

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

TUESDAY, January 20, 2009

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 6:32 p.m. by Mayor Pierce in the Library Community Meeting Room, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Pierce, Vice Mayor Stratford, Councilmembers Geller, Medrano, and Shuey (arrived at 6:34 p.m.). Staff present: City Manager Gary Napper, Assistant to the City Manager Laura Hoffmeister, City Attorney Dan Adams, Community Development Director David Woltering and City Clerk Laci Jackson.

2. **CLOSED SESSION** - On call by Mayor Pierce, the City Council adjourned into Closed Session for the stated purpose at 6:32 p.m.

(a) *Government Code Section 54956.9*, Conference with Legal Counsel
Pending Litigation:

1. *Katzman, et al. v. City of Clayton, et al.* Coordinated Cases
Master/C07-01461/C07-00707, Superior Court of CA, Contra Costa County

7:26 p.m. Report out of Closed Session: Mayor Pierce reported the Council gave direction to Legal Counsel and to staff.

3. **PLEDGE OF ALLEGIANCE** – led by Mayor Pierce.

4. **CONSENT CALENDAR-** Councilmember Shuey asked that Item 4c be pulled for discussion. He asked the City Engineer if he was absolutely satisfied with the work on the replacement retaining wall. The City Engineer stated the columns of the wall were not leaning but are turned slightly. He stated this is not a concern to the structural effectiveness. **It was moved by Vice Mayor Stratford, seconded by Councilmember Shuey to approve the Consent Calendar as submitted (5-0 vote).**

(a) Approved the minutes of the regular meeting of January 6, 2009.

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

(c) Adopted Resolution 01-2009 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) Linda Pinder, President of the Clayton K-9 Coalition, presented the City with \$250 to help partially pay for the support services and doggie supplies at the Clayton Dog Park. Mayor Pierce accepted the check and thanked the Clayton K-9 Coalition for its generosity and upkeep of the Dog Park.

6. **REPORTS**

- (a) Planning Commission – Commissioner Ed Hartley reported on the January 13th meeting of the Planning Commission. The Commission approved upgrades to the Clayton Station with conditions of approval for on-going maintenance of the walls, grounds and the creek corridor behind the Safeway store. The Community Development Director added the conditions would require regular maintenance on the backside of the building. Councilmember Geller asked if City Maintenance staff had looked into placing garbage cans in adjacent Westwood Park.
- (b) Trails and Landscaping Committee – No meeting held to report.
- (c) The City Manager invited Jennifer Beck, Program Director from the YMCA to report on recreation activities at the Clayton Community Gym.

Ms. Beck stated there were more than 250 children signed up to play in the basketball league, the most ever. She stated registration for summer classes and programs would begin on February 16th and if citizens were interested in spring leagues such as t-ball and soccer they could call 889-1600 or go online to www.mdrymca.org.

Councilmember Shuey asked for a link to the Mt. Diablo Region YMCA be located on the City's homepage.

- (d) City Council

Councilmember Medrano attended the Mayors' Conference and met with Councilmember Geller to discuss a marketing plan for Endeavor Hall.

Vice Mayor Stratford attended the Mayors' Conference and the East Bay Division of the League of CA Cities meeting.

Councilmember Geller attended a Contra Costa Water District meeting, the Mayors' Conference, and met with Councilmember Medrano at Endeavor Hall. He also met with Allied Waste Services about sponsorships, and the Easley family to discuss development potentials.

Councilmember Shuey thanked the Community Development Director for his work with the affordable housing units.

Mayor Pierce attended a Transportation Authority meeting, and ABAG Executive Committee meeting, and the Mayors' Conference. Lastly, she also led a group of eleven Girl Scouts in a tour of City Hall as part of their Leadership Merit badge.

- (e) Other – None.

7. **PUBLIC COMMENT ON NON-AGENDA ITEMS**

Tamara Steiner, Clayton Pioneer stated on January 26th 7:30 pm in the Library Meeting Room there would be a planning meeting for the Clayton Cleans Up day in April. She invited anyone interested in helping organize the event to come down.

8. **PUBLIC HEARINGS** – None.

9. **ACTION ITEMS**

- (a) Second Reading and Adoption of Ordinance No. 420 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 recommended the Council move forward and adopt the Ordinance.

Councilmember Geller stated he still believes six garage sales a year is excessive; 2 days per year is sufficient. He further believes produce sales should be treated completely different.

Councilmember Medrano asked that the words "wares" and "merchandise" be deleted from the Ordinance in terms of definitions for personal property sales.

The City Manager stated that recommendation would not change the intent of the Ordinance.

It was moved by Councilmember Shuey, seconded by Councilmember Medrano to have the City Clerk read Ordinance No. 420 by title and number only, as amended, 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 adopt Ordinance No. 420 with the words "wares" and "merchandise" deleted (4-1 vote: Geller-no).

Mayor Pierce asked this subject to be looked at again in one year to determine effect and consequences.

- (b) Update on the Farmers Market Program for 2009

The Assistant to the City Manager presented the staff report on the Farmers' Market in Downtown Clayton. She stated the Pacific Coast Farmers' Market Association (PCFMA) wishes to return again in 2009. They suggest the Market be held Saturdays from 8am-12pm (open earlier; close earlier) from May 9-October 31. The Market will not be held on July 4th or Oktoberfest weekend, and an information booth could be set up to distribute Clayton business guides. She also stated the Market would continue to offer the opportunity for backyard farmer booths and all they will need would be insurance. She stated the PCFMA would be advertising in the Clayton Pioneer and their new Concordian in order to draw people down to the event, but they will need help with funding. The PCFMA will be conducting a survey to see what types of produce and booths the citizens would like to see at the Market.

Councilmember Geller asked for more visibility with signs directing patrons to the Market.

Vice Mayor Stratford asked if a sign could go up at the Shell Station, even though it is not in Clayton, in order to draw people from the borders.

Councilmember Shuey stated helping with advertising would be a great use of Redevelopment funds and stated the Redevelopment Agency should provide the money to help with advertising.

The City Manager asked if the PCFMA was planning on sending the emails out to interested citizens about upcoming produce again. The Assistant to the City Manager stated they are planning on sending emails out again and having the background music playing during the market.

It was moved by Councilmember Shuey, seconded by Vice Mayor Stratford to extend the contract with the Pacific Coast Farmers' Market for two years (5-0 vote).

- (c) Consider concept proposal for a "Shop Clayton First" program.

Councilmember Geller said he came up with the idea of a "Shop Clayton First" program as a way to get Clayton citizens to shop in Clayton before shopping in other cities. The idea outlined in the Council packet would be a collaboration between the City and CBCA and would provide advertising for businesses in the city. The idea is to keep the tax dollars in Clayton, increase business license revenue, and membership to the CBCA. The program would come to fruition with a "Shop Clayton First" website.

Councilmember Medrano stated he would not want to make being a part of CBCA a requirement for being a part of the program.

Councilmember Geller stated he would like inevitably to make it a CBCA program.

Vice Mayor Stratford asked if this would be a CBCA program. He stated it seems like something a Chamber of Commerce would be involved with and it seems like CBCA should be running the program.

Councilmember Shuey stated he liked the idea and would like to allocate Economic Development funds to help with the website advertising.

The City Manager stated the City could assist CBCA with the program implementation to help promote businesses in the Redevelopment Agency Project Area (downtown).

Mayor Pierce thinks the concept is a great one but does not think a CBCA membership should be a prerequisite to the program. She does not believe the City can force anyone to be a member of CBCA and stated the CBCA Board needs to be pitched the idea of the program. She stated she and Councilmember Medrano can pitch the idea to the CBCA at their next meeting.

Ed Hartley, CBCA member, stated he thought the idea was wonderful and thinks the City and CBCA should be behind this. He stated the program would be very complementary to the section of the Retail Study that indicated promoting existing businesses. He stated this would be very complementary to downtown business and it would be a great way to get home occupation businesses involved.

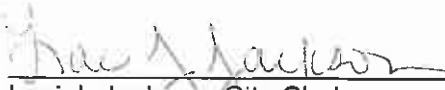
There was a general Council consensus support the concept and encouraging CBCA to take the lead.

10. **COUNCIL ITEMS**

Mayor Pierce asked that a discussion be held at the February 3rd meeting to possibly name the Library Meeting Room in honor of Bob and Eldora Hoyer.

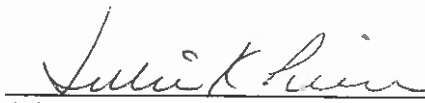
11. **ADJOURNMENT**– On call by Mayor Pierce the meeting adjourned at 8:38 p.m.

Respectfully submitted,



Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL



Julie K. Pierce, Mayor