

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

TUESDAY, SEPTEMBER 15, 2009

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:00 p.m. by Mayor Pierce in Hoyer Hall of the Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Pierce, Vice Mayor Stratford, Councilmembers Geller and Medrano. Councilmember absent: Shuey. Staff present: City Manager Gary Napper, City Attorney Dan Adams, Finance Manager Pelletier, Assistant to City Manager Hoffmeister, Assistant Planner Sikela, Police Chief Lawrence and Deputy City Clerk Cupit.

2. **CLOSED SESSION** - None.

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

4. **CONSENT CALENDAR**

Mayor Pierce pulled Items 4(c) and 4(d):

- (c) Adopt a Resolution approving the City Master Fee Schedule for certain City services and use of City facilities and parks in FY 2009-10.

Mayor Pierce noted some minor typographical corrections to the Resolution and Fee Schedule (re: home "occupation" permit).

- (d) Adopt a Resolution accepting a letter of confirmation from franchisee and approving the transfer of the City's Solid Waste and Recyclable Materials Management Services Franchise Agreement from Allied Waste Industries, Inc. to Republic Services, Inc.

Mayor Pierce invited Tim Argenti, from Republic Services to speak. Mr. Argenti stated the merger of Allied Waste and Republic Services went well; noted upcoming changes for recycling, including the conversion of methane gases and food waste into electricity; introduction of a new efficient curbside collection vehicle; program for electrical vehicles; and thanked the City for being a good partner. Mayor Pierce stated the relationship with Republic is great and it's an honor to do business with them.

- (a) Approve the minutes of the regular meeting of September 1, 2009.
(b) Approve Financial Demands and Obligations of the City.
(e) Approve City co-sponsorship and flat fee donation of \$168 from the Clayton Woman's Club for use of Hoyer Hall (Library Community Meeting Room) for their Annual Craft Sale on November 21 & 22, 2009.
(f) Adopt a Resolution declaring The Grove Park is functionally complete and has been available to and in use by the public since January 12, 2008 for purpose of receiving the City's per capita grant monies (\$220,000) under the 2002 State Resources Bond Act (CA Project No. 02-07-019).

It was moved by Councilmember Geller, seconded by Vice Mayor Stratford to approve the Consent Calendar as amended (Passed; 4-0 vote).

5. **RECOGNITIONS AND PRESENTATIONS**

- (a) Proclamation declaring September 17-23, 2009 as "U.S. Constitution Week."

- (b) Proclamation declaring September 21-27, 2009 as "Fall Prevention Awareness Week."

Ms. Hopkins accepted the proclamation; handed out information folders and buttons; gave a brief summary of the work being done by the CCC Fire Protection Services regarding the issue. Mayor Pierce directed staff to put the link on our website.

- (c) Proclamation declaring October 2009 as "Domestic Violence Awareness Month."

6. REPORTS

- (a) Planning Commission:

- Vice-Chairperson Sandy Johnson gave a brief overview of upcoming long range items the Planning Commission will be addressing in upcoming months.

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

- (c) City Manager/Staff:

- City Manager Napper stated Comcast Cable announced they will be raising their rates in October 2009, and if anyone has a complaint to lodge regarding the increase they should contact their U.S. Congressman or U.S. Senator, not the City, as the federal government deregulated cable rate control long ago and took that authority away from cities. He also introduced Eric Maldonado from the Clayton/Concord YMCA Advisory Board to speak. Mr. Maldonado thanked the City for working with the YMCA representative; stated a new website will be coming soon along with a new consolidated name (perhaps "Clayton Valley" YMCA); and invited Councilmembers to the Strong Kids kick-off event on September 29, 2009 at 6 P.M.

- (d) City Council:

- Vice Mayor Stratford invited residents to join the upcoming CERT training class starting September 30, 2009; stated he attended the Mayors' Conference and noted the resultant value of the relationships created there, as shown in the recent LAFCO decision supporting Clayton's Sphere of Influence position.

- Councilmember Geller met with Republic regarding recycling for the Oktoberfest, and noted the scouts will be doing a better job this year; had a phone conversation with Joe Campbell, CCWD Board President, regarding CCWD upcoming staff bonuses, and related only 11 out of 325 people will receive those bonuses; stated the last Concert in The Grove will be this Saturday; and commended Mayor Pierce for maintaining those valuable board relationships through the Mayors' Conferences.

- Mayor Pierce explained the purpose of LAFCO and reported on the outcome of the October 9th meeting regarding the City's Sphere of Influence lines; agreed the Mayors' Conference relationships are valuable and noted Willie Brown was the speaker at the last conference; related the City Budget Sub-committee met and the outcome would be discussed further in the agenda; attended two transportation meetings regarding Measure J and the strategy plans for dealing with the probable reduced funds; and lastly noted with sadness that long-time friend and colleague that Mike Shimansky, Danville Councilmember, passed away today.

- (e) Other - None.

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

8. PUBLIC HEARING

- (a) Introduction and First Reading of Ordinance No. 424 proposing amendments to *Clayton Municipal Code* Section 17.36.020 – Building Height Restrictions, to remove specified outdated building height references and to clarify the purpose of this Section.

Assistant Planner Sikela gave the staff report.

Mayor Pierce opened the public hearing, requested public comment on the Ordinance – No comments provided, public hearing was closed.

It was moved by Vice Mayor Stratford, seconded by Councilmember Medrano to have the Deputy City Clerk read Ordinance No. 424 by title and number only (Passed; 4-0 vote).

Deputy City Clerk Cupit read Ordinance No. 424 by title and number only.

It was moved by Vice Mayor Stratford, seconded by Councilmember Medrano to approve Ordinance No. 424 for Introduction and First Reading (Passed; 4-0 vote).

9. ACTION ITEMS

- (a) Second Reading and Adoption of amendments to Chapter 10.36 – Stopping, Standing and Parking in Title 10 – Vehicles and Traffic of the *Clayton Municipal Code* by adding and deleting certain parking sections to enhance local parking enforcement within the city (Ordinance No. 423).

Police Chief Lawrence gave the staff report.

Mayor Pierce requested public comment on the Ordinance – No comments provided.

It was moved by Vice Mayor Stratford, seconded by Councilmember Medrano to have the Deputy City Clerk read Ordinance No. 423 by title and number only (Passed; 4-0 vote).

Deputy City Clerk Cupit read Ordinance No. 423 by title and number only.

It was moved by Councilmember Medrano, seconded by Vice Mayor Stratford to adopt Ordinance No. 423 (Passed; 4-0 vote).

- (b) Adopt a Resolution setting penalties for violation of specified *Municipal Code* local parking regulations contained in Ordinance No. 423.

Police Chief Lawrence gave the staff report. Vice Mayor Stratford asked if there are any other violation penalties of the state the City could enact locally in order to set a local penalty? Police Chief Lawrence replied that moving vehicle violations cannot be switched, only parking violations can.

Mayor Pierce requested public comment on the Resolution – No comments provided.

It was moved by Vice Mayor Stratford, seconded by Councilmember Medrano to adopt the Resolution (Passed; 4-0 vote).

- (c) Consider financial options to address the mandated Prop 1A State Budget "loan" of \$139,195 in local property taxes for Fiscal Year 2009-2010.

City Manager Napper gave the staff report; and noted the State Legislature adjourned without passing the Prop 1A Securitization Program. The Assembly approved the necessary bill to enable this Securitization Program but the Senate did not, and the Senate leadership has been requested to reconvene the Senate in order to pass the necessary bill (and others). Mayor Pierce asked if there is an urgency for payment. City Manager Napper responded the City's share of \$139,195 will automatically be shifted by the County Auditor but in order for the City to remain whole in budgeted General Fund revenue. This fiscal year, the Securitization Program would need to issue bonds by November 2009 so that participating agencies could be paid their share from bond proceeds when the first installment of local property tax revenues are distributed. Mayor Pierce agreed with City Manager the City should still attempt to participate in the

Securitization Program if it does pass, and if the bill does not pass to make payment to the State from the City's General Fund reserves.

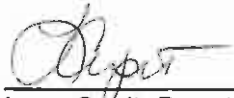
It was moved by Councilmember Geller, seconded by Vice Mayor Stratford to adopt a motion instructing staff to pursue the City's participation in the Prop 1A Securitization Program by California Communities, JPA (Option B), with authorization to pay the requested funds from the City's General Fund reserves if Prop 1 A Securitization Program does not occur (Passed; 4-0 vote).

10. COUNCIL ITEMS

- Councilmember Geller requested the idea of a Main Street Steering Committee be put on the next City Council agenda for consideration. The purpose would be to create a "buzz" of customers and patrons into the downtown area businesses by more special events.

11. ADJOURNMENT— On call by Mayor Pierce the meeting adjourned at 8:09 p.m. in memory of Mike Shimansky (20-year Councilmember for the Town of Danville), to the next regularly scheduled City Council meeting of October 6, 2009.

Respectfully submitted,



Lynn Cupit, Deputy City Clerk

APPROVED BY CLAYTON CITY COUNCIL



Julie K. Pierce, Mayor