

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

TUESDAY, April 15 2008

1. **CALL TO ORDER & ROLL CALL** – the meeting was called to order at 6:34 p.m. by Mayor Manning in the Library Community Meeting Room, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Manning, Vice Mayor Pierce, Councilmembers Shuey (arrived during closed session), Stratford and Walcutt. Staff present: City Manager Gary Napper, City Attorney Dan Adams, Interim Community Development Director David Woltering, Assistant to the City Manager Laura Hoffmeister 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 6:34 p.m.

- (b) *Government Code Section 54956.9(c)*, Conference with Legal Counsel
(City Council)
Initiation of Litigation (1 case)

7:11 p.m. Report out from Closed Session: Mayor Manning reported the Council gave direction to legal counsel, and then he recessed the Council meeting until after the Redevelopment Agency business.

7:14 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 Shuey, seconded by Councilmember Walcutt to approve the Consent Calendar as submitted (5-0 vote).

- (a) Approved the minutes of the regular meeting of April 1, 2008.
(b) Approved the Financial Demands and Obligations of the City.

5. **RECOGNITIONS AND PRESENTATIONS**

- (a) Recognition of Clayton Police Officer Rich Enea Jr. by Mothers Against Drunk Drivers (MADD) of California. Mr. Silas Miers, Program Coordinator for MADD of California recognized Officer Enea as a MADD California Hero Award for issuance of 59 DUI arrests in 2007.

Mayor Manning read the following Proclamations and presented them to corresponding Library staff and volunteers:

- (b) Proclamation declaring April 13-19, 2008 as "Clayton Community Library Week".
(c) Proclamation declaring April 18, 2008 as "Clayton Community Library Volunteer Day".
(d) Proclamation declaring May 2008 as "Contra Costa County Library Reading Festival Month" in the City of Clayton.
(e) Presentation of the Annual Report of the Clayton Community Library Foundation by Joyce Atkinson, CCLF President.

Following Ms. Atkinson's report, Vice Mayor Pierce asked what citizens should do if they want to donate books for the book sale.

Ms. Atkinson responded the Foundation is always accepting books and videos. Donations can be made during Library hours and they accept anything except text books, duck-taped books, atlas', or encyclopedias. She also reminded citizens the Library's semi-annual book sale is held April 26th-27th.

6. REPORTS

- (a) Planning Commission – Commissioner Ed Hartley reported on the April 8th meeting where the Commission continued testimony on Large Family Day Care permits and reviewed architecture for the Rivulet project. The next regular meeting of the Planning Commission is deferred until April 29th.
- (b) Trails and Landscaping Committee – JoAnn Caspar reported on the April 14th meeting. She stated the Committee would be changing their meetings to the 3rd Monday of each month. They discussed the Adopt a Trail concept and were presented with an information session on litter prevention and awareness. The Committee will be working with the Clayton Pioneer to put District information in the newspaper. Lastly, they approved the proposed FY 08-09 budget and the use of annual replacement fund for trail repairs.

Councilmember Walcutt noted he attended the meeting and stated there was a long discussion about litter and asked the Mayor to mention it in his Mayors' column.

- (c) The City Manager reported the Community Park upgrades were coming along but stated the picnic shelters were delayed due to a fire in the Omaha, Nebraska factory that powder-coats the materials. He stated the County Board of Supervisors asked the County Administrative Office to meet with the City Managers to discuss the issue of overcharged property tax administration fees.
- (d) City Council

Councilmember Walcutt attended the Trails and Landscaping Committee meeting.

Councilmember Stratford attended the Junior Achievement Day, the Mayors' Conference in Lafayette, and CERT training. He reminded the public to sign up for CERT training.

Vice Mayor Pierce attended the Mayors' Conference and an Administrative Meeting at the Contra Costa Transportation Authority.

Mayor Manning attended the Junior Achievement Day, the Mayor's Conference, a CERT oversight meeting, and the open house at the elementary school.

- (e) Other- None.

7. PUBLIC COMMENTS- None.

8. PUBLIC HEARINGS

- (a) Consideration of a Resolution approving amendments to the Urban Design section (Chapter 4) of the *Clayton Town Center Specific Plan* (SPA 01-07)

The Interim Community Development Director presented the staff report and provided a hand out summary further clarifying the changes in the document.

Vice Mayor Pierce had a question regarding wood shingles as preferred materials for roofing. She also asked if wood shingles are acceptable and if stucco finish was allowed on exterior walls.

Commissioner Hartley responded that the Commission had spent time discussing the issues and had determined that fire treated shingles would be okay. In regards to the stucco, he responded the Planning Commission reserved design discretion on this issue.

Councilmember Walcutt added he disliked the idea of wood shingles on any of the buildings due to fire hazards.

Mayor Manning opened the Public Hearing at 8:00 p.m., no Public Comments were received, and closed the Public Hearing at 8:01 p.m.

It was moved by Vice Mayor Pierce, seconded by Councilmember Shuey to approve the Resolution as amended by the following: remove "wood shingles" from the list of materials to be encouraged on exterior walls and roofs, and add "wood shingles" as a material specifically listed as not acceptable on exterior walls and roofs (5-0 vote).

9. ACTION ITEMS

- (b) Presentation and consideration of the research findings on the feasibility and establishment of a 2008 Farmers' Market in the Clayton Town Center.

The Assistant to the City Manager presented the staff report on a Farmers' Market in downtown. She stated the City had been successful in seeking a proposal from Pacific Coast Farmers' Market Association. She met with the group in the downtown area where they discussed the proposed plan. The market will be held from May 17th through October 25th on Saturdays.

Councilmember Shuey asked if they had a plan for the extension of the market if it needs to expand due to success. Ms. Hoffmeister stated that if the market grew in size it would be extended onto portions of Main Street.

Councilmember Walcutt asked if the businesses in the area had been contacted. Ms. Hoffmeister stated all of the businesses in the area were contacted and they were excited and enthusiastic about the event.

Representatives from the Pacific Coast Farmers' Market stated that on opening day there would be a ribbon cutting. They also stated they had already been in contact with a variety of local farmers who would bring a multitude of fresh fruits and vegetables.

It was moved by Vice Mayor Pierce, seconded by Councilmember Shuey to approve the City's hosting of a seasonal 2008 Farmers' Market each Saturday beginning with Saturday, May 17, 2008 (9:00 a.m. – 1:00 p.m.) through October 18, 2008, to be held on Diablo Street between Main and Center Streets, and authorize the City Manager to execute the Agreement for Professional Services with Pacific Coast Farmers' Market Association for its management and operation of the event (5-0 vote).

- (a) Introduction and First Reading of Ordinance No. 417 amending the *Clayton Municipal Code* to establish procedures for the City's recordation of a Notice of Pending Action on real property involving public nuisances and other violations of the *Municipal Code*.

The City Attorney presented the staff report and outlined the Ordinance explaining the procedure whereby the City can use recorded notices and liens against private property to enforce code violations without resorting to costly litigation.

No public comments were received.

Councilmember Shuey asked if this would take care of blight. The City Attorney responded that was the intent.

Councilmember Shuey also asked if loitering on private property would be addressed with this Ordinance. The City Attorney responded he would look into the matter.

Councilmember Walcutt asked if this Ordinance was meant to be used when the City had exhausted all other means. The City Attorney responded yes, that a series of citations would be issued first then the Notice of tenancy of action would be recorded against the property.

Councilmember Stratford asked who made the call on whether or not to record the notice.

The City Manager responded the designated Code Enforcement Officer after consultation with City management and the City Attorney.

It was moved by Councilmember Shuey, seconded by Vice Mayor Pierce to have the City Clerk read Ordinance No. 417 by title and number only and waive further reading (5-0 vote).

The City Clerk read Ordinance No. 4176 by title and number only.

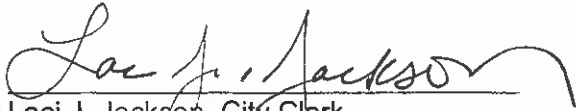
It was moved by Councilmember Shuey, seconded by Vice Mayor Pierce to adopt a motion to approve Ordinance No. 417 for Introduction and First Reading (5-0 vote).

12. COUNCIL ITEMS

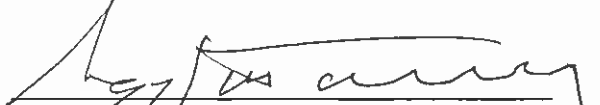
Vice Mayor Pierce asked when the notices for overgrown vegetation would be issued. The City Manager responded that usually that occurs in May but is adjusted depending on the seasonal rains and weather. He noted that City crews finished their first wave of trimming along the trails pursuant to Measure B standards.

13. **ADJOURNMENT**– On call by Mayor Manning the meeting adjourned at 8:38 p.m.

Respectfully submitted,


Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL


Gregory J. Manning, Mayor