

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

TUESDAY, April 5, 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 (7:00 p.m.), Community Development Director David Woltering, Finance Manager Merry Pelletier, 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) Conference with Legal Counsel (Mike Treppa, Esq.)
Government Code Section 54956.9(c)
Consider Initiation of Litigation – 1 case

Report out of Closed Session: 7:00 p.m. Mayor Shuey reported the Council received a report and gave direction to legal counsel on Item 2(a) and would return to Closed Session for Item 2(b) 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) Approved the minutes of the regular meeting of March 15, 2011.
 - (b) Approved Financial Demands and Obligations of the City.
 - (c) Accepted the 1st and 2nd Quarterly City Investment earnings and portfolio reports for FY 2010-2011 ending December 31, 2010.
5. **RECOGNITIONS AND PRESENTATIONS** – None.
6. **REPORTS**
 - (a) Planning Commission – Commissioner Ted Meriam reported on the March 22nd meeting of the Planning Commission. He stated the Commission reviewed current Temporary Use Permit policies, looked at set backs for residential properties, and reviewed and made a recommendation on proposed state legislation AB 710.
 - (b) Trails and Landscaping Committee – No meeting held to report.

- (c) The City Manager stated there have been many inquiring phone calls about what is going on at the Clayton Fountain. He stated last year the Trails and Landscaping Committee recommended improvements in the Landscape District. The fountain area was one of the top priority areas to be improved. He stated Maintenance staff is currently removing turf, and will be planting drought resistant plants and shrubs. The next project will be the re-landscaping of a portion of Clayton Road and the terraced retaining walls next to the CVS Pharmacy.

- (d) City Council

Councilmember Pierce attended a Transportation Authority meeting, multiple ABAG meetings, the Contra Costa Council Transportation forum, and a meeting to discuss the Concerts in The Grove.

Vice Mayor Geller attended a meeting with CBCA President Ed Hartley to discuss the Concerts in The Grove and stated the CBCA will be adding the Concerts as a standard event to their budget and website. He also attended the CBCA meeting and gave the City report.

The City Manager added that he received a sample contract from 511 Contra Costa and bike racks should be delivered soon. He stated the City is responsible for pouring the pads of cement and installing the bike racks but he intends for those tasks to be good Eagle Scout projects.

Councilmember Stratford attended the Habitat Conservancy meeting and reminded citizens April 16th is the Clayton Cleans Up at 9am at City Hall.

Councilmember Medrano stated he missed the last East Bay Division meeting for the League of California Cities due to a kidney stone.

Mayor Shuey stated he has worked with the school district on the gym issues and reminded everyone tomorrow is the first class for the CERT at 6:30 p.m. at Endeavor Hall.

- (e) Other – None.

7. **PUBLIC COMMENTS** – None.

8. **PUBLIC HEARINGS** – None.

9. **ACTION ITEMS**

- (a) Consideration of the Introduction and First Reading of Ordinance No. 432 adding Chapter 15.09 to the *Clayton Municipal Code* thereby adopting the 2010 California Fire Code with changes, additions and deletions as allowed by state law (ZOA 03-11).

The Community Development Director stated the County Board of Supervisors, acting as the Board of the Contra Costa Fire Prevention District which services the City of Clayton, adopted the 2010 California Fire Code with amendments. District staff members are now seeking the jurisdictions in the local Fire District to adopt the updated Code. He stated Fire Marshall Lewis Broschard was present to discuss the changes to the Code and answer questions.

Fire Marshall Brochard stated the recently adopted County Fire Code amends the State Code. He stated District staff recommends all jurisdictions in the Contra Costa County Fire Protection District adopt the Code for consistency. He stated a new Code comes out every three years and there were series of public meetings. He stated this year's Code is not drastically different than what has been adopted in the past. Fire Marshall Brochard then outlined some of the changes to the Code. He stated fire hydrants are now only required every 500 feet, pools are no longer considered water supplies, fire sprinklers are required for all new and certain remodeled residential units, and solar panels must be installed in a manner to assure access for fire suppression and safety.

Mayor Shuey asked if these changes pose additional costs? Fire Marshall Brochard stated they should not as long as the designers know the parameters early.

Fire Marshall Brochard stated installation of fire sprinklers is required for larger additions to existing commercial and residential structures as local amendments to the California Fire Code.

He indicated another local amendment requires the installation of fire sprinklers whenever there is a change of occupancy to a higher hazard classification. He stated the feedback received by planners and members of the development community is this Fire Code is a more reasonable balance. The new Code is 12-13 pages shorter, reduces overall costs, and achieves a greater sense of fire protection in the community.

Vice Mayor Geller asked if fire hydrant maintenance programs were being performed. Fire Marshall Brochard stated it had not been preformed for the last few years but the District is working to reenact that program soon.

Councilmember Pierce asked if a permit is truly required to launch a model rocket? Fire Marshall Brochard stated yes and that requirement was in the previous Code as well.

Councilmember Pierce asked for an opinion about speed bumps on hills? Fire Marshall Brochard stated speed bumps can slow response time and damage fire response vehicles and equipment.

Mayor Shuey asked if the local amendment requiring the installation of fire sprinklers for certain residential additions could be left out of Clayton's adopted Code. The Community Development Director stated that provision could be left out of our Code, but the Fire District is looking for consistency among the jurisdictions it serves with the adoption of the new Code.

Councilmember Stratford asked if there is a current code language for requiring the installation of the fire sprinklers for residential additions. The Fire Marshall stated these provisions are new. He stated the goal is to provide for a certain amount of fire prevention flow on additions that may not be available with existing hydrant capacity on flows. By providing fire sprinklers the problem is averted and the homeowner does not have to pay to upgrade the existing fire hydrant (which usually is more costly).

Mayor Shuey opened the matter for public comment. No comments were received.

It was moved by Councilmember Medrano, seconded by Councilmember Pierce to have the City Clerk read Ordinance No. 432 by title and number only and waive further reading (Passed; 5-0 vote).

The City Clerk read Ordinance No. 432 by title and number only and waived further reading.

It was moved by Vice Mayor Geller, seconded by Councilmember Medrano to approve Ordinance No. 432 for Introduction (Passed; 4-0-1 vote: Shuey abstained).

- (b) Consideration of a Resolution approving Agreement No. C1000205 with the California Franchise Tax Board allowing the City to enter into a Reciprocal Agreement to exchange tax data specific to City Business License information to enhance respective tax administration and collection purposes.

The Finance Manager presented the staff report and recommend the Council adopt a resolution to share information with the California Franchise Tax Board in order to ensure the City collects all of the revenue available from business licenses.

Councilmember Stratford asked how the City will provide the required information such as social security number to the State? The City Manager responded the City Business License tax application form asks for that information or one's Federal Tax Identification number.

It was moved by Councilmember Medrano, seconded by Councilmember Stratford to adopt Resolution 09-2011 approving Agreement No. C1000205 (Passed; 5-0 vote).

- (c) Consideration of Planning Commission and City staff recommendations for a City position to oppose California Assembly Bill 710 (Skinner, 14th District), entitled the "Infill Development and Sustainable Community Act of 2011", due to its removal of planning control over local parking standards and requirements.

The Community Development Director stated the Planning Commission looked at AB 710 at their last meeting and prepared a memorandum to summarize their opposition to the legislation. He stated the legislation imposes statewide development standards for parking in transit oriented development to one space per residential unit and 1 space per commercial space. He stated typically in Clayton the Planning Commission looks for 3-4 spaces for a commercial use. He stated this legislation is a one size fits all remedy that does not take into account areas like Clayton's downtown where mass transit is not abundant. He stated this legislation allows the state to intrude on local land use issues.

Councilmember Pierce stated there is no need for this to be law.

It was moved by Councilmember Pierce, seconded by Vice Mayor Geller to oppose AB 710 as presently written and authorize the Mayor to sign a letter to appropriate state legislators indicating the City's official opposition (Passed; 5-0 vote).

- (d) Announcement of transition arrangement with the Clayton City Attorney law firm of Turner, Huguet & Adams and discussion to establish a City Council ad-hoc committee to work with the City Manager in preparing a Request for Proposals (RFP) for replacement contract city attorney services.

City Manager stated 47 years ago, in 1964, there was one person in this room involved with the incorporation of the city and that is Maury Huguet. Under mutual agreement, the time has arrived for a transition in the services of a city attorney. The City Council holds

authority to hire the City Manager, City Attorney and appoint the Treasurer. He stated a sub-committee would need to be established to draft a Request for Proposals (RFP) and review the applications prior to an interview of final applicants before the entire City Council.

Mayor Shuey thanked Mr. Huguet for his long-term service and asked if he would like to make any comments.

Mr. Huguet stated he is reminded walking into the doors that the City Council chambers is dedicated as Hoyer Hall because of Bob and Eldora Hoyers work on the incorporation of the City. He stated since the beginning the City of Clayton has been well run and staff and the Council were a class bunch of people.

It was moved by Councilmember Medrano, seconded by Councilmember Geller to appoint Mayor Shuey and Councilmember Pierce to an ad-hoc committee to work with the City Manager in preparation of a draft Request for Proposals for replacement contract city attorney services (Passed; 5-0 vote).

9. **COUNCIL ITEMS** – None.

2. **CLOSED SESSION-** Mayor Shuey adjourned the Council into Closed Session at 8:24 p.m. for the following purpose:

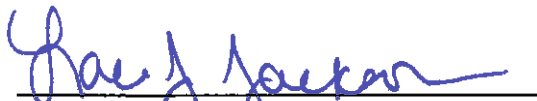
- (b) Conference with Labor Negotiator
Government Code Section 54957.6
Instructions to City-designated negotiator: City Manager

- (1) Employee Organization: Clayton Police Officers Association (CPOA)

Report out of Closed Session: 9:50 p.m. Mayor Shuey reported the Council gave direction to the City-designated negotiator.

10. **ADJOURNMENT-** On call by Mayor Shuey the meeting adjourned at 9:51 p.m. in memory of Gloria Patten.

Respectfully submitted,


Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL


David T. Shuey, Mayor