

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

TUESDAY, December 1, 2009

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 6:30 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 Medrano and Shuey. Councilmembers Absent: Councilmember Geller. Staff present: City Manager Gary Napper, City Attorney Dan Adams, Community Development Director David Woltering and City Clerk Laci Jackson.

2. **CLOSED SESSION-** Mayor Pierce announced the following purpose for Closed Session and then adjourned into Closed Session at 6:30 p.m.

- (a) *Government Code Section 54956.8*, Conference with Real Property Negotiator
Real Properties: APNs 119-050-008, 119-050-009, and 119-050-034 (1005 & 1007 Oak Street)
Instructions to City Negotiator (City Manager) concerning terms and conditions.
Negotiating Party: Robert Staehle, et al.

7:10 p.m. Report out of Closed Session: Mayor Pierce reported the Council gave direction to its Real Property Negotiator.

Mayor Pierce then noted the City Council has moved to a paperless agenda system and will be using their personal computers to view the Agenda Packets at no cost to the City. Internet connectivity will be disabled during the meeting in compliance with the Brown Act.

3. **PLEDGE OF ALLEGIANCE** – led by Mayor Pierce.
4. **CONSENT CALENDAR-** It was moved by Councilmember Shuey, seconded by Vice Mayor Stratford to approve the Consent Calendar as submitted (Passed; 4-0 vote).
 - (a) Approved the minutes of the regular meeting of November 17, 2009.
 - (b) Rejected the liability claim of JFC Construction, Inc. for alleged losses incurred on construction of The Grove Park.
5. **RECOGNITIONS AND PRESENTATIONS**
 - (a) Mayor Pierce introduced Coach Earl Williams of the new ABA team "Clayton Showtime." Coach Earl Williams stated he and the team are very excited about being a part of the Clayton community and look forward to being involved. He noted Friday, December 4th is the team's first home game at the Clayton Community Gym at 8:30pm. He stated General Admission is \$6 and Courtside seats are \$8 while children 13 and under are free.

6. ANNUAL REORGANIZATION OF CLAYTON CITY COUNCIL

- (a) Election of Mayor by the City Council.

Mayor Pierce opened nominations.

Councilmember Shuey nominated Hank Stratford for the position of Mayor.
Councilmember Medrano seconded the nomination. There were no other nominations.
The election of Hank Stratford as Mayor passed by acclamation (4-0 vote).

- (b) Election of Vice Mayor by the City Council.

Mayor Stratford opened nominations.

Councilmember Medrano nominated David Shuey for the position of Vice Mayor.
Councilmember Pierce seconded the nomination. There were no other nominations. The
election of David Shuey as Vice Mayor passed unanimously (4-0 vote).

- (c) Recognitions and Comments by Mayor and City Council. Mayor Stratford presented Julie Pierce with a gift for her service as Mayor. He thanked her for her service to the City as well as representing Clayton's views on numerous committees.

Councilmember Pierce thanked her colleagues and City staff for their hard work. She stated it was the teamwork of the Council and staff to keep the City's budget in the black. She stated it had been a good year even with difficult budget times because the community had not seen or felt many of the financial impacts shouldered by the City.

7. REPORTS

- (a) Planning Commission – Commissioner Bob Armstrong reported on the November 24th Planning Commission meeting. He stated the Commission reviewed the model water conservation Ordinance and the Density Bonus Ordinance.

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

- (c) The City Manager thanked Councilmember Pierce for her leadership on behalf of staff and congratulated Mayor Stratford. He also reminded residents about the Christmas Tree Lighting December 5th at 6pm in The Grove Park. Lastly, he indicated the \$1.9 million take away (from Clayton RDA alone) by the State Legislature has been challenged by the California Redevelopment Association in Sacramento Superior Court.

- (d) City Council

Councilmember Pierce attended the California Councils of Government annual meeting, and the Hospice tree lighting.

Mayor Stratford attended the CERT emergency drill, and the blood drive at the Clayton Community Gym.

- (e) Other – None.

8. PUBLIC COMMENT ON NON-AGENDA ITEMS

Tom Stoflet, expressed his concerns with the inadequacy of and the City's failure to follow, the Tree Removal Ordinance and specifically the number of trees approved for removal at Marsh Creek Park Villas. He stated neither the City nor his HOA are notifying residents of the impending removals.

Mayor Stratford and Vice Mayor Shuey stated Mr. Stoflet should speak with his HOA which represents him, and that if he had any suggested changes to the Ordinance he is welcome to send them to the Community Development Director.

9. PUBLIC HEARINGS –None.

10. ACTION ITEMS

- (a) Introduction and First Reading of Ordinance No. 425 proposing amendments to Clayton's *Municipal Code* to allow manufactured homes within the City of Clayton in accordance with the requirements of State law.

The Community Development Director presented the staff report and stated the Ordinance allows for manufactured homes in the City of Clayton in accordance with State law. He stated the item is brought forward to satisfy one of the implementation measures of the 2009 Housing Element Update. The Community Development Director further indicated the Planning Commission is recommending approval of the proposed ordinance.

The Community Development Director then summarized key provisions of the proposed ordinance, including the developments standards and permitting process for manufactured homes. These provisions are the same as for conventional single-family homes, and include design standards for manufactured homes to assure that they are architecturally and aesthetically compatible with surrounding conventional homes, and that manufactured homes would not be allowed on ungraded slopes greater than 10%.

Councilmember Pierce indicated general support for the proposed ordinance as a measure to provide more affordable housing within the community. However, she asked what the rationale was for limiting homes on slopes steeper than 10%.

The Community Development Director stated the concern was it may be difficult to design and place manufactured homes on steeper slopes and have them blend architecturally and aesthetically with surrounding custom stick-built homes.

Councilmember Pierce suggested that there have been substantial advances in the design of manufactured homes, and with the design standards to assure architectural and aesthetic compatibility with surrounding development. The fact these homes, like conventional single-family homes, are subject to Planning Commission review and approval, she suggested removing the restriction on manufactured homes on slopes greater than 10%, given the mentioned safeguards.

The Council discussed the adequacy of the safeguards to allow consideration of manufactured homes on steeper slopes, and consensus was that if a proposal was not suitable it would not be approved by the Planning Commission or could be appropriately modified. Consequently, the Council directed removal of the restriction of barring manufactured homes on steeper slopes.

Mayor Stratford opened the Public Hearing at 8:12 p.m. and closed the Public Hearing at 8:13 p.m. No comments were received.

It was moved by Councilmember Pierce, seconded by Councilmember Medrano to have the City Clerk read Ordinance No. 425 as amended by title and number only and waive further reading (Passed; 4-0 vote).

The City Clerk read Ordinance No. 425 by title and number only.

It was moved by Councilmember Pierce, seconded by Councilmember Medrano to approve Ordinance No. 425 for Introduction and First Reading as amended, in the last sentence of Section 6a, to remove the restriction of manufactured homes on slopes greater than 10% (Passed; 4-0 vote).

- (b) Determination of the week day and frequency of concerts for the 2010 Concerts in The Grove series.

The City Manager presented the report and stated in previous Council discussions, specific aspects of the concerts were discussed but the Council had yet to set a time and frequency for the 2010 series.

Councilmember Medrano stated that hopefully next year the Council will consider trying a couple week night concerts.

Vice Mayor Shuey asked if the concerts could end at 8:30 p.m. since people enjoy them so much. Councilmember Pierce stated the reasoning for moving the concert ending time to 8:00 p.m. was to get people into the restaurants but stated that did not happen.

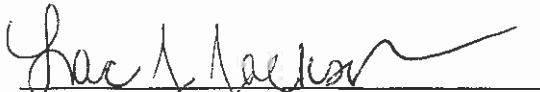
It was moved by Vice Mayor Shuey, seconded by Councilmember Medrano to set Saturday evenings from approximately 6:00 p.m. to 8:30 p.m. and at a frequency of no more than every other Saturday as the time and general dates for the 2010 Concerts in The Grove series (Passed; 4-0 vote).

11. **COUNCIL ITEMS**

Councilmember Medrano asked that a discussion be placed on a future agenda regarding management of the Concerts in The Grove.

12. **ADJOURNMENT**– On call by Mayor Stratford the meeting adjourned at 8:23 p.m.

Respectfully submitted,


Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL


Hank Stratford, Mayor