenue to survive. Some parcels should allow commercial offices along with some other retailers or allowing some mixed use residential would be beneficial. He suggested the City offer some relaxation of uses on the ground floor, some mixed residential use, to get things moving in the downtown.

Mayor Shuey noted some of the numbers presented this evening are discouraging.

Mayor Shuey opened the item to receive public comments; no public comments were offered. Mayor Shuey noted that Vice Mayor Geller was not able to attend the meeting and requested that any policy direction be continued to a later date.

Councilmember Pierce indicated she supports the City re-engaging the community to dialogue about our Town Center Specific Plan established in 1990. At that time there was approximately a year and a half of meetings with the community; with all the work that went into that specific plan, if changes are going to be considered a similar process should occur. If done properly, it can be beneficial and a good way to get the community involved in the future of development in downtown Clayton. Councilmember Pierce advised a process needs to be established with potential uses, procedures and study sessions with the expertise of a consultant and the Planning Commission.

Councilmember Diaz supports community input in this very crucial decision-making process and the valuable input of the Planning Commission.

Councilmember Haydon advised when the Town Center Specific Plan was in discussions, Oakhurst was in development and people thought things would

boom. Since that time, the economy has changed and it is time to re-consider the designated uses in the downtown area of Clayton with community input.

Mayor Shuey added there were two intriguing offers on the City's real property but noted the importance of making the right decision for the community. If the designations can be updated that may generate additional interest.

It was moved by Councilmember Pierce, seconded by Councilmember Haydon, to continue this item to its regular meeting on May 5, 2015. (Passed; 4-0 vote).

9. **COUNCIL ITEMS** – None.

10. **CLOSED SESSION**

- (a) *Government Code Section 54957.6*, Conference with Labor Negotiator.
Instructions to City-designated labor negotiator: City Manager
Employee Organization: Clayton Police Officers' Association (CPOA)

On announcement by Mayor Shuey, the City Council went into Closes Session for the purpose noted at 8:37 p.m.

Report Out from Closed Session (8:52 p.m.): Mayor Shuey reported the City Council received information from its negotiator and gave general direction to staff.

11. **ADJOURNMENT**– on call by Mayor Shuey, the City Council adjourned its meeting at 8:53 p.m. in memory of Wil Barnes, a Clayton resident and the father of Councilmember Julie Pierce, who passed away on April 16, 2015.

The next regularly scheduled City Council meeting is May 5, 2015.

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Respectfully submitted,



Janet Brown, City Clerk

APPROVED BY CLAYTON CITY COUNCIL



David T. Shuey, Mayor

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