

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

TUESDAY, January 6, 2009

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:00 p.m. by Mayor Pierce in the Library Community Meeting Room, 6125 Clayton Road, Clayton, CA in honor of P.F.C. Ben Tollefson. Councilmembers present: Mayor Pierce, Vice Mayor Stratford, Councilmembers Geller, Medrano, and Shuey. Staff present: Assistant to the City Manager Laura Hoffmeister, Assistant City Attorney Maury Huguet, and City Clerk Laci Jackson.

2. **CLOSED SESSION** - None.

3. **PLEDGE OF ALLEGIANCE**

Mayor Pierce asked everyone to remain standing after the Pledge of Allegiance for a moment of silence in honor of P.F.C. Ben Tollefson. Mayor Pierce led the Pledge of Allegiance. Mayor Pierce invited Planning Commissioner Ed Hartley forward (father in-law of P.F.C. Ben Tollefson).

Mr. Hartley stated he was speaking for he and his wife Cecilia. He stated that P.F.C. Benjamin Tollefson was killed serving his Country in Iraq. He expressed gratitude from Natalie Hartley Tollefson, Mac Tollefson, the Tollefson family and Hartley family to the community and the surrounding communities for their support during this difficult time. He thanked Pete Laurence for making sure the flags were lowered to half staff in Clayton and around Concord. He stated Ben would be arriving home to Concord on Thursday and the funeral would be held on Saturday January 10th at 11am with the burial to follow at the Golden Gate National Cemetery in San Bruno. He also expressed gratitude to the Blue Star Mom's for their assistance.

Mayor Pierce gave her heartfelt sympathies to the family and friends of P.F.C. Tollefson. She also stated the Concord City Council, County Board of Supervisors, and the Walnut Creek City Council all opened their meetings in P.F.C. Tollefson's memory.

4. **CONSENT CALENDAR-** Councilmember Shuey asked that Item 4c be pulled for discussion. The item was moved to the agenda of January 20, 2009 in order to allow time for more review of documents by the City Council. It was moved by Councilmember Geller, seconded by Councilmember Shuey to approve the remainder of the Consent Calendar (5-0 vote).

(a) Approved the minutes of the regular meeting of December 18, 2008.

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

Item moved to the January 20, 2009 meeting.

(c) Adopt a Resolution accepting the Marsh Creek Retaining Wall Project (CIP No. 10404) as complete and ordering the filing of a Notice of Completion.

5. RECOGNITIONS AND PRESENTATIONS

- (a) Mayor Pierce presented a Certificate of Recognition to Barbara Halperin for voluntary beautification and litter pickup efforts along Cardinet Trail. She stated she hopes the rest of the community follows her example.

6. REPORTS

- (a) Planning Commission – Commissioner Keith Haydon reported on the December 18th meeting of the Planning Commission. The commission conducted a Site Plan Review of a home on Morningside Drive.
- (b) Trails and Landscaping Committee – No meeting held to report.
- (c) The Assistant to the City Manager reported that a lost citizen from the Clayton community had been found by a hiker on Mt. Diablo and was taken to the hospital as a precautionary measure.
- (d) City Council

Councilmember Medrano met with all of the department heads and volunteered at the Clayton Counts Down, which he enjoyed and was surprised by the number of people in attendance.

Vice Mayor Stratford attended the East County Habitat Conservancy meeting.

Councilmember Geller met with all of the department heads. He helped set up for the Clayton Counts Down and was able to get ice donated for the event from Safeway. He also met with Mike Fossan and Don Stone regarding the Concerts in The Grove.

Councilmember Shuey volunteered at the Clayton Counts Down and was amazed by the amount of time and effort that is put into the event to make it successful.

Mayor Pierce thanked all the attendees of the 6th Annual Clayton Counts Down. She stated the event was 100% sponsor paid. She also stated the community donated \$508 at the door of the event. She attended a Transportation Authority meeting and was re-appointed to the League of California Cities transportation policy committee. Lastly, she attended the Board of Supervisors re-organization luncheon, where Supervisor Susan Bonilla who's district is Concord and Clayton, was selected as Board Chair for this year.

- (e) Other – None.

7. PUBLIC COMMENT ON NON-AGENDA ITEMS- None.

8. PUBLIC HEARINGS

- (a) Introduction and First Reading of an Ordinance to amend various sections of the *Clayton Municipal Code* to allow personal property outdoor sales in residential districts up to six (6) days per calendar year per residential unit.
(Ordinance No. 420; ZOA 03-08)

The Community Development Director presented the staff report. He indicated the key components of the Ordinance include allowing personal property sales up to six days per calendar year, the sales would be limited to the period from 8:00 a.m. to 5:00 p.m., and that these sales could not result in negative parking or traffic circulation impacts. He clarified that "Personal Property Sales" would include garage and yard sales. He also suggested clarifications and/or minor corrections to the Ordinance as follows:

1. Section 3. should refer to 15.08.040 (Exempt Signs); and
2. Section 4. should refer to and include "Residential Open House" as well as Personal Property Sale signs.

Finally, the Community Development Director indicated that the Planning Commission believed this Ordinance would continue to support preserving the character of residential neighborhoods while allowing for some limited outdoor sales in those areas.

Mayor Pierce opened the Public Hearing at 7:34 p.m.

Juan Sanchez, resident stated he liked the ordinance and wanted to see it passed.

Jennifer Lewis, mother of Katie and Sabrina Lewis thanked City staff, the Planning Commission, the City Council and the community for their help and support. She stated she believes in living sustainability and that the codes should be changed or modified. She indicated support for the proposed Ordinance. She stated she hopes future Mayors can be more open minded regarding the process.

Mayor Pierce closed the Public Hearing at 7:37 p.m.

The Council held a lengthy discussion on the number of days that should be allowed for "Personal Property Sales." Councilmember Geller stated produce sales and garage sales are two entirely different issues and believes allowing the garage sales six times per year is excessive. He also stated the CBCA could consider sponsoring children who want to sell produce at the Farmers' Market.

Councilmember Shuey stated the Ordinance is a reasonable compromise and that the interested parties seemed to be satisfied. He also stated it would be difficult to break it down further.

Councilmember Medrano stated he would like to see no more than two garage sales per year and no more than six sales of other products per year.

Vice Mayor Stratford stated staff and the Planning Commission had put a lot of work into the Ordinance and he believes it is a good compromise. He stated he may not personally like six garage sales per year but he does not think six days of sales is excessive. He stated he was happy with the Ordinance the way it is.

Mayor Pierce stated staff and the Planning Commission had spend a lot of time working on this Ordinance. She asked if the Planning Commission had discussed whether the days should be consecutively or not. The Community Development Director stated they did not discuss the issue of consecutive sale days. Mayor Pierce stated it might be an issue if people set up a sale for six consecutive days because it might change the character of the neighborhood.

The Assistant City Attorney stated the Council should not make distinctions on who can sell what.

Mayor Pierce concluded by stating that it is difficult to define requirements exactly and while she has a concern about people holding sales on consecutive weekends, if

concerns were to rise the Council could always take the matter up again to further refine or amend the Ordinance.

It was moved by Councilmember Shuey, seconded by Vice Mayor Stratford to have the City Clerk read Ordinance No. 420 by title and number only and waive further reading (5-0 vote).

The City Clerk read Ordinance No. 420 by title and number only.

It was moved by Councilmember Shuey, seconded by Vice Mayor Stratford to approve Ordinance No. 420 for Introduction and First Reading (4-1 vote, No-Geller).

9. ACTION ITEMS

- (a) Critique of the 2008 Concerts in The Grove Series with the results of the downtown business and citizen surveys, and policy discussion regarding scope and frequency of a concerts series in 2009.

The City Clerk presented the staff report with an overview of the Summer Concert series, suggestions for the coming year, results from a citizen and business survey, and an action plan for the 2009 series. For the 2009 series it was suggested the concerts be held every other Saturday from 6-8:30 p.m. The committee would also be enlisting the support of the Diablo Valley Ranch for set-up and clean-up help.

Councilmember Medrano asked the committee to look into sponsors for the concerts.

Councilmember Geller stated one of the plans was to have the public be the sponsors of the concerts by making donations at the concerts. Donations jars will be set up at the event for public donations.

Councilmember Medrano reiterated the committee should look into company sponsorships. He also asked that some of the concerts be held on Sundays possibly in the afternoon to better accommodate downtown restaurants.

Councilmember Geller stated that the committee could look into Sunday concerts, if sponsors became available. He also stated he talked to the citizen who complained about the sound and that the citizen was happy about the concerts being held every other weekend and for the shortened time period.

Mayor Pierce stated the Council could look into sponsor options before the next Redevelopment Agency meeting where the funding was approved. She stated any sponsors could off-set the cost of the concerts. Having some Sunday concerts in lieu of some Saturdays could also be explored. The time frame for Sundays should be the same as Saturdays both for heat issues and consistency.

- (b) Set Tuesday, February 3, 2009 at 4:30 p.m. in the City Hall 3rd Floor Conference Room as the date and time for a Special Meeting for the annual Council-Manager Goals & Objectives Session.

It was moved by Councilmember Shuey, seconded by Vice Mayor Stratford setting Tuesday, February 3, 2009 at 4:30 p.m. in the 3rd Floor Conference Room at

Clayton City Hall, 6000 Heritage Trail, as the date, time and location for the Special Meeting (5-0 vote).

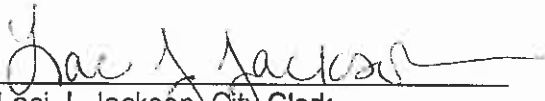
- (c) Consideration of a suggested modification to the *Clayton Municipal Code* to expand the recently-adopted dimensional threshold for administrative approval of minor additions on single-story residences to include 2-story homes when the minor addition is limited to ground-floor space.

By consensus, the Council asked the Community Development Director to bring the Ordinance back to the Planning Commission for review and recommendation to the City Council.

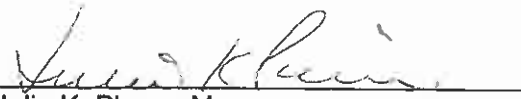
10. **COUNCIL ITEMS** – None.

11. **ADJOURNMENT**– On call by Mayor Pierce the meeting adjourned at 8:48 p.m.

Respectfully submitted,


Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL


Julie K. Pierce, Mayor