

**MINUTES**  
**OF THE**  
**REGULAR MEETING**  
**CLAYTON CITY COUNCIL**  
**TUESDAY, April 5, 2016**

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:00 p.m. by Mayor Geller in Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Geller, Vice Mayor Diaz and Councilmembers Haydon, Pierce, and Shuey. Councilmembers absent: None. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, Community Development Director Mindy Gentry, Maintenance Supervisor John Johnston and City Clerk/HR Manager Janet Brown.

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

3. **CONSENT CALENDAR**

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

- (a) Information Only – No Action Requested
  - 1. Report from the CA HERO Program regarding recent HERO Property Assessed Clean Energy (PACE) installations within the city.
- (b) Approved the minutes of the City Council’s regular meeting of March 15, 2016.
- (c) Approved the Financial Demands and Obligations of the City.
- (d) Adopted Resolution No. 16-2016 setting the City’s Equivalent Runoff Unit (ERU) real property parcel assessment rates in FY 2016-17 at current rates to pay for local storm water/clean water programs and services required by the unfunded federal and state-mandated National Pollution Discharge Elimination System (NPDES) Program (storm water pollution prevention).
- (e) Adopted Resolution No. 17-2016 finding and declaring that an emergency condition exists arising from damage to a portion of the Cardinet Trail and authorizing an emergency trail repair project on the Cardinet Trail without public bidding, and approving the award of a lowest-cost time and materials contract to G.N. Henley, Inc., for an estimated amount of \$43,000 to perform emergency trail repairs located on Cardinet Trail (funded by the Citywide Landscape and Trails Maintenance District, Fund No. 210).
- (f) Adopted Resolution No. 18-2016 updating the City’s Public Records Retention Schedule for City Public and Police Records.
- (g) Approved Addendum No. 2 with Raney Planning and Management in the amount of \$86,715 to prepare an Environmental Impact Report for the proposed Silver Oak Estates residential development project.

#### **4. RECOGNITIONS AND PRESENTATIONS**

- (a) Recognition to outgoing Trails and Landscape Committee Member Alyse Smith in appreciation for her valued civic service to the Clayton community.

(7:10 p.m.) Mayor Geller presented Alyse Smith with a plaque recognizing her service to the Trails and Landscaping Committee. Ms. Smith thanked the City Council for the recognition and encouraged the community to volunteer if they are able.

- (b) Recognitions to outgoing Clayton Community Emergency Response Team (CERT) members Herb Yonge, Rich Veal, and Sue Elliott in appreciation for their valued civic services to the Clayton community.

(7:01 p.m.) Mayor Geller presented a plaque to Clayton Community Response Team members Herb Yonge, Rich Veal; (Sue Elliott was unable to attend due to a prior commitment). Mr. Yonge and Mr. Veal spoke briefly about the Clayton Community Response Team advising this particular group is known as "C5" for Clayton Community Citizen Corps Council. Each indicated they will remain a volunteer with the Clayton CERT program, just not in a leadership capacity.

- (c) Recognition of a \$1,000 donation from Maddie's Fund for an outdoor kennel as a temporary shelter for stray dogs to be located at the City's Corporation Yard.

Police Chief Chris Wenzel accepted the City's Certificate of Recognition on behalf of Maddie's Fund. He shared information on why Maddie's Fund was established and some brief history of his experiences with their services and contributions.

- (d) Recognition of a \$22,725 grant from Tesoro Foundation for the City's purchase of an electric motorcycle for use by the Clayton Police Department.

Police Chief Wenzel and Sergeant Jason Shaw provided Patty Deutsche, Director of Northern California Government and Public Affairs from the Tesoro Foundation, a City Certificate of Recognition for its very generous donation of grant monies to obtain an all-electric police motorcycle for use by the Clayton Police Department. Ms. Deutsche provided background information on the Foundation's purpose and mission and presented the City with a large check symbolizing the grant donation for purchase of the all-electric police motorcycle. Sergeant Shaw brought the all-electric motorcycle into the Council Chambers for show.

- (e) Introduction of Clayton's newest Police Officer, Tom Starick, by Chief of Police Chris Wenzel.

Police Chief Wenzel introduced Clayton's newest Police Officer Starick to the City Council. Mr. Starick thanked the City Council for the opportunity to ensure the safety of this community and he looks forward to many years of service here.

#### **5. REPORTS**

- (a) Planning Commission – No meeting held.

- (b) Trails and Landscaping Committee – Vice Chair Christopher Garcia reported on the Trails and Landscaping Committee meeting held on March 21<sup>st</sup>. The Committee received an update from Maintenance Supervisor Mark Janney regarding the Department's need for additional 4 - 6 seasonal Temporary Maintenance Worker staff members. Tree

replacement discussions also took place for the areas of Peacock Creek Drive and Keller Ridge Drive; an ad-hoc subcommittee was formed from the Adopt-A-Trail program consisting of Trails and Landscaping Committee members Vice Chair Christopher Garcia and Nancy Morgan; to date the ad-hoc committee has received funds from five (5) sponsors; the Trails and Landscaping Committee will have a booth at the upcoming "Clayton Cleans Up" event taking place on Saturday, April 23<sup>rd</sup>; future editions of the *Clayton Pioneer* will feature articles submitted by the Trails and Landscaping Committee; they responded to a citizen inquiry regarding upcoming ballot Measure H Citywide Trails and Landscape Maintenance District continuation of existing services and special parcel tax; the Committee received a refresher course on requirements of the public meeting law known as the "Brown Act"; the Committee reviewed the District's annual budget allocations and where the public trails are for new committee members; and finally, there were discussions of updates and suggestions regarding the Trails and Landscape Committee's website page.

(c) City Manager/Staff

City Manager Napper provided additional details regarding the upcoming "Clayton Cleans Up" event taking place on Saturday, April 23<sup>rd</sup> from 9:00 am to Noon; meet in the City Hall courtyard for sign-ins, area assignments and trash bags. He thanked Bob and Tamara Steiner of the *Clayton Pioneer* for promoting and sponsoring this community event again this year.

Mr. Napper further advised the City Council the missing trees of concern in the Peacock Creek Drive median are scheduled for replacement next week.

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

Vice Mayor Diaz attended meetings of the Clayton Community Response Team, the Trails and Landscaping Committee, the East Bay Division of the League of California Cities, and the Clayton Business and Community Association's General Membership. Mr. Diaz also attended the 27<sup>th</sup> Annual Valley Leadership Prayer Breakfast and a funeral service for Lester "Skip" Ipsen who recently passed away.

Councilmember Pierce attended several meetings of the Contra Costa Transportation Authority, the Metropolitan Transportation Commission, the Association of Bay Area Governments, the California Council of Governments, the East Bay Division of the League of California Cities, the TRANSPAC, and the Bay Area Regional Collaborative. She also attended a meeting with Councilmember Haydon regarding the potential off-road trail connecting Clayton to Brentwood and Oakley, named the "Marsh Creek Trail". Ms. Pierce announced the upcoming Clayton Historical Society Garden Tours takes place on April 23<sup>rd</sup> and April 24<sup>th</sup>, which is its primary fundraiser. She further advised the Clayton Museum's long time Curator, Mary Spryer, is re-locating to Wisconsin very soon and will be sorely missed. Ms. Pierce noted she was unable to attend the funeral of "Skip" Ipsen due to a prior commitment but remarked he was a wonderful man and community contributor.

Councilmember Shuey indicated he worked with Councilmember Haydon on the ballot measure argument in favor of the landscape district parcel tax.

Councilmember Haydon assisted with the ballot measure Language in Favor of Measure H with Councilmember Shuey and former Blue Ribbon Committee Chair, Dan Richardson; he was pleased there is no argument filed against the upcoming measure. Mr. Haydon attended the Clayton Business and Community Association's General Membership meeting, and the Spring Bocce Ball League kick-off event. He also attended a meeting regarding the potential Marsh Creek multi-use trail. Mr. Haydon also

attended the funeral of Lester "Skip" Ipsen and added one of his favorite memories was the mini- bumper stickers that Skip handed out that read "Looking for Skipolini's Pizza in Clayton, CA", thereby further promoting Clayton. He also mentioned the adjoining Bocce Ball Court to Skipolini's in Clayton is named in honor of the Ipsen Family.

Mayor Geller attended meetings of the Clayton Community Response Team, and the Clayton Business and Community Association's General Membership monthly meeting. He also attended the Clayton Library Foundation Creekside Arts event and Clayton's Spring Bocce Ball kick-off event. Mr. Geller recently volunteered his time with the Meals on Wheels organization during its awareness week and looks forward to volunteering more of his time in the future. He announced the 9th Annual Saturday "Concerts in The Grove" flyers are now available on the City's website and soon in the *Clayton Pioneer*. Mayor Geller also attended the funeral of Lester "Skip" Ipsen and intends to close the Council meeting this evening in his honor.

- (e) Other – None.

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

Dan Richardson, Morningstar Drive, announced the formation of "Yes on Measure H" Committee. Mr. Richardson provided a brief history of the Citywide Landscape Maintenance District Tax starting in 1997 to provide safe, attractive, efficient landscaping and levels of maintenance service to the residents of Clayton's public front yard. He encouraged citizens to vote "Yes" to continue this important tax for an increment of 10 years using the same tax methodology.

## **7. PUBLIC HEARINGS** – None.

## **8. ACTION ITEMS**

- (a) Consider the recommended process for the City Maintenance Department to demolish the three (3) non-historic outbuildings on the Keller Ranch House property at an estimated expense of \$2,000, grant the Clayton Historical Society first salvage rights to desired materials of the outbuildings, and authorize the City Manager to arrange for the sale/off-haul of the remaining debris to interested parties.

Community Development Director Mindy Gentry presented the staff report providing a brief background of the Keller Ranch outbuildings. Staff explored third party salvage options along with an in-house demolition of the buildings to be performed on overtime by City Maintenance staff with a cost to not exceed \$2,000.00. At this time it has not been determined if there is true value to the boards used in the construction of the outbuildings. The Clayton Historical Society and a local business, the Royal Rooster, have expressed interest in obtaining some boards for historical and display purposes.

Councilmember Pierce clarified the intent of the in-house demolition will not include volunteer assistance due to potential liability. Ms. Pierce also inquired if arrangements will be made for non-profits to receive priority on selecting boards they wish to obtain.

Ms. Gentry confirmed that local non-profits will have first selection, by either pre-marking boards prior to demolition or the ability to pick boards after demolition by creating a pile of boards they wish to acquire.

Councilmember Shuey asked for the date the demolition is set to occur. Ms. Gentry confirmed the date is set for Saturday, May 21, 2016. Mayor Geller asked the community not remove any of the boards as it could pose a potential liability issue should the outbuildings collapse.

Councilmember Diaz inquired on the interest of third party salvage companies to take on this project. Ms. Gentry advised it is unclear if third party salvage companies have an interest in the project and she urged their representatives to perform onsite appraisal. Ms. Gentry also included the hierarchy of the materials with first pick of materials to Clayton Historical Society, followed by local non-profit organizations and finally for-profit organizations. Mr. Napper added it appears some materials are disappearing quickly and there is an increasing risk the structures could collapse. Mr. Napper noted the value of the materials may be more of a sentimental value, rather than a dollar value.

Mayor Geller opened the item to receive public comments.

Dan Hummer, 282 Stranahan Circle, suggested a fence to be placed around the Keller Ranch outbuildings as an additional safety measure prior to the demolition to occur in May.

With no other persons wishing to speak, Mayor Geller closed the public comments.

Councilmember Haydon suggested a sign be placed in the area of the outbuildings to request the materials not be removed as a potential safety hazard. He also suggested inquiry with the Clayton Historical Society regarding availability of materials.

**It was moved by Councilmember Shuey, seconded by Councilmember Pierce, to adopt Resolution No. 19-2016 authorizing City Maintenance staff to demolish the three Keller Ranch outbuildings, allowing the Clayton Historical Society first salvage rights, and authorizing the City Manager to negotiate the sale/off-haul of the remaining materials to interested third parties.(Passed; 5-0 vote).**

- (b) Consider the Trails and Landscaping Committee's and Maintenance staff's recommendations of the appropriate tree replacement species for the narrow sidewalk planters along Keller Ridge Drive (Citywide Landscape Maintenance and Trails District).

Maintenance Supervisor John Johnston presented the staff report along with a Power Point presentation displaying the proposed tree replacement plan for Keller Ridge Drive landscape trees, including current photos of the trees' conditions and absences that were planted 25 years ago with the Oakhurst residential subdivision. Mr. Johnston advised at the recent Trails and Landscaping Committee (TLC) meeting it was concluded developing a Master Tree Plan for immediate and future replacement of tree species in this area will assist in sustaining the trees and beautification of this entry roadway. He added Maintenance staff and the Trails and Landscaping Committee are in agreement on the use of two replacement trees, namely the Chinese Pistache and the Eastern Redbud. However, there is disagreement over the third tree species as to the TLC's did not prefer the flowering plum. Maintenance therefore recommends the Chinese Hackberry; Mr. Johnston noted the flowering plum is a very difficult tree to select from nurseries to avoid it being a fruit-bearing tree that causes a mess/public hazard on the adjacent sidewalks. It is also critical to select tree species that will grow

well in the clay soils of Clayton and in these confined sidewalk landscape areas, and are disease resistant.

Councilmember Pierce inquired on when the trees are scheduled for replacement and if there has been notification to the effected residents? Mr. Johnston advised the trees are scheduled for replacement in the months of April or probably May, and no outreach directly to the fronting property owners has been conducted by the City. In the past, staff considered the TLC as serving the community's input on such matters.

Councilmember Pierce suggested a Community Outreach/Education article be placed in the *Clayton Pioneer* advising the community of the tree replacement selections and why it needs to occur. She also suggested a Mayor's Column advising of the diseased trees and indication of other areas that will be affected by the replacement.

Councilmember Haydon inquired if the current Trails and Landscaping Committee members represent all areas of the city? Mr. Napper was uncertain but believes there are some residential areas without Trails and Landscaping Committee representation since it is purely voluntary.

Councilmember Haydon finds it beneficial to reinforce the tree replacement plan to the community and through the Trails and Landscape Committee representation.

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

**It was moved by Councilmember Pierce, seconded by Councilmember Haydon, to authorize the replacement of any missing or declining London Plane trees along Keller Ridge Drive with a multiple species design consisting of the Chinese Pistache, the Eastern Redbud, and the Chinese Hackberry trees; and authorize staff to replace the trees using previously-authorized funds in the amount of \$46,000 from the Citywide Landscape Maintenance District (Fund 210). (Passed; 5-0 vote).**

## **9. COUNCIL ITEMS**

Councilmember Pierce would like to provide a brief report on the proposed Contra Costa Transportation Authority's proposed ballot measure and options for the transportation expenditure plan at the next regular meeting of the City Council on April 19<sup>th</sup>.


## **10. CLOSED SESSION – None.**

## **11. ADJOURNMENT– on call by Mayor Geller, the City Council adjourned its meeting at 8:46 p.m. in memory of Lester "Skip" Ipsen, a long time Clayton community member who recently passed away.**

The next regularly scheduled meeting of the City Council will be April 19, 2016.

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Respectfully submitted,



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Janet Brown, City Clerk

APPROVED BY CLAYTON CITY COUNCIL



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Howard Geller, Mayor

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