

MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

TUESDAY, April 7, 2015

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:02 p.m. by Mayor Shuey in Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Shuey, Vice Mayor Geller and Councilmembers Diaz, Haydon and Pierce. Councilmembers absent: None. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, City Clerk/HR Manager Janet Brown and Maintenance Supervisor John Johnston (arrived at 7:12 p.m.).

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

3. **CONSENT CALENDAR**

It was moved by Councilmember Diaz, seconded by Councilmember Haydon, to approve the Consent Calendar as submitted. (Passed; 5-0 vote).

- (a) Approved the minutes of the special joint meeting of February 9, 2015 and the regular meeting of March 17, 2015.
- (b) Approved Financial Demands and Obligations of the City.
- (c) Adopted Resolution No. 09-2015 approving and authorizing the execution of a multi-year Agreement (up to 10 years) with the City of Concord for its continued provision of police dispatch, detention and information technology services to and for the City of Clayton's Police Department.
- (e) Approved an Addendum to the Exclusive Sales Listing Agreement with Transwestern Property Company West, Inc. to extend the existing terms and conditions to January 2, 2016 for the list and market for sale and development certain City-owned real-properties in the Clayton Town Center (APN 118-560-010, vacant 1.67 acre parcel off Main Street; and APNs 119-050-034, 119-050-008, and 119-050-009 located at 1005 and 1007 Oak Street).

4. **RECOGNITIONS AND PRESENTATIONS** -None

5. **REPORTS**

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

- (c) City Manager/Staff – City Manager Gary Napper reported he has been reviewing the Governor’s Executive Order on drought/water restrictions. The 25% water use reduction requirement will cause the City to not turn on the newly-updated splash pad at The Grove Park; the City Hall courtyard fountain and the Clayton Fountain have also been turned off until the water restrictions are lifted.
- (d) City Council - Reports from Council liaisons to Regional Committees, Commissions and Boards.

Councilmember Haydon attended a meeting of the Contra Costa County Mayors’ Conference and announced the Clayton Business and Community Association Spring Bocce Ball League session has begun.

Councilmember Pierce attended a meeting of the Contra Costa County Mayors’ Conference. She also announced under the terms of a joint agreement with Contra Costa Transportation Authority, City of Concord and the Concord Naval Weapons Station, Honda will use the newly branded “GoMentum Station” of its automated and connected vehicle technology at the Concord Naval Weapons Station. Honda also plans to participate in a consortium committed to making Contra Costa County home to a premier testing facility for automated drive technologies.

Councilmember Diaz attended a joint hearing in Sacramento on the Senate Business, Professions and Economic Development (Hill), Assembly Business (Bonilla), and Assembly Arts, Entertainment, Sports, Tourism and Internet Media (Calderon); a League of California Cities – East Bay Division meeting, and the Clayton Library Committee Creekside Art Show. He also announced the Clayton Community Library Foundation’s murder mystery play, “Death and Disloyalty”, will show on Friday, April 24th and Saturday, April 25th at the Library. Councilmember Diaz advised he will be attending the League of California Cities’ Public Safety Policy Committee which plans to discuss State Budget and Issues, and SB175 (Huff) Peace Officers: Body Cameras.

(Maintenance Supervisor John Johnston arrived)

Vice Mayor Geller attended the monthly meeting of the Clayton Business and Community Association and announced the upcoming 2015 Saturday Concerts in The Grove schedule has been printed on flyers being mailed in the *Clayton Pioneer* and posted on the City’s website.

Mayor Shuey reported he recently met separately with members of the Clayton Police Officers’ Association and with Miscellaneous City Employee staff members to exchange information regarding labor negotiations and his decision making processes; he thought the meetings went well.

- (e) Other – None.

6. PUBLIC COMMENT ON NON - AGENDA ITEMS

Tamara Steiner from the *Clayton Pioneer* announced upcoming Clayton community events: Clayton Cleans Up! on April 25th; Clayton Community Library Foundation "Death and Disloyalty", a Library murder mystery play April 24th and April 25th; and Clayton Historical Society's 23rd Annual Gardens Tour April 25th and 26th.

7. PUBLIC HEARINGS – None.

8. ACTION ITEMS

- (a) Consider recommendations from the Trails and Landscaping Committee (TLC) regarding priority of proposed general improvement projects within the Citywide Landscape Maintenance District (CFD – 2007).

Maintenance Supervisor John Johnston presented the staff report indicating the preference of Option 1 from the Trails and Landscaping Committee which encumbers \$300,000.00 of Landscape Maintenance District reserve funds, noting no plantings will occur until the Governor's Severe Drought Water Restrictions are lifted. Specific landscape plans for the various subdivision entries would be internally designed by staff during this drought period, subject to review by the Trails and Landscaping Committee with final approval by City Council by June 2016. Plant designs would be drought tolerant and include use of appropriate hardscape to minimize water use and enhance ease of maintenance. In the interim staff will be moving forward with the previously-budgeted Landscape District projects to repair trail bridges and broken planter boxes in the downtown.

Mayor Shuey inquired if engineered type of products [recycled materials] will be used as the surface replacements on the seven bridges' renovation project along the trail system? Maintenance Supervisor Johnston advised at this time he is not sure if the existing structures will be able to support the additional weight of a manufactured heavier material. Staff will be exploring it further.

Councilmember Pierce advised the existing bridge structures are already in need of additional structural support and understands they may not be able to accommodate a heavier material. Mr. Johnston noted this issue and option will be deferred to the contractor who would have the expertise in this field.

Mr. Johnston continued with the staff report presentation describing the various gradations of repair and replacement that are needed on the downtown raised planter boxes on Main Street and Center Street. The Chinese Pistache tree roots need larger planter boxes, which is why the existing ones are breaking apart. The planter box on the corner of Center and Diablo Street was damaged by a vehicle; however the City recovered insurance funds to be used for repairs.

Vice Mayor Geller asked if the existing Crape Myrtle and Chinese Pistache trees could be possible reasons for the elevation of surrounding sidewalks? Mr. Johnston advised each planter box will be re-evaluated prior to the start of the renovation to see if there are other potential problems.

Councilmember Haydon inquired about any existing irrigation problems? Mr. Johnston advised a determination cannot be assessed prior to a complete evaluation which will occur on the planter boxes that are falling apart, including the irrigation system. Councilmember Haydon noted the Clayton Valley Garden Club was once hand watering the planter boxes in the downtown area.

Mr. Johnston noted the raised planter boxes on Center Street are only in need of minor repairs because they were added later and he designed them properly sized. He concluded by indicating the Trails and Landscaping Committee reviewed the Landscape District's mid-year budget and determined that, with a minimum reserve of \$200,000.00 for cash flow purposes, there are still additional monies available to take on some new landscaping projects when the drought is over.

Mayor Shuey inquired on the specific estimated cost break down on Option 1 and requested exactly what is planned to be done to the existing landscaping areas? Mr. Johnston advised each subdivision entry way will be thoroughly evaluated and if existing plants can be saved they will be. Mr. Johnston prefers Hawthorne shrubs such as those on Regency Drive as those bushes coordinate well with other plants and are low maintenance. City Manager Napper added specific designs for each entry way will be drawn; once the proposed design process is complete, it will be reviewed by the Trails and Landscaping Committee and then will come back to the City Council for final approval at a public meeting.

Vice Mayor Geller inquired on how the estimates were reached for the proposed general improvement projects within the Citywide Landscape Maintenance District? Mr. Johnston advised actual unit expenses from the recent Clayton Road median project were tripled because these entry way projects are smaller sites and include irrigation controller replacements, power for lighting; ultimately, each site will need further evaluation to refine actual improvement costs. City Manager Napper added the figures provided are guesstimates only; the proposed landscaping improvement project is still subjected to competitive bid by state law.

Vice Mayor Geller asked if the hardscape improvements could be installed and delay the landscape plants if the drought continues? Mr. Johnston advised much of his contemplated replacement design will involve hardscape; plants cannot be the main focus any longer as the State of California is in a drought, water usage needs to be reduced by 25 percent, and future water use is risky.

Vice Mayor Geller complimented Mr. Johnson on the design and finished product of the renovated medians on Clayton Road; they are beautiful.

Councilmember Haydon inquired once the reduced water usage order is lifted, would the City be able to phase in plants that need water? Mr. Johnston responded hardscape is the intended landscape with focus plants much like the project completed at the traffic signal island in front of the Clayton Fountain.

Mayor Shuey opened the item to receive public comments; no public comments were offered.

It was moved by Vice Mayor Geller, seconded by Councilmember Haydon, to approve Option 1 (subdivision entry ways) as the priority for landscape and hardscape improvement projects in the Citywide Landscape Maintenance District during calendar years 2015 and 2016. (Passed; 5-0 vote).

- (b) Consider and discuss a request by Council Member Diaz to create and design a City of Clayton flag.

Councilmember Diaz opened the discussion of a City of Clayton flag noting he was recently approached by a business colleague who would like to design a City of Clayton flag, pro bono, and he is seeking the input of the Council members if this was something of interest and discuss how to proceed.

Mayor Shuey asked if the proposal includes creation and the rights to a flag design? Councilmember Diaz confirmed the beginning process is to decide if the City Council would like to consider creating a City of Clayton flag; he further referenced a brochure was included with the staff report outlining suggested parameters in designing a flag.

Vice Mayor Geller liked the idea of having a City of Clayton flag and inquired how to precede with the design of the City flag: by contest, create a subcommittee or just hire the Councilmember Diaz's business colleague? Councilmember Diaz advised his business colleague will design the flag pro bono and is seeking the preference of the City Council if there was anything in particular to be included in the design.

Councilmember Haydon indicated his preference is to use the existing graphic that appears on the top of City of Clayton business cards and City of Clayton stationery.

Vice Mayor Geller asked, after reading the brochure, if the finished image is reproducible for both sides of the flag?

Councilmember Pierce concurred with Councilmember Haydon, preferring the use of the existing image of the City of Clayton business cards and City of Clayton stationery.

Mayor Shuey inquired if our image of Mt. Diablo is the same perspective one would see from the city of Clayton? Councilmember Pierce added it is a true image depending on where one is standing; it was designed by a high school student back in 1964, the original drawing is still in existence and stored at the Clayton Museum, and it has been copyrighted for the exclusive use of Clayton City Hall despite being used in other products sold by some in town.

Mayor Shuey asked if the City Council preferred the formation of a subcommittee to oversee the design of a flag? Councilmember Diaz advised his business colleague has designed flags for many state and national associations and has the experience in what makes a good design.

Vice Mayor Geller asked if the designer of the flag is also able to produce the flags? Councilmember Diaz advised his business colleague only designs flags, but is certain he can offer recommendations on producers. He also confirmed with City staff that our existing flagpoles are already equipped to fly up to three flags on each pole. Councilmember Pierce reminded the Council that often the third space on a flag pole is reserved for a POW/MIA flag and we should consider that when determining where to fly a City flag.

Vice Mayor Geller would like to see the design concepts before making a decision.

Mayor Shuey indicated it was general Council consensus that Councilmember Diaz move forward to submit the existing City of Clayton logo image to his business colleague to create a design for a City of Clayton flag.

Mayor Shuey opened the item to receive public comments; no public comments were offered.

No formal action was taken on this item.

9. **COUNCIL ITEMS** – None.

10. **CLOSED SESSION**

- (a) *Government Code Section 54956.8*, Conference with Real Property Negotiator. Real Property: 6005 Main Street (APNs 119-011-002-1; 118-560-010-1; 118-370-041-6).

Instructions to City Negotiators (Mayor David Shuey and Council Member Julie Pierce; and Ed Del Becarro, Managing Director, Transwestern) concerning price and terms of payment.

Negotiating Party: 1. Joshua Reed, Pacific Union Land Company.

8:25 p.m. Report Out from Closed Session: Mayor Shuey reported the City Council received information from its negotiators and gave general direction to staff.

11. ADJOURNMENT– on call by Mayor Shuey, the City Council meeting adjourned at 8:26 p.m.

The next regularly scheduled City Council meeting is April 21, 2015.


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Respectfully submitted,



Janet Brown, City Clerk

APPROVED BY CLAYTON CITY COUNCIL



David T. Shuey, Mayor

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