

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

TUESDAY, March 1, 2011

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 6:00 p.m. by Mayor Shuey in Hoyer Hall of the Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Shuey, Vice Mayor Geller, Councilmembers Medrano, Pierce, and Stratford. Staff present: City Manager Gary Napper, Assistant City Attorney Maury Huguet, Community Development Director David Woltering, City Engineer Rick Agrisani, and City Clerk Laci Jackson.
2. **CLOSED SESSION**- Mayor Shuey announced the following purposes for Closed Session and then adjourned into Closed Session at 6:00 p.m.
 - (a) 1). *Government Code Section 54956.9 (a)*
Conference with Legal Counsel
Pending Litigation: *Katzman, et al. v. City of Clayton, et al.* Coordinated Cases Master/C07-01461/C07-00707, Superior Court of CA, Contra Costa County.
 - 2). *Government Code Section 54956.9 (a)*
Conference with Legal Counsel
Pending Litigation: *City of Clayton and Oakhurst Geologic Hazard Abatement District v. Municipal Pooling Authority of Northern California*, Case No. MSC10-03626, Superior Court of CA, Contra Costa County

Report out of Closed Session: 7:33 p.m. Mayor Shuey reported the Council received a report and gave direction to legal counsel on Item 2(a)1. and would be returning to closed session for Item 2(a)2. at the conclusion of the City Council meeting.

3. **PLEDGE OF ALLEGIANCE** – led by Mayor Shuey.
4. **CONSENT CALENDAR**- It was moved by Councilmember Pierce seconded by Councilmember Stratford to approve the Consent Calendar as submitted (Passed; 5-0 vote).
 - (a) Information Only
 - 1). Notification of City Manager-approved Special Rate Adjustment of 0.41% to the trash-only solid waste collection rates in Clayton due to a new Board of Supervisors' imposed "County Road Fee" at the Keller Canyon Landfill.
 - (b) Approved the minutes of the regular meeting of February 15, 2011.
 - (c) Approved Financial Demands and Obligations of the City.
4. **RECOGNITIONS AND PRESENTATIONS**
 - (a) Mayor Shuey presented Lauren Gehring with a plaque in appreciation for her 6 years of municipal service to the City as a Police Services Aide and Police Explorer.

Lauren thanked the City for the experiences she had in Clayton, her fondness for the employees and organization, and stated she accepted a full-time position as a Community Services Officer with the City of Walnut Creek's Police Department.

- (b) Mayor Shuey presented a Proclamation declaring March 2011 as “American Red Cross Month” to Emily Hopkins of the American Red Cross Leadership Council.

5. REPORTS

- (a) Planning Commission – Commissioner Tuija Catalano reported on the February 22nd meeting of the Planning Commission. The Commission discussed two study session items. First they discussed the Temporary Use Permit (TUP) allowances for number of events per year by administrative issuance, and some minor code amendments regarding the TUP process. The Commission also discussed the progress of the Housing Element implementation. Lastly, she stated Friday March 4th was Junior Achievement day at Mt. Diablo Elementary School and volunteers are still needed.
- (b) Trails and Landscaping Committee – No meeting held to report.
- (c) The City Manager/staff- No report.
- (d) City Council

Councilmember Pierce attended the CCTA board meeting, an ABAG Admin. retreat, and Housing Methodology Committee meeting.

Vice Mayor Geller attended the Budget Sub-Committee meeting and was a judge at the Clayton Club Saloon’s annual Chili cook-off.

Councilmember Stratford attended the Budget Sub-Committee meeting.

Councilmember Medrano has been working with the School District on various issues.

Mayor Shuey stated he has been working with the School District to try to find a resolution for the Easement at the middle school and the Clayton Community Gym issues.

- (e) Other – None.

6. PUBLIC COMMENTS – None.

7. PUBLIC HEARINGS

- (a) Consider the Introduction and First Reading of Ordinance No. 431 that amends certain chapters of the *Clayton Municipal Code* to bring the City’s Building, Electrical, Plumbing and Mechanical Codes into compliance with the 2010 Editions of the respective California Construction Codes (aka the CA Green Building Standards Codes, or CALGreen). ZOA 01-11

The Community Development Director presented the staff report and stated the code was updated at the state and county level and includes changes to the construction, building, electrical, plumbing and mechanical codes and adds new green building codes. He stated the County adopted these codes on February 15th and since they provide building services for the City it is necessary to approve this Ordinance for consistency.

Mayor Shuey opened the Public Hearing at 7:47 p.m., no comments were received, and closed the Public Hearing at 7:48 p.m.

It was moved by Councilmember Medrano, seconded by Councilmember Stratford to have the City Clerk read Ordinance No. 431 by title and number only and waive further reading (Passed; 5-0 vote).

The City Clerk read Ordinance No. 431 by title and number only.

It was moved by Councilmember Medrano, seconded by Councilmember Stratford to approve Ordinance No. 431 for Introduction (Passed; 5-0 vote).

8. ACTION ITEMS

- (a) Presentation of the Mid-Year City Budget status report for Fiscal Year 2010-2011.

The Finance Manager presented the staff report and stated the City adopted its budget on June 29th and it included a revenue and expenditure program that provided a balanced budget. She stated the City Council took action on September 7th to increase the encumbrances to finish projects from the previous year. She stated the City has done well at holding expenses down and she stated she is projecting a positive revenue of \$4,416 for the General Fund at the end of the year (+0.1%). Staff and the Council Budget Sub-committee recommended no mid-year adjustments.

Vice Mayor Geller commended staff for being frugal and the Finance Manager for being so well prepared for the Budget Sub-Committee meeting.

No public comments were received.

It was moved by Councilmember Medrano, seconded by Vice Mayor Geller to accept the Mid-Year Budget Report for FY 2010-2011 (Passed; 5-0 vote).

9. COUNCIL ITEMS – None.

- 10. CLOSED SESSION**- Mayor Shuey announced the following purpose for Closed Session and then adjourned into Closed Session at 7:54 p.m.

2). *Government Code Section 54956.9 (a)*

Conference with Legal Counsel

Pending Litigation: *City of Clayton and Oakhurst Geologic Hazard Abatement District v. Municipal Pooling Authority of Northern California*, Case No. MSC10-03626, Superior Court of CA, Contra Costa County

Report out of Closed Session: 8:24 p.m. Mayor Shuey reported the Council received a report and gave direction to legal counsel.

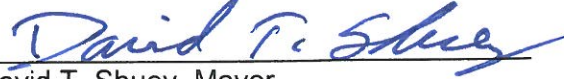
- 10. ADJOURNMENT**– On call by Mayor Shuey the meeting adjourned at 8:25 p.m.

Respectfully submitted,



Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL



David T. Shuey, Mayor