MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

TUESDAY, July 6, 2010

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:03 p.m. by Mayor Stratford in Hoyer Hall of the Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Stratford, Vice Mayor Shuey, Councilmembers Geller, Medrano, and Pierce. Staff present: City Manager Gary Napper, City Attorney Dan Adams, City Engineer Rick Angrisani, Finance Manager Merry Pelletier, and City Clerk Laci Jackson.

2. **CLOSED SESSION** – None.

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

4. **CONSENT CALENDAR-**

Mayor Stratford requested Item 4(i) be pulled for a separate discussion.

Councilmember Medrano asked for discussion on item 4(h) to clarify the difference between the need for a full Environmental Impact Report (EIR) and a Mitigated Negative Declaration for the Clayton Community Church project.

The Community Development Director stated the project is 42,000 sq/ft of development area and the scale and complexity of the project are factors in assessing the level of environmental review required. He stated the project proposes amendments to the General Plan, the Town Center Specific Plan, and other Ordinances. He stated specific issues warranting a full environmental impact report include the project is substantially under parked, cultural resources may be impacted because of the proposed removal of the Pioneer Inn building, and changes to land use associated with the proposed amendments.

Shawn Robinson, Pastor, Clayton Community Church stated he had a meeting today with the Community Development Director, asked similar questions, and believes that while costly, the EIR requirement is fair and will address the issues raised.

It was moved by Councilmember Medrano, seconded by Councilmember Pierce to approve the Consent Calendar with the exception of Item 4(i) (Passed; 5-0 vote).

(a) Approved the minutes of the special meeting of June 29, 2010.

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

(c) Adopted Resolution 20-2010authorizing the levy of annual assessments for the Middle School Community Facilities District (1990-1R, Series 1997; Fund No. 420) for the 2010-2011 Tax Year.

(d) Adopted Resolution 21-2010 authorizing the levy of annual assessments for the Clayton Station Community Facilities District (1990-2R; Fund No. 421) for the 2010-2011 Tax Year.

(e) Adopted Resolution 22-2010 authorizing the levy of annual assessments for CFD 2007-1 (Landscape Maintenance District; Fund No. 210) in FY 2010-2011.

(f) Adopted Resolution 23-2010 authorizing the levy of annual assessments for CFD 2006-1 (Downtown Park O & M; Fund No. 211) in FY 2010-2011.

(g) Adopted Resolution 24-2010 approving Addendum No. 2 to the Memorandum of Agreement (MOA) with the Undesignated Miscellaneous City Employees Unit concerning terms and conditions of employment in Fiscal Year 2010-2011.

(h) Approved the award of contract in the amount of $133,500 to LSA Associates, Inc. (Berkeley, CA) for preparation of an Environmental Impact Report (EIR) on the Clayton Community Church's development/redevelopment project on Main Street, Clayton Town Center.

(j) Adopted Resolution 25-2010 approving and authorizing the City Manager to execute a Contra Costa Clean Water Program Agreement (2010-2025) related to the National Pollutant Discharge Elimination System (NPDES) Program requirements.

(i) The Finance Manager presented the staff report and stated the City is using financial software that is DOS based and outdated. The recommended package could grow with the City. The City of Clayton is considering Blackbaud because the platform is the same as Fundware and the information will transfer more easily to the new format. She stated the conversion process is the most costly and time consuming and it is built into the price with Blackbaud.

Mayor Stratford asked what was included in the price from Blackbaud and what modules it included. The Finance Manager stated the modules quoted include project grants, accounts payable and general ledger for 2 users. She stated the Business License software can even be downloaded into the program.

Mayor Stratford asked if there was a budget module available. The Finance Manager responded there was a module available.

Councilmember Geller asked why the price only included 3 years of information being converted to the new system. The Finance Manager responded 3 years is adequate and there is little that would need to be looked at which is older and there are still hard copies available.

Councilmember Pierce asked if it made sense to add the other modules while there is training and support. The Finance Manager responded she was being conservative and was only replacing the existing software not looking to add new modules.

The Council asked the Finance Manager to add the fixed asset and budget modules.

It was moved by Councilmember Medrano, seconded by Councilmember Pierce to approve the award of contract to Blackbaud Financial Edge in the amount of $22,200.00 from the Capital Equipment Replacement Fund (CERF) for the purchase of new financial management software for the City Finance Department with the addition of the fixed asset and budget reporting modules (Passed; 5-0 vote).

Mayor Stratford asked Robert Ikenberry to come forward to ask his question regarding Item 4 (i).

Robert Ikenberry asked who would pay for the EIR for the Clayton Community Church project. The Community Development Director stated the City selects and administers the work of the consultant but the applicant pays the full cost for the work to be done.

The City Manager added this is the standard way for cities to handle the preparation of an EIR attributed to a private development project.

5. RECOGNITIONS AND PRESENTATIONS

(a) Report on operational status of the Central Contra Costa Transit Authority (CCCTA)

Gregg Manning, Clayton Board Member, reported the CCCTA has eight new hybrid low emission buses on roads throughout the county. He stated the budget this year was difficult and items such as marketing were drastically cut. He stated the busses are running and people are riding.

Councilmember Shuey asked why smaller busses aren't used for less populated routes. Mr. Manning responded there are different maintenance issues with different sized buses.

Mayor Stratford thanked Mr. Manning for his service on the CCCTA as Clayton's representative.

(b) Mayor Stratford recognized and thanked Sandra Johnson and Dan Richardson for their work on this year's 4th of July Parade Committee, and presented a plaque to each in appreciation.

Sandra Johnson stated the 4th of July Parade is a team effort and it went smoothly.

Dan Richardson stated the Parade was fun and thanked the volunteers and the community for coming together to pull the event off.

6. REPORTS

(a) Planning Commission – No report.

(c) The City Manger thanked Sandy Johnson and Dan Richardson for their hard work on the 4th of July Committee. He reminded the community, there is a new operator at the gym for recreation programs. All Out Sports League (AOSL) is offering new enhanced sports and enrichment programs. He stated on July 23rd AOSL is hosting an open house at the Clayton Community Gym from 7pm-9pm.

(d) City Council

Councilmember Geller stated the Concerts in The Grove are bringing in approximately $800 per event in donations and the ultimate goal is to collect $10,000 for next year's concerts.

Councilmember Pierce attended the Mayors' Conference and the Concert in The Grove. She thanked Allied Waste Services and Jim Webb for their sponsorship of the 4th of July Parade and the 60 volunteers who helped the day of the event.

Mayor Stratford attended the Mayors' Conference.

(e) Other – None.

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

8. PUBLIC HEARINGS

(a) 1. Public Hearing for consideration of the "Creekside Terrace" Mixed Use Project proposed for development of a two-story building comprised of 7,200 sq. ft. of retail commercial space on the ground floor and seven (7) residential units on the 2nd floor on under-utilized City-owned real properties located at 1005 & 1007 Oak Street in the Clayton Town Center (APNs 119-050-008, 009 & 034);

and

2. Introduction and First Reading of Ordinance No. 428 amending the *Clayton Municipal Code* for the purpose of extending from June 30, 2010 through June 30, 2013 the On-Site Parking Waiver Provision in the Town Center area and amending the requirement for a building permit within one (1) year of project approval to within two (2) years of project approval.

The Community Development Director presented the staff report and stated the Planning Commission had recommended approval of the project. He stated the project before the Council addresses consideration of a Development Plan and the sub-division of the property with a vesting Tentative Map. He stated the ground floor retail space is 4 separate areas and the 2nd floor included 7 residential units which could be sold or rented. He stated the Mitigated Negative Declaration is also before the Council with recommended mitigation measures. He stated the project was planned in 2007-2008 and assumed use of a Parking Waiver provision in the Town Center Specific Plan area. Staff and the Planning Commission are recommending that a companion Zoning Ordinance amendment be approved to extend that limited on-site parking waiver provision through June 30, 2013.

Bob Staehle, applicant design representative, stated the project has a western theme conceptualized in January 2008. He stated the approvals tonight include the design, vesting Tentative Map, and special encroachments for the use of the unimproved roadways of Center Street and a portion of High Street. He stated the building is at street level and citizens will be able to walk right into the retail space satisfying grade and ADA requirements. He stated the idea is there will be two different property associations handling the retail and residential spaces, and a third to handle interests common to both of those interests.

Mr. Staehle stated the stormwater control system is located on the vesting Tentative Map and will allow for the drainage and filtration of the stormwater run-off in accordance with state (C3) stormwater regulations. He also stated the landscaping on the project site will have drought tolerant landscape materials in correspondence with the new water conservation requirements.

Mr. Staehle described the garage parking area for the residential units and stated two vehicles would be available to be parked inside the garage with the lift system, and one guest parking space on the driveway pad in front of each of the seven garages.

Mr. Staehle noted the FEMA requirements for the flood prevention and signage are all addressed in the project application.

Councilmember Geller asked if the garage doors were going to be solid. Mr. Staehle responded they would have more of a carriage look with windows allowing for natural light in the actual development, as suggested by staff.

Nick Pappani, Consultant, Raney Planning and Management was retained by the City to prepare the environmental review documents. Mr. Pappani stated he prepared the original environmental study which was modified based public comments and concerns. He stated the project mitigation measures include stormwater drainage design. He responded to a letter from Mr. Glenn Miller point by point. He confirmed the issues raised were already addressed during the public review period and are addressed in Appendix F of the Mitigated Negative Declaration. He stated all identified impacts have been reduced to less than significant levels with recommended mitigation measures recommended in the environmental document.

Mayor Stratford opened the Public Hearing at 8:50 p.m.

Troy Bristol, Save Mt. Diablo, stated the organization feels strongly that this is a great project, especially with the conservation easement and creek restoration measures that have been included.

No other comments were received.

Mayor Stratford closed the Public Hearing at 8:53 p.m.

Mayor Stratford thanked the Community Development Director, the Planning Commission, and Mr. Staehle for working diligently on this project.

1. **It was moved by Councilmember Pierce, seconded by Councilmember Medrano to adopt Resolution 26-2010 approving the Project's Initial Environmental Study/Mitigated Negative Declaration (IES/MND; ENV 01-08) (Passed; 5-0 vote).**

2. **It was moved by Councilmember Pierce, seconded by Councilmember Medrano to adopt Resolution 27-2010 approving the Development Plan for the "Creekside Terrace" Mixed Use Project (DP 01-08) (Passed; 5-0 vote).**

3. **It was moved by Councilmember Pierce, seconded by Councilmember Medrano to adopt Resolution 28-2010 approving a Vesting Tentative Map (MAP 02-09) for the "Creekside Terrace" Mixed Use Project (Passed; 5-0 vote).**

4. **It was moved by Councilmember Pierce, seconded by Councilmember Medrano to have the City Clerk read Ordinance No. 428 (ZOA 01-10) by title and number only and waive further reading (Passed; 5-0 vote).**

   The City Clerk read Ordinance No. 428 by title and number only.

5. **It was moved by Councilmember Pierce, seconded by Councilmember Medrano to approve Ordinance No. 428 for Introduction (Passed; 5-0 vote).**

9. ACTION ITEMS

(a) Consideration of the neighborhood streets for inclusion in the City's 2010 Neighborhood Street Pavement Rehabilitation Project (CIP No. 10409; $842,000) and allocation of additional restricted-use funds ($165,000) to repave certain streets in the Oakhurst Development area.

The City Engineer presented the staff report and stated the City of Clayton's roads are rated at a Pavement Condition Index (PCI) score of 76, unchanged since 2007, and ranked 5th in the county. He stated to reach optimum PCI the City would need to spend $5.3 million on roads in the next few years. He outlined the options for the repavement and recommended the City Council start with the lowest PCI scored streets, those disturbed by sewer construction projects, and 8 streets in the Oakhurst Development. He stated the repavement cost for the Oakhurst streets could come from money dedicated from a lawsuit settlement. He stated he expects to go to bid in August on the project.

The City Manager stated this project would address some of the worst residential streets in town which is of importance to the residents who live on those streets

No public comments were received.

It was moved by Councilmember Medrano, seconded by Councilmember Pierce to approve the staff recommended neighborhood streets for inclusion in the Project following lowest-rated Pavement Condition Index (PCI), approve the allocations of $55,000 from the Oakhurst Assessment District bond refund account and $110,000 from the Presley lawsuit settlement proceeds ($165,000 total) to CIP No. 10409, and instruct staff to advertise the project for bid (Passed; 5-0 vote).

(b) Introduction and discussion of establishing a "Do The Right Thing" (character development) program in partnership with the Mt. Diablo Unified School District's elementary, middle and high schools serving students of the City of Clayton.

Mayor Stratford outlined his idea for the establishment of a community wide "Do The Right Thing" program. He stated a group of residents, school administrators, Police Department staff, Candace Bass, CBCA officers, and others have been meeting to discuss the types of traits the community could benefit from focusing on. The traits the groups chose to look at are: responsibility, respect, kindness, self-discipline, integrity, and courage. He stated the idea was to select traits that regardless of background make up a good citizen. He stated the City could support this program by placing banners on the entryway signs, have the City Council and candidates exemplify good character traits, have City staff evaluated based on the traits, put the logo on the trunks of the police cars, and get the Police Department involved during its regular patrol enforcement. He stated the City Council could also recognize individuals who exemplify good traits.

Vice Mayor Shuey stated he liked the idea of recognizing individuals. He stated he would like to see the CBCA and the schools do most of the outreach.

Councilmember Pierce stated she likes the idea and stated many adults could also benefit from good character reinforcement. She stated that in regard to evaluating City staff she would want to run that by the City Manager. She stated she liked the idea of a visual symbol and would like to see the logo on the Police cars. She is concerned about the banners and is afraid they might not be overlooked. She stated it is a good concept that needs finalization.

Councilmember Medrano stated he like the concept and agrees the City should support the program but likes the idea of CBCA and the schools doing most of the work. He stated the City should take more of a supportive role and it should be led by others.

The City Manager stated the motto could also be placed on City Maintenance vehicles, and any banners could be placed in other locations such as the library.

The Council took a 5 minute break at 9:33 p.m. and resumed the meeting at 9:38 p.m.

Councilmember Geller stated it is a great idea but he would rather see the banners in front of the library or other public buildings.

The Mayor asked if anyone in the audience had questions.

Robert Ikenberry stated he came to this meeting prepared to be skeptical of this proposal but stated the idea is something everyone can be supportive of because the character traits are important to the community. He also stated he liked the idea of recognizing people exemplifying the traits.

The City Manager stated City involvement in the initial phases seems high but that it would be run by another group of people eventually.

The Council suggested Mayor Stratford go back to his committee and finalize the program, get CBCA's buy in, and bring it back for adoption.

10. COUNCIL ITEMS- None.

11. ADJOURNMENT– On call by Mayor Stratford the meeting adjourned at 9:47 p.m.

Respectfully submitted,

Laci J. Jackson

Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

Hank Stratford

Hank Stratford, Mayor