MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

TUESDAY, September 2, 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 Shuey and Stratford. Absent: Councilmember Walcutt. Staff present: City Manager Gary Napper, City Attorney Dan Adams, Community Development Director David Woltering, Police Chief Dan Lawrence, 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 Shuey, seconded by Vice Mayor Pierce to approve the Consent Calendar (4-0 vote).**

(a) Approve the minutes of the regular meeting of August 19, 2008.

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

(c) Accepted the Financial Investment Report for the 4th Quarter of Fiscal Year 2007-2008, ending June 30, 2008.

(d) Adopted Resolution 46-2008 approving Carry-Over/Encumbrance monies from the unexpended Operating Budget, incomplete Capital Improvement and Capital Outlay Funds from Fiscal Year 2007-2008; and amending the adopted 2008-2009 City Budget accordingly.

(e) Adopted Resolution 47-2008 approving a covenant for recordation on real property title for stormwater management facility operations and maintenance, and right of entry, in Subdivision 8931 (Mitchell Creek Place).

(f) Adopted Resolution 48-2008 finding the construction of improvements in Subdivision 8931 (Mitchell Creek Place) are complete and accepting certain street rights of way as public streets and the easements within said Subdivision as public easements.

(g) Adopted Resolution 49-2008 accepting the fabrication and installation of a custom-design public restroom at The Grove park project as complete and ordering the filing of a notice of completion (CIP No. 10367).

5. **RECOGNITIONS AND PRESENTATIONS**

(a) Mayor Manning read aloud the Proclamation declaring September 11, 2008 as "Fly the Flag Day" in remembrance of the national events on September 11, 2001.

6. REPORTS

(a) The City Attorney reported on Planning Commission's Study Session of August 26th regarding the residential vegetable stand on Mitchell Canyon Road. The Planning Commission received public testimony and provided guidance to staff in regards to: 1) drafting an Ordinance allowing for such outdoor sales in residential zones for future consideration; 2) exploring the ideas for an interim solution while the Commission works on the Ordinance; and 3) explore rescinding the Notice of Violation. He noted staff was working through the process. Further, he noted that at this time the Municipal Code does not allow for occasional retail/commercial uses in a residential areas, an interim side agreement permitting such, or rescission of the Notice of Violation.

(b) Planning Commission – Commissioner Bob Armstrong stated the City Attorney had already discussed the major issue at the August 26th Planning Commission meeting. He noted the Commission will also look to amend procedures for administrative approval of site plan reviews at their next meeting.

Vice Mayor Pierce thanked staff and the Planning Commission for conducting themselves with decorum during the very trying vegetable stand situation.

(c) Trails and Landscaping Committee – No meeting held to report.

(d) The City Manager reported the State still had not approved a budget and has seriously passed the constitutional deadline of July 1st. He reminded residents about the final three concerts in The Grove.

(e) City Council

Councilmember Shuey attended the Labor Day Derby sponsored by the Clayton Community Church and noted it was a big success. He believed it drew more business into the downtown area and thanked Diablo Valley Ranch for their help during the event.

Councilmember Stratford attended the pre-Derby dinner and was impressed by all of the volunteers. He also attended the dedication ceremony of the Blue Star By-way Memorial Marker in The Grove. He thanked the Garden Club and the Eagle Scout for their hard work on this addition.

Vice Mayor Pierce also attended the Blue Star By-way Memorial Marker ceremony and noted the City might want to think about keeping people from sitting on the rock.

(f) Other

Mayor Manning introduced City Council candidates Dan Richardson, Joe Medrano, Howard Geller and Julie Pierce.

Dan Richardson stated he is happy to be back in front of the Council and is looking forward to putting his 30 plus years of public service to work for the City of Clayton. He is looking to help solve problems and reach consensus. He stated he wants to look at where Clayton is headed and create goals while celebrating the successes of the past 20 years.

Joe Medrano stated he has volunteered his time to the city and wants to continue to build upon what has been established.

Howard Geller stated he has lived in Clayton for 33 years and understands there is a lot to learn about the City. He stated his goal was to continue to work on economic growth and he hopes to bring his business sense to the Council. Lastly, he stated he does a lot of volunteer work at community events.

Julie Pierce noted she is indeed he running again for the City Council.

7. PUBLIC COMMENTS

Jeff Adams, Concord resident, thanked the City Council for working with his son Matthew Adams (Eagle Scout) on the Blue Star By-Way Memorial Marker. He also stated he is running for a seat on the Mt. Diablo Unified School District Board because he is concerned and believes our children need better representation on the Board.

Jon Van Brusslen stated he was not happy with the comments of commissioners at the Planning Commission meeting on the vegetable stand across the street from him; he felt hung out to dry. He stated the issue had never been about the children.

Vice Mayor Pierce stated that in regard to the vegetable stand there was no permit granted, nothing had been changed, and the violation letter has not been rescinded.

8. PUBLIC HEARINGS- None.

9. ACTION ITEMS

(a) Consideration of the draft Contra Costa County Delta Water Platform regarding the State of California's solutions to sustain the Sacramento-San Joaquin Delta and its many resources.

Arne Simonsen, Chair of the CA Delta Protection Commission outlined the draft report and asked the City to support the County platform to maintain and restore the Delta.

Following discussion and by consensus, the Council asked the Mayor to support the County's platform at the upcoming Contra Costa County Mayors' Conference.

(b) Continued consideration of a Resolution endorsing the East Bay Regional Parks District's (EBRPD) November 2008 ballot measure (Measure WW) to extend its regional open space, wildlife, shoreline and parks Bond.

The City Manager presented the staff report and noted the EBRPD had sent a letter confirming that the City could use its share of the bond money to do major repairs (ie. pavement overlay, shoulder repairs, and complete pavement replacements) of its existing trail system.

Councilmember Shuey asked if quarterby dust trails would qualify for renovation in contrast to AC Trails? Jeff Rasmussen, Grants Manager, EBRPD, said that as long as it was rebuilt to withstand 20 years, it would not be a problem.

Mayor Manning thanked the EBRPD for their work on the Bond Measure.

Vice Mayor Pierce stated she would be voting against supporting the Bond Measure because she did not feel as though the EBRPD had provided sufficient information on how they would maintain the properties they would purchase for open space uses. She stated she was afraid the EBRPD might acquire more land than they could handle. She did acknowledge that she liked the idea of the City obtaining money for its trail system.

Councilmember Stratford stated he did not like the idea of the EBRPD acquiring more land and then putting another tax measure to the voters to maintain the land.

Councilmember Shuey stated he had misgivings as well but trusted that the EBRPD would make it all work and that he based this opinion on their past success.

Mayor Manning asked for Public Comments.

Candace Bass, Chairperson of the Trails and Landscaping Committee asked if trail erosion restoration would be grant eligible? Jeff Rasmussen stated that as long as it was taken care of in a capital improvement and permanent way then it would fit under the requirements.

Sandy Johnson asked how badly out of shape our trails are and how the $500,000 would really be useful? Mayor Manning responded that at this time there is no City money for trail capital improvements and funds like this would be needed to do any capital improvement projects on the trails. The City Manager also stated the Trails and Landscaping Committee recently completed a trails inventory stating the condition of all of the trails in the City and expectant estimates to repair or rehabilitate.

Mayor Manning stated that 20 years ago the City Council had the same concerns about Measure AA grant monies but he believes now is the time to purchase land for the future because the real estate prices are lower.

Vice Mayor Pierce stated she did not think that logic was satisfactory in today's economic times.

It was moved by Councilmember Shuey, seconded by Mayor Manning to approve Resolution 50-2008 endorsing the East Bay Regional Parks District's (EBRPD) November 2008 ballot measure (Measure WW) to extend its regional open space, wildlife, shoreline and parks Bond (2-2 vote; Noes Pierce and Stratford), Resolution failed.

Mayor manning requested this item be placed on the next Agenda when a full Council is present.

(c) Second Reading and Adoption of Ordinance No. 418 for Municipal Parking lot time limitations on public parking.

The Police Chief presented the staff report.

No public comments were received.

Councilmembers expressed concern over issuing tickets for parked cars of restaurants or saloon patrons who leave them there rather than drive home intoxicated. The Police Chief stated officers would use discretion and would issue warnings before citations.

It was moved by Vice Mayor Pierce, seconded by Councilmember Shuey, to have the City Clerk read Ordinance No. 418 by title and number only and waive further reading (4-0 vote).

The City Clerk read Ordinance No 418 by title and number only.

It was moved by Vice Mayor Pierce, seconded by Councilmember Shuey to adopt Ordinance No. 418 (4-0 vote).

(d) Consideration of City Council position on four (4) proposed General Resolutions for the 2008 Annual Conference, League of CA Cities.

The City Manager presented the staff report and noted in order to balance the City Budget, items such as training and workshop attendance at Conferences such as this were nearly eliminated. Consequently, although no City official will attend the upcoming Conference, the Council may still wish to communicate its position on these business resolutions to the League of California Cities in advance. He then outlined the four General Resolutions submitted for vote by the statewide General Assembly at the Conference.

The City Council discussed each Resolution, and then asked the Mayor to sign a letter expressing the Council did not support Resolution 1 regarding League Bylaw amendments. They did not support this Resolution because they believe the 47-member League Board was already diverse and that adding seats for special interest groups would not be beneficial. The Council supported Resolutions 2, 3, and 4.

The Council also asked that a letter be sent asking the League to re-evaluate their policy and re-look at alternatives for having the Business Meeting held on Saturday of the Conference. They stated that if the Business Session was held on another day it would help cities reduce lodging and expense costs in attending the Conference.

10. **COUNCIL ITEMS** – None.

11. **ADJOURNMENT**– On call by Mayor Manning the meeting adjourned at 8:33 p.m.

Respectfully submitted,

Laci J. Jackson

Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

Gregory J. Manning, Mayor