MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

TUESDAY, February 19, 2008

1. **CALL TO ORDER & ROLL CALL** – the meeting was called to order at 7:00 p.m. by Mayor Manning in the Library Community Meeting Room, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Manning, Vice Mayor Pierce, Councilmembers Stratford, Shuey, and Walcutt. Staff present: City Manager Gary Napper, City Attorney Dan Adams, Community Development Director Jeremy Graves, Finance Manager Merry Pelletier, and City Clerk Laci Jackson.

2. **CLOSED SESSION** – None.

3. **PLEDGE OF ALLEGIANCE** – Led by Mayor Manning.

4. **CONSENT CALENDAR- It was moved by Councilmember Stratford, seconded by Councilmember Shuey approve the Consent Calendar with amendments to 4(a) (5-0 vote).**

(a) Approved the minutes as amended, of the regular meeting of February 5, 2008.

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

(c) Adopted Resolution 06-2008 accepting Quitclaim Deed from the Association of Bay Area Governments (ABAG) and authorizing the recordation of said Deed regarding real property located at 1005 and 1007 Oak Street (APNs 119-050-009 & -034).

(d) Adopted Resolution 07-2008 awarding contract to W.K. McLellan Company, Inc. in the amount of $47,503.00 for the 2008 Sidewalk Replacement Project (restricted-use Gas Tax Funds).

(e) Re-appointed Charles Evans as the City's representative to the Citizens Advisory Committee of the Contra Costa County Transportation Authority (CCTA) for a term of office expiring February 2011.

(f) Approved the design and material content for replacement of deteriorated decomposed granite areas in the City Hall Courtyard using approved Deferred Maintenance Funds ($15,000 allocation).

(g) Approved the Trails and Landscaping Committee recommendation to amend City Council Policy on operation frequency of the Clayton Fountain to include Thanksgiving Holiday, Presidents' Day, and the Clayton Garden Tour (April) as additional operating days/weekends.

5. **RECOGNITIONS AND PRESENTATIONS** – None.

6. **REPORTS**

(a) Planning Commission- Vice Chair Catalano reported the Planning Commission continued its discussion of the Town Center Specific Plan in regards to circulation elements.

(b) Trails and Landscaping Committee – Chairperson Bass reported at its last meeting the Committee addressed three issues: Clayton Cleans Up, the Clayton Fountain, and the Adopt a Trail Program. The Committee will continue to work on the Adopt a Trail Program at their next meeting.

Mayor Manning appointed Councilmember Stratford as the Council's alternate liaison to the Trials and Landscaping Committee.

(c) City Manager reported the City had applied for its portion of the state allocated Prop. 1B monies and is one of only 46 cities to do so for the first round of allocations. The Community Park demolition was completed ahead of schedule and the Community Park renovation project is now out to bid. He noted the play structure and shade structures have already been ordered. Lastly, he gave an update on the State Budget deficit.

(d) City Council –

Councilmember Walcutt attended the Mid-Year Budget review meeting.

Councilmember Shuey thanked the Police Department for their work at the park informing citizens about the prohibited uses in The Grove.

Councilmember Stratford attended the Mid-Year Budget review meeting and the Mayors' Conference.

Mayor Manning attended the Mayors' Conference, and an HCCP budget meeting.

(e) Other- None.

7. **PUBLIC COMMENTS**- None.

8. **PUBLIC HEARINGS** –None.

9. **ACTION ITEMS**-

(a) Discussion of the Contra Costa County Board of Supervisor's February 12, 2008 consideration of potential sites (including preference for the existing County Jail Farm east of Morgan Territory Road at 12000 Marsh Creek Road in the County unincorporated area) to host a State of California "Re-Entry Facility" as a 500-bed inmate-transitional state prison.

The City Manager presented a staff report stating the County Board of Supervisors started looking at locating a state "Re-Entry Facility" in the County and that a site near Clayton on Marsh Creek Road seemed to be their preferred site. Citizens have been phoning City Hall about the matter and the City of Antioch has publicly disapproved of the proposal. Although the Marsh Creek Road site is not within City limits, staff felt the issue could affect the City and therefore was placed on the agenda for discussion. Since the time of the submittal of the staff report, Supervisors Glover, Uilkema, Gioia, and Bonilla have stated in writing their opposition to the proposal.

David Boatwright, Clayton resident, expressed his agreement with staff's recommendation to oppose a state "Re-Entry Facility" anywhere near Clayton.

It was moved by Councilmember Shuey, seconded by Vice Mayor Pierce for the City Council to oppose the proposed "Re-Entry Facility" site 4 miles east of the City limits and that the Mayor send a sternly worded letter to the Contra Costa County Board of Supervisors stating the City's opposition (5-0 vote).

(b) Presentation of City's Audited Financial Statement for Fiscal Year 2006-2007 prepared by Moss, Levy and Hartziem, Certified Public Accountants.

The Finance Manager presented the staff report stating that was the first year with new auditors and with the City preparing its own financial statements. She stated that overall the audit went well and the City received the highest rating of "Unqualified Position."

No public comments were received.

It was moved by Councilmember Walcutt, seconded by Vice Mayor Pierce to approve the FY 2006-2007 Audited Financial Statement as submitted by the independent auditors (5-0 vote).

(c) Second Reading and Adoption of Ordinance No. 414 amending the Zoning Ordinance including revision of the permitted uses in the Limited Commercial District (Chapter 17.24); revision of various uses, requirements, standards, and findings for Use Permits (Chapter 17.60); and revision of various definitions (Chapter 17.04).

The Community Development Director presented the staff report indicating the changes ordered at the last meeting had been incorporated into the final draft of the Ordinance.

No public comments were received.

It was moved by Councilmember Walcutt, seconded by Councilmember Stratford to have the City Clerk read Ordinance No. 414 [Zoning Ordinance Amendment ZOA 01-07] by title and number only and waive further reading (5-0 vote).

The City Clerk read Ordinance No. 414 by title and number only.

It was moved by Councilmember Walcutt, seconded by Councilmember Stratford to adopt Ordinance No. 414 (5-0 vote).

Vie Mayor Pierce noted for the record that although she was absent at the February 5, 2008 meeting when the Public Hearing was held on this item, she had read the entire Agenda packet on this subject and had sent her written comments to the City Council prior to that meeting expressing her support of the actions.

(d) Presentation of the Mid-Year City Budget status report for Fiscal Year 2007-2008 with consideration of recommendation by the Council Budget Sub-Committee regarding allocation of unanticipated Redevelopment Agency tax increment revenues in the amount of $500,000 to existing Capital Improvement Budget Projects (CIP No. 10367 – Downtown Park, $210,000; and CIP No. 10400 – Downtown Economic Development, $290,000)

The Finance Manager presented the staff report.

The Budget Sub-Committee stated that it was great to see the projection of a balanced budget.

Mayor Manning asked Merle Hufford, City Treasurer to come forward to be recognized for his ten (10) years of volunteer service to the City and thanked him for his hard work and dedication. Mr. Hufford stated he enjoyed working with staff and the Council and that he hoped to continue to serve.

No public comments were received.

It was moved by Councilmember Walcutt, seconded by Councilmember Stratford to allocate of additional Redevelopment Agency funds to augment existing CIP Projects; No. 1-367- Downtown Park, $210,000 and No. 10400- Downtown Economic Development, $290,000). Receive public comments (5-0 vote).

It was moved by Councilmember Stratford, seconded by Vice Mayor Pierce to approve the recommended adjustments to the FY 2007-2008 Mid-Year City Budget as submitted (5-0 vote).

(e) Consideration of a proposed Ordinance adjusting monthly compensation for elected members of the Clayton City Council and appointed members of the City Planning Commission to be effective beginning December 15, 2008.

The City Clerk presented the staff report. She asked the Council to make a policy decision on whether or not to increase the Planning Commission's compensation and when to have that decision go into effect.

No public comments were received.

By consensus, Council decided to include the Planning Commission in the compensation increases and asked that the change coincide with the Council's adjustment commencing December 15, 2008.

It was moved Vice Mayor Pierce, seconded by Councilmember Shuey to have the City Clerk read Ordinance No. 416 by title and number only and waive further reading (5-0 vote).

The City Clerk read Ordinance No. 415 by title and number only.

It was moved by Vice Mayor Pierce, seconded by Councilmember Shuey to approve Ordinance No. 416 for Introduction and First Reading (5-0 vote).

12. **COUNCIL ITEMS** – None

13. **ADJOURNMENT**– On call by Mayor Manning the meeting adjourned at 8:16 p.m.

Respectfully submitted,

Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

Gregory J. Manning, Mayor