

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

**TUESDAY, September 16, 2014**

1. **CALL TO ORDER & ROLL CALL** – 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 Stratford (arrived at 7:11 p.m.), Vice Mayor Shuey (arrived at 7:05 p.m.) and Councilmembers Diaz, Geller and Pierce. Councilmembers absent: None. Staff present: City Manager Gary Napper, Assistant City Manager Laura Hoffmeister, Maintenance Supervisor Mark Janney, Assistant City Attorney Christopher Diaz, and City Clerk Janet Brown.

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

3. **CONSENT CALENDAR**

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

(a) Approved the minutes of the regular meeting of August 19, 2014.

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

(c) Adopted Resolution No. 36-2014 determining Scott Dansie, an employee of the City classified as a Local Safety member, is disabled for purpose of the Public Employees' Retirement Law (CalPERS), and such disability is "industrial" within the meaning of such law.

(d) Approved the City of Clayton Conflict of interest Code pursuant to the Political Reform Act of 1974.

(e) Adopted Resolution No. 37-2014 approving a Cooperative Agreement between the Contra Costa Transportation Authority (CCTA) and TRANSPAC member jurisdictions for distribution of Measure J sales tax sub-regional Transportation Needs Program 28a Funds.

(f) Accepted a flat rate fee donation in the amount of \$135 from the Clayton Woman's Club for use of the Clayton Library Meeting Room (Hoyer Hall) for its Annual Craft Sale on November 22<sup>nd</sup> and 23<sup>rd</sup>, 2014.

(g) Adopted Resolution No. 38-2014 accepting completion of Capital Improvement Project No. 10435, Clayton Library HVAC Chiller Replacement Project, by Marken Mechanical Services in the final amount of \$127,547.00 and authorizing the City Clerk to file the Notice of Completion.

4. **RECOGNITIONS AND PRESENTATIONS**

(a) A Proclamation declaring September 17 – 23, 2014 as "U.S. Constitution Week" in the City of Clayton.

Councilmember Pierce requested the Proclamation be sent to the Daughters of the American Revolution as no one was present to receive the Proclamation in person.

- (b) A Proclamation declaring September 21 – 27, 2014 as “Falls Prevention Awareness Week” in the City of Clayton.

Councilmember Pierce read the Proclamation. Emily Hopkins from Meals on Wheels and Senior Outreach Services received the Proclamation. Ms. Hopkins provided some information regarding some of the services offered from Meals on Wheels and Senior Outreach Services.

[Vice Mayor Shuey arrived]

- (c) A Proclamation declaring Saturday, September 20, 2014 as “Emma Hall Day” in the City of Clayton in recognition of achieving her Girl Scout Gold Award.

Councilmember Pierce read the Proclamation. Ms. Emma Hall received the Proclamation and thanked the community for supporting the first citywide Clayton Family Fair and Picnic Health Fair she organized as her Girl Scout Gold award project in June 2013.

[Mayor Stratford arrived]

- (d) A Proclamation declaring Saturday, September 27, 2014 as “Casey Mitchell Day” in the City of Clayton in recognition of achieving her Girl Scout Gold Award.

Councilmember Pierce read the Proclamation. Ms. Casey Mitchell received the Proclamation and thanked the community for supporting her Girl Scout Gold Award project last year which she planned and taught art lessons for children with autism and other special needs at All in Need Family Support.

## 5. REPORTS

- (a) Planning Commission – Commissioner Keith Haydon reported the Planning Commission held a meeting on September 9<sup>th</sup>. He noted there was a Public Hearing regarding a Home Occupation Permit by Wendy Murphy, 187 Mt. Wilson Way, considering a cottage food operation for baked goods to be conducted from a single-family residence. There was no public comment and the Planning Commission conditionally approved the home occupation permit.

Councilmember Geller asked where the baked goods are sold? Councilmember Pierce advised through Facebook since sales cannot occur directly at the premise. Commissioner Haydon added sales are made online; customers then stop by Ms. Murphy’s residence to pick up the orders.

Commissioner Haydon also mentioned a Public Hearing on an Initial Study/Mitigated Negative Declaration regarding the Silver Oaks Estates Project is scheduled for the Planning Commission’s meeting on September 23<sup>rd</sup>.

- (b) Trails and Landscaping Committee – No meeting held.
- (c) City Manager/Staff –

City Manager Gary Napper provided a report on Governor Brown’s signature this day of a bill to create a framework for sustainable, local groundwater management for the first time in California history. The legislation requires local public agencies to tailor sustainable groundwater plans to their regional economic and environmental needs. The bill requires high and medium groundwater basins, as defined, to effect plans by

June 30, 2017; county governments must monitor unincorporated areas. Under the new law, since the Clayton community is served by a special water district for its water the Contra Costa Water District, not our City, is the responsible public agency. He noted the City has several groundwater wells it uses for irrigation in the downtown area, and the Lydia Lane and Southbrook areas operate some private well systems. On further research, the Clayton Valley water table falls into a “very low priority basin” and will not be regulated under this new law. As expected, the state’s primary focus is on the groundwater basins serving the agricultural-intensive Central Valley. The Westwood Park and Lydia Lane Park irrigation water usage is monitored and periodically inspected under agreement by the Oakhurst Country Club, which also uses those groundwater wells for its irrigation of its golf course.

Vice Mayor Shuey asked if the Contra Costa Water District plans to issue any fines to residents whose lawns have turned brown due to the water drought? City Manager Napper advised the recently-expanded Los Vaqueros Reservoir has sufficient water for the remainder of this year. Based on this information, Contra Costa Water District has advised it will not be imposing use restrictions this year; however, as a community, we still have a duty to do our part and conserve water as much as possible, and the District has asked for voluntary use reductions of 15-20%. He noted he has directed the City’s Code Enforcement Division to not enforce green lawn requirements under the current drought conditions.

Councilmember Geller asked if we can monitor private well usage? City Manager Napper advised the City does not monitor private well water usage other than its own, and we do not have authority to regulate privately-held wells.

Councilmember Pierce added when the Oakhurst-related wells were installed in public space, an agreement was made not to impair the use of the nearby private water wells. She also added for users of Contra Costa Water District water, if one’s daily historical water use limit is exceeded, usage rates go up significantly.

City Manager Napper further added water quality testing is also performed quarterly on the Oakhurst wells.

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

Councilmember Diaz attended the Clayton Community Library Foundation Board and Clayton Business and Community Association general membership meetings. He also attended the final Thursday Concerts in The Grove featuring the PHD’s and the 30<sup>th</sup> Annual Soapbox Derby followed by Saturday Concerts in The Grove featuring Apple Z. Councilmember Diaz recently attended a city council meeting in the Town of Danville where his son-in-law and grandson received proclamations in recognition of their participation in Tassajara Valley Little League championship. He also attended the League of California Cities Annual Conference in Los Angeles where he attended refresher training for the AB1234 Ethics Course. Councilmember Diaz attended work sessions regarding fire and emergency responder services and some of the shortfalls, California obligations and how the EMS function is working in other cities. He exchanged contact information with Councilmember John Mirisch from Beverly Hills, Fire Chief Kurt Henke from the Sacramento Metro Area, and Raymond Ramirez from the CA Fire Chiefs Association. There was also an Election of League Officers; Tony Ferrara from Arroyo Grande was elected League President. Councilmember Diaz also noted the City of Clayton only paid for his registration fee to the League of California Cities Annual Conference; he covered the rest of the travel and lodging expenses from personal funds. He also met with Pete Laurence regarding the layout for the tractor proposed for location outside the Clayton Community Library; he attended the last Saturday Concerts in The

Grove featuring East Bay Mudd and a Contra Costa County Kops for Kids 16<sup>th</sup> Annual Golf Classic at Oakhurst Country Club, where the Clayton team came in third place.

Councilmember Pierce attended the Association of Bay Area Governments Estuary Partnership meeting where they discussed preservation of fresh water flow into the Delta and Sacramento waterways. She announced there will be several free workshops at the Antioch Community Center hosted by U.S. Congressman George Miller. Councilmember Pierce also accompanied lead disaster resilience professionals to visit with the City of Napa's mayor and city manager to tour the city and discuss their experiences with the recent earthquake. They also went to Vallejo where a majority of damage was found on Mare Island. Napa Mayor Jill Techel and City Manager Mike Parness remarked their recent Cal Poly-SLO seismic training proved invaluable to assist them with disaster response efforts. Councilmember Pierce also attended a TRANSPAC meeting.

Councilmember Geller attended the Contra Costa Mayors' Conference in Moraga, a Volunteer Fair at the Clayton Valley Charter High School, and a community vigil for Wyatt Bredell at The Grove Park; the Clayton Business and Community Association general meeting and the 30<sup>th</sup> Annual Soap Box Derby hosted by Clayton Community Church. He also attended two Saturday Concerts in The Grove Park featuring Apple Z and East Bay Mudd. Councilmember Geller thanked Councilmembers Diaz and Pierce for helping out at the Saturday concert series and the Clayton community for attending; he noted donations received this year will help bring the Saturday Concerts in The Grove back in 2015.

Vice Mayor Shuey attended the Volunteer Fair at Clayton Valley Charter High School and noted students there remain unaffected by the recent charter school board turmoil and reminded the community to remain active. He was unable to attend the last Thursday Concerts in The Grove, however when he drove by he was thrilled to see the large attendance. Councilmember Shuey assisted with the 30<sup>th</sup> Annual "Labor Day Derby" hosted by Clayton Community Church. Approximately 200 kids participated. The most popular derby car was the one created and entered by the Clayton Police Department. The simultaneous Classic Car show had approximately 270 car entries.

Councilmember Geller thanked Diablo Valley Ranch (DVR) for their labor assistance with various community events and mentioned the assistance they will provide to the Clayton Business and Community Association through its re-roofing project at DVR.

Councilmember Diaz also thanked Diablo Valley Ranch for their assistance with community events and is impressed by how many of the DVR volunteers become leaders within their organization.

Mayor Stratford attended an Eagle Court of Honor recognizing Connor Woods, Matthew D'Angina and Anthony Vines. He mentioned the Do The Right Thing character trait "Responsibility" is coming to a close and is looking forward to recognizing students at the next regular City Council meeting scheduled for October 7<sup>th</sup>. Mayor Stratford also invited the City Council to attend an upcoming East Contra Costa County Habitat Conservancy property tour taking place on October 6<sup>th</sup> in East County.

Councilmember Pierce noted with the habitat conservancy comments, the East Bay Regional Park District, whose goal is preservation and mitigation of land, is celebrating its 80<sup>th</sup> anniversary.

- (e) Other – Introduction of candidates present for City Council elected office.

Candidate Keith Haydon introduced himself and noted he is a very active member within the community serving on the Planning Commissioner for 16 years, with 4 terms as its Chair. His goal as a City Council member if elected is to maintain the small downtown look, while encouraging economic development and protecting property values in the community. He provided assistance in the development and operation of the Ipsen Family Bocce Park along with the Clayton Business and Community Association. Mr. Haydon indicated he served 2 terms as President of the Clayton Business and Community Association and served as Chair on the Trails Committee. He was motivated to run in the 2014 election for Clayton City Councilmember when he learned that Mayor Hank Stratford decided not to run for re-election this year.

6. **PUBLIC COMMENT ON NON-AGENDA ITEMS** – None.

7. **PUBLIC HEARINGS** – None.

8. **ACTION ITEMS**

- (a) Consider a Resolution No. 39-2014 setting, adjusting and approving the City Master Fee Schedule for FY 2014-15 regarding user-benefit municipal services and rentals.  
(Assistant to the City Manager)

Assistant to the City Manager Laura Hoffmeister presented the staff report and noted the last annual update to the Clayton Master Fee Schedule occurred in September 2013 with an additional fee specific amendment in December 2013. All City fees are rounded up or down to the nearest whole dollar. Consumer Price Index (CPI) fees were not adjusted for the youth sports field rental fee as it increased last year and is not proposed to increase this year. Two new fees proposed this year are the Tobacco Sales Permit Annual Permit Renewal fee, per Clayton Municipal Code section 5.81.100, and establishment of reservation time change, date changes and cancellations for Hoyer Hall, City Hall Courtyard and Community Park Picnic Areas.

Councilmember Diaz inquired clarification of the Tobacco Sales Permit Annual Renewal fee. Assistant to the City Manager Laura Hoffmeister advised there are a few businesses that fall into this category and late fees will not be imposed for those businesses that had not complied with the Annual Renewal fees since the City will start to assess them going forward.

Mayor Stratford opened the item to receive public comments.

Keith Haydon asked if the distinction in new fees being proposed for reservation time change, date change or rental cancellation of the Community Park Picnic Areas cover the differences in administrative time and expense to process each change? Staff responded “yes”.

No further public comments were offered and Mayor Stratford then closed the item to public comments.

**It was moved by Councilmember Pierce, seconded by Vice Mayor Shuey, to adopt Resolution No. 39-2014 setting, adjusting and approving the City Master Fee Schedule for FY 2014-15 regarding user-benefit municipal services and rentals. (Passed; 5-0 vote).**

- (b) Consider the award of competitive bid contract to Miracle PlaySystems, Inc. in the contractual amount of \$54,605.61, plus \$14,942 for probable electrical and water line service upgrades (total cost of \$67,482.71), to install design improvements and safety upgrades to the water play feature at The Grove Park.  
(Maintenance Supervisor)

Maintenance Supervisor Mark Janney presented the staff report and noted in 2007 The Grove Park Water Play Feature (splash pad) was installed and opened in January 2008. Since installation, the splash pad has been a popular area for children to play. However, the splash pad surface is now becoming very slippery and has algae growth during the warm weather; these problems create additional maintenance as the surface needs to be consistently pressure washed. After repetitive public complaints/concerns and consultations with different water play feature manufacturers, it has been determined that changing the rubber surface with a brushed concrete broom finish is now the prevalent recreation industry standard in surrounding communities. Since the surface needs to be replaced, staff also considered water play feature new designs in contrast to the existing three commercial sprinkler heads. Staff also researched if a recyclable water system could be installed but discovered it would require a mini-water treatment plant and public dressing rooms and showers by state law, which requirements would add approximately \$150,000 to \$250,000 to the project cost.

Three bids were received to upgrade the water play area with the best and lowest bids from Miracle Playsystems, Inc. and Ross Recreation Equipment. The bids were close; however, Miracle Playsystems, Inc. provides more water nozzles and an on-site programmable controller allowing the City the ability to control the water patterns and timing sequences without returning the controller to the manufacturer. Supervisor Janney also requested consideration of the purchase of an \$800.00 extended warranty covering the above-ground electronic controller.

Councilmember Geller asked how would the water feature be controlled? Supervisor Janney advised it will be an electronic button pad that kids and adults using the water feature would easily be able to turn on.

Vice Mayor Shuey asked how long do the water sprays operate: 30 seconds, 60 seconds? Supervisor Janney advised time is programmable and can be controlled and altered by the City as it deems fit due to weather or other needs, such as a drought.

Councilmember Geller asked if kids would control the water spray patterns? Can we salvage the existing concrete under splash pad? Supervisor Janney advised only the City can control/program the water spray patterns and the preferred bid by Miracle PlaySystems is the only bidder having a field programmable controller. The concrete under the existing splash pad surface must be demolished so the new piping and water spray nozzles can be installed and the concrete poured over the lines. It will have a brushed concrete broom finish.

Councilmember Geller inquired about the warranty of the components. Supervisor Janney advised most parts are covered for the standard 2 years; however, some parts are covered for 15 years. Supervisor Janney noted the request for an extended warranty on the electronic controller.

Councilmember Diaz asked if the mechanism that activates the system is easily replaced? Supervisor Janney advised the above ground controlling mechanism is easily replaced; he added the proposed Water Play Feature uses the existing foot print of the current splash pad while the other bidder would shrink the play area.

Vice Mayor Shuey asked what is the anticipated useful life of the system versus the warranty period, and if the controller equipment is waterproof? Supervisor Janney

advised an extended warranty would extend the electronics warranty an additional 5 years and the equipment is contained within a waterproof box above ground and easily accessible. He requested the warranty and useful life specifications be inserted in the contract and he wished to review the contract before signature.

Vice Mayor Shuey furthered inquired about water usage and programming of the operation of the system. Supervisor Janney advised the proposed system will use about the same amount of water as the current play feature and the City will have control of the system using a 7 day programmable clock. For example, the City can program the splash pad to operate only during certain hours of the day to limit water use.

Councilmember Pierce shared concern the quality of the brushed concrete broom finish possibly being too rough on bare feet or too smooth to be slippery. Supervisor Janney advised when he visited neighboring communities that have the Miracle PlaySystems Water Play Feature using the brushed concrete the surfaces were done very well. He also noticed the installation of signage advising the public to use water shoes while playing in the water feature.

Mayor Stratford opened the item to receive public comments.

Keith Haydon thanked staff for a thorough review and strong review of the bids. He had a question about the costs associated with restarting the system and having to clean the nozzle heads if the splash pad must be turned off due to drought conditions.

No further public comments were offered and Mayor Stratford then closed the public comments.

**It was moved by Councilmember Pierce, seconded by Vice Mayor Shuey, to award the contract with Miracle PlaySystems, Inc. and authorize the full allocation of \$68,282.71 in project funds from The Grove Park reserves, including an approximate \$800.00 extended warranty expense to cover the electronics. (Passed; 5-0 vote).**

9. **COUNCIL ITEMS** – None.

10. **RECESS THE CITY COUNCIL MEETING** – on call by Mayor Stratford, the City Council recessed at 8:43 pm to handle Successor/Successor Housing Agencies' meeting.

11. **RECONVENE THE CITY COUNCIL MEETING** – on call by Mayor Stratford, the City Council meeting reconvened at 8:46 pm.

12. **CLOSED SESSIONS** – Mayor Stratford announced the following purposes for the City Council to meet in Closed Sessions:

(a) Conference with Labor Negotiator  
*Government Code Section 54957.6*  
Instructions to City-designated labor negotiator: City Manager.

1. Employee Organization: Miscellaneous City Employees Group.

**Report out from Closed Session** (9:11 pm)

Mayor Stratford announced the City Council had received reports from its negotiator regarding the Closed Session items and had provided instructions and directions accordingly.

13. **ADJOURNMENT**– on call by Mayor Stratford, the City Council meeting adjourned at 9:12 p.m.

The next regularly-scheduled City Council meeting is October 7, 2014.

# # # # #

Respectfully submitted,



---

Janet Brown, City Clerk

APPROVED BY CLAYTON CITY COUNCIL



---

Hank Stratford, Mayor

# # # # #