

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

TUESDAY, April 1, 2008

1. CALL TO ORDER & ROLL CALL – the meeting was called to order at 6:15 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 (arrived during closed session), and Walcutt. Staff present: City Manager Gary Napper, City Attorney Dan Adams, Interim Community Development Director David Woltering, and City Clerk Laci Jackson.

2. CLOSED SESSION

On call by Mayor Manning, the City Council adjourned into Closed Session for the stated purpose at 6:16 p.m.

- (a) Conference with Legal Counsel, *Government Code Section 54956.9(c)*
Consider Initiation of Litigation (2 cases)

6:49 p.m. Report out from Closed Session: Mayor Manning reported the Council gave direction to legal counsel and recessed until 7:00 p.m.

7:02 p.m. On call by Mayor Manning the City Council reconvened its meeting.

3. PLEDGE OF ALLEGIANCE – Led by Mayor Manning.

4. CONSENT CALENDAR - It was moved by Councilmember Walcutt, seconded by Vice Mayor Pierce to approve the Consent Calendar as submitted (5-0 vote).

- (a) Approved the minutes of the regular meeting of March 18, 2008.
- (b) Approved Financial Demands and Obligations of the City.
- (c) Adopted Resolution 14-2008 approving a Statement of Understanding with the American Red Cross Bay Area Chapter for management of local shelters during a major disaster or emergency.
- (d) Denied and rejected the liability claim filed by Ms. Taisha Ross for alleged vehicular losses incurred on February 15, 2008.
- (e) Adopted Resolution 15-2008 approving the Final Map for Subdivision 8719 (Diablo Pointe) and authorizing the execution of a Subdivision Agreement covering construction of the required improvements.
- (f) Adopted Resolution 16-2008 approving the City's Americans with Disabilities Act (ADA) Transition Plan.

5. RECOGNITIONS AND PRESENTATIONS – None.

6. **REPORTS**

- (a) Planning Commission – Commissioner Bob Armstrong reported on the March 29th meeting of the Planning Commission. The Commission worked on the Rivulet project and are holding their next meeting on April 29th to give the developer more time to work on site plan. The Commission's regular meeting of April 22nd will be deferred to April 29th.
- (b) Trails and Landscaping Committee – No meeting held to report.
- (c) The City Manager responded to question on the grass at "The Grove" park posed by Councilmember Walcutt. The City Manager stated that it was possible that pipe was broken under the grass causing a drainage problem and said the contractor was working on the solution.

The City Clerk gave an update on the "Concerts in The Grove" summer concert series and stated two more concerts had been booked.

(d) City Council

Councilmember Stratford reported he would be participating in Junior Achievement Day at Mt. Diablo Elementary School and he attended the farewell luncheon for Community Development Director Jeremy Graves.

Vice Mayor Pierce attended the luncheon for Jeremy and the Soroptimist Luncheon for Women of Distinction honoring Clayton residents Joanne Caspar and Diana Bower. She also attended Art and Wine Festival's planning committee meeting and the League of California Cities policy committee meeting in Ontario.

Mayor Manning attended the Habitat Conservancy meeting where they purchased their first property with East Bay Regional Parks. He attended Jeremy's luncheon and met with Beverly Lane to discuss the East Bay Regional Park bond measure. He reported he would be participating in the Junior Achievement Day, and had attended the Soroptimist luncheon.

Councilmember Shuey thanked the Maintenance Department for working so hard with the Little League in regards to excellent field conditions at Clayton Community Park.

The Mayor shared emails sent to him by Joe Koonin and the Council held a short discussion. The Council stated how much they appreciated the City Manager and his management skills and noted the City runs smoothly because of the excellent City staff.

- (e) Other- None.

7. **PUBLIC COMMENTS**- None.

8. PUBLIC HEARINGS

- (a) Public Hearing on the Second Reading and Adoption of Ordinance No. 415 to adopt the 2007 Uniform Building Code with amendments.

The Interim Community Development Director presented the staff report and recommended approval.

The Mayor opened the Public Hearing at 7:33 p.m. and closed the Public Hearing at 7:34 p.m. No public comments were received.

It was moved by Councilmember Walcutt, seconded by Councilmember Shuey to adopt the Findings that Ordinance No. 415 is exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15061(b)(3) of the CEQA Guidelines (5-0 vote).

It was moved by Councilmember Walcutt, seconded by Councilmember Shuey to have the City Clerk read Ordinance No. 415 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 Councilmember Walcutt, seconded by Councilmember Shuey to adopt Ordinance No. 415 (5-0 vote).

9. ACTION ITEMS-

- (a) Consider the recommendation for the City of Clayton to protest Contra Costa County's proposed Property Tax Administrative Cost Recovery Plan for FY 2007-08 as inconsistent with Section 97.75 of the *California Revenue and Taxation Code*.

The City Manager presented the staff report and explained the ramifications of the County overcharging cities for the administration of the 2004 Triple Flip program. He stated the cities of Brentwood and Oakley had sent protest letters to the County and the Town of Danville was expected to approve of sending a similar letter at their meeting of April 1st. He also stated the City of Concord would be attending the Board of Supervisors meeting on the issue.

Councilmembers held a lengthy discussion about raising awareness of the issue with other cities, at the upcoming Mayors' Conference and to the County Board of Supervisors.

The City Manager stated the City Managers in the County were aware of the issue and the City Attorney stated that the City Attorney's group was also looking into the issue.

It was moved by Vice Mayor Pierce, seconded by Councilmember Shuey to officially protesting the County's methodology for recovery of Property Tax Administrative Fees and authorize the Mayor to sign and send the City protest letter (5-0 vote).

- (b) Consider a Resolution to the Contra Costa County Board of Education opposing a petition by a group of Walnut Creek parents to transfer six public schools from the Mt. Diablo Unified School District to the Walnut Creek School District and the Acalanes Union High School District.

The City Manager presented the staff report outlining the proposal by the Walnut Creek parents group. He then asked Margaret Norris, Deputy Director of Student Services from the Mt. Diablo Unified School District, to respond to any questions.

Vice Mayor Pierce stated that five years ago when Measure C was discussed many of the schools on the list to be transferred were given large amounts of tax dollars for repairs and that moving the schools into another district that had not paid the taxes would be a gift of assets and taxation without representation.

Ms. Norris added the Mt. Diablo School District pulled from a diverse population and wanted to keep all of the students and families in the District.

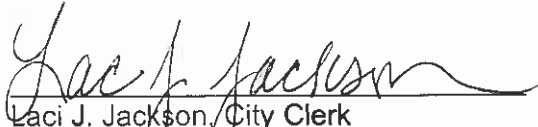
Councilmember Walcutt stated he believed the Walnut Creek proposal smacked of elitism. .

It was moved by Vice Mayor Pierce, seconded by Councilmember Shuey to adopt Resolution 27-2008 and instruct the City Clerk to mail certified copies to the Contra Costa County Board of Education and the Board of Trustees of the Mt. Diablo Unified School District (5-0 vote).

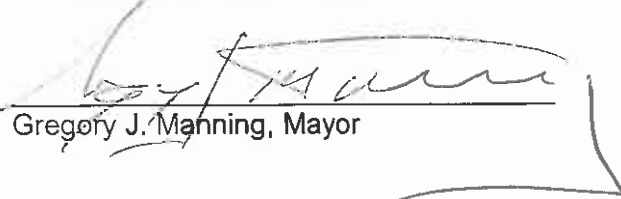
12. **COUNCIL ITEMS** – None

13. **ADJOURNMENT**– On call by Vice Mayor Pierce the meeting adjourned at 8:24 p.m.

Respectfully submitted,


Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL


Gregory J. Manning, Mayor