MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

TUESDAY, April 19, 2011

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 6:17 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, and City Clerk Laci Jackson.

2. **CLOSED SESSION**- Mayor Shuey announced the following purpose for Closed Session and then adjourned into Closed Session at 6:17 p.m.

(a) 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: 7:03 p.m. Mayor Shuey reported the Council gave direction to its Labor Negotiator.

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

4. **CONSENT CALENDAR**- Councilmember Medrano asked that item 4(c) be pulled for discussion. Both he and Mayor Shuey asked if Diablo Ford of Pittsburg would be able to bid on future projects even though there was a misunderstanding with their 2010 truck bid. The City Manager stated staff would not eliminate them from bidding on future vehicles.

It was moved by Councilmember Medrano, seconded by Vice Mayor Geller 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) Approved award of contract to Future Ford of Concord, CA in the amount of $23,147.14 for a 2011 Ford F-250 as the FY 2010-11 budgeted replacement truck for the City's 1992 Ford F-450 (CERF monies).

(d) Accepted the resignation of Charles "Chuck" Evans as the City's long-term voting representative to the County Connection's (CCCTA) Citizens' Advisory Committee (CAC), effective April 29, 2011.

(e) Adopted Resolution 10-2011 authorizing the establishment and maintenance of investment accounts with Multi-Bank Securities, Inc. (as broker) using Pershing LLC (as holding company).

5. RECOGNITIONS AND PRESENTATIONS

(a) Kickoff of Clayton Farmers' Market 2011 – Opening Day is Saturday, May 7th.

The Pacific Coast Farmers' Market Association's Clayton Farmers' Market Manager Maureen Silva thanked the Council for continuing the Saturday morning market. She stated this year there will be more breakfast vendors including a crepe vendor and specialty teas available. She also stated there is a new program for frequent shoppers to the market who will receive prizes after having a card stamped at the market when they attend. She also stated the Opening Day of the market is May 7th and there will be a grand opening celebration.

Mayor Shuey stated the market has been a wonderful addition to the community.

(b) Mayor Shuey presented a Certificate of Recognition to Johnny James for his Eagle Scout project in Clayton. Johnny stated his project took two full days and he and his crew constructed a shade arbor at the Dog Park.

Bryan Alan Crase was not present to receive his Certificate of Recognition.

(c) Remarks by Beverly Lane, Board Member, East Bay Regional Parks District (EBRPD) on its Measure WW grant project progress.

The Mayor noted that Boardmember Lane was running late for the meeting due to traffic.

6. REPORTS

(a) Planning Commission – No meeting held to report.

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

(c) The City Manager stated the State Legislature continues to wrestle with cuts for the upcoming year and now the COPS Grant is up for discussion due to the lack of a statewide ballot measure to extend the VLF tax for this Program. He stated the COPS grant funds our 10th police officer, and if the state takes that money away the City Council will have to decide whether or not to patch the $100,000 funding gap for a period of time or lay off a police officer.

(d) City Council

Councilmember Stratford joined the staff of the East Contra Costa Habitat Conservancy to tour properties acquired with the help of the East Bay Regional Parks District.

Councilmember Medrano attended the Clayton Valley Charter High School community meeting.

Councilmember Pierce attended an ABAG Regional Planning Committee meeting, the ABAG General Assembly, a Transportation Authority meeting, the State Route 4 groundbreaking, and was a presenter at the San Ramon Valley Leadership summit to discuss the Sustainable Communities Strategy. She also attended the Clayton Cleans Up and thanked the Clayton Pioneer and Bob Steiner for sponsoring the event. Lastly, she attended a tour of the Alameda County HOT lanes.

Vice Mayor Geller attended the Clayton Cleans up and thanked Allied Waste Services for their donations to the event. He also stated he attended his second CERT class.

Mayor Shuey attended the Clayton Valley Charter High School community meeting which had between 130-150 people in attendance including teachers and parents. He stated there is a powerpoint presentation about the subject up on the Claycord blog and on the Clayton Valley Charter High School facebook page.

(e) Other – None.

7. PUBLIC COMMENTS – None.

8. PUBLIC HEARINGS – None.

9. ACTION ITEMS

(a) Second Reading and Adoption 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 presented the staff report and stated Fire Marshall Brochard attended the previous meeting and outlined the changes to the Fire Code. He stated the amendments to the Code include assuring adequate fire suppression devices are available for new residential and commercial buildings as well as large additions.

Mayor Shuey stated overall it is important to have code unity with the County when adopting of the new Fire Code, yet he still believes the new requirement for fire sprinklers on expansion of existing single family homes is overregulation. However, he will vote for it because the code is primarily beneficial to the community as a whole.

No public comments were received.

It was moved by Vice Mayor Geller, 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.

It was moved by Councilmember Stratford, seconded by Vice Mayor Geller to adopt Ordinance No. 432 (Passed; 5-0 vote).

(b) Consideration of a status report on the effort statewide and interest locally to prohibit the use of unrecyclable polystyrene "take-out" containers by a restaurant, retail food establishment or food vendor at community or special events.

The City Clerk presented the staff report and outlined the research staff had done in regards to a polystyrene ban. She stated the State Legislature is currently working on legislation that would "prohibit a food vendor, on or after January 1, 2013, from dispensing prepared food to a customer in polystyrene foam food containers." She also stated many cities have enacted local bans on polystyrene but before they did so engaged in a lengthy public process, conducted cost benefit analysis, and reviewed environmental impacts. She noted the City received a letter today from the American Chemistry Council outlining their position on polystyrene which suggests all ake-out food containers should be evaluated on being "earth-friendly," not just naming polystyrene.

Lastly, she stated staff recommends the Council await pending state legislation and possibly instruct staff to prepare a letter to local restaurateurs informing them of the potential upcoming ban and encouraging advance voluntary compliance.

Councilmember Pierce stated she is torn on the issue because banning one type of container might not solve the problem. She stated this action was better suited for a uniform statewide level.

Councilmember Medrano agreed this was something to be done at the state level.

Councilmember Stratford stated a City letter could be sent to encourage more green products?

Mayor Shuey stated he is very encouraged by the conversation and understands the environmental impact. He stated he is concerned about the non-biodegradability of polystyrene but with the economy the way it is the increased cost to businesses to switch to other container means would be detrimental He suggested the City wait for the State to take the lead, re-examine the issue down the road, and hold off on sending local letters for now.

The City Manager suggested the issue could be discussed in one of the upcoming Mayors' Columns in the Clayton Pioneer.

No action taken.

(c) Request by Council Member to discuss amending City Policy to also allow distilled spirits (hard liquor) during public rentals in Endeavor Hall in addition to current policy of beer and wine only.

Councilmember Medrano stated a resident in town asked him to discuss the Alcohol Policy for Endeavor Hall. He stated currently only beer and wine are allowed with an Alcohol Permit, but at most other rental venues in the area hard alcohol is allowed. He stated this is not "alcohol" for sale at the event, just available for guests. He stated he did not believe it was a large issue because liability insurance is already required for the venue. He stated if change in policy results in rental concerns Council can discuss it and go back to beer and wine only.

Councilmember Stratford stated he doesn't have a problem with making the change but wants to ensure the alcohol is kept inside and in the courtyard. He also suggested doubling the deposit for the venue (to $1,000) to make renters more aware of the risks and hazards.

Councilmember Pierce stated she doesn't believe it is necessary and neither do the people she spoke with in the community.

Councilmember Geller suggested requiring a professional to tend the alcohol bar and a bouncer for events with hard alcohol because of the possibility of power drinking.

Councilmember Medrano stated this change in policy will not encourage more alcohol consumption, rather it will give people a choice of drinks.

Mayor Shuey stated a responsible member of the community is thinking of having an event at Endeavor Hall but would like to have hard alcohol for their guests. He stated Walnut Creek has a mix of facilities and at some hard alcohol is allowed. He stated an increased deposit is acceptable but people have to be responsible for themselves.

The City Manager noted this discussion is about host liquor liability (served at no cost), and if people want to sell alcohol they still must get a separate ABC license.

It was moved by Councilmember Medrano, seconded by Councilmember Stratford to allow hard alcohol at Endeavor Hall events with an increased deposit to $1,000 for hard liquor (Passed; 3-2 vote; Noes- Pierce and Geller).

10. **COUNCIL ITEMS-** Councilmember Stratford suggested the Council consider a Resolution of support for the Clayton Valley Charter High School at their next meeting.

11. **ADJOURNMENT**– On call by Mayor Shuey the meeting adjourned at 8:05 p.m.

Respectfully submitted,

Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

David T. Shuey, Mayor