

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

TUESDAY, June 7, 2011

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:00 p.m. by Vice Mayor Geller in Hoyer Hall of the Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Vice Mayor Geller, Councilmembers Medrano and Pierce. Councilmembers absent: Mayor Shuey and Councilmember Stratford. Staff present: City Manager Gary Napper, Assistant City Attorney Maury Huguet Jr., Community Development Director David Woltering, and City Clerk Laci Jackson.
2. **CLOSED SESSION-** Vice Mayor Geller noted the earlier posted Closed Session was not held (cancelled).
 - (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)
 - (2) Employee Organization: Undesignated City Employees Unit
3. **PLEDGE OF ALLEGIANCE** – led by Vice Mayor Geller.
4. **CONSENT CALENDAR-** It was moved by Councilmember Pierce seconded by Councilmember Medrano to approve the Consent Calendar as submitted (Passed; 3-0 vote).
 - (a) Approved the minutes of the regular meeting of May 17, 2011.
 - (b) Rejected the liability claim of Judith Wilson for alleged damages by a tree located in or near City open space which occurred on or about March 24, 2011.
 - (c) Adopted Clayton's Growth Management Program (GMP) Compliance Checklist for calendar years 2008 & 2009, per CCTA Measure J.
5. **RECOGNITIONS AND PRESENTATIONS**
 - (a) Vice Mayor Geller presented a Certificate of Recognition to Garrett Blatter for his BSA Eagle Scout Project of two new water stations at the Clayton Dog Park.
6. **REPORTS**
 - (a) Planning Commission –Commissioner Bob Armstrong reported on the May 24th meeting of the Planning Commission. He stated the Planning Commission had a presentation on the Draft EIR for the Clayton Community Church project.
 - (b) Trails and Landscaping Committee – Chairman Jake Pauline reported on the Commissions May 16th meeting. He stated the committee reviewed theLandscape Maintenance District budget and discussed the recommended projects for the next fiscal year. He stated the Committee recommends the Council approve the District budget as proposed by the City Manager.

- (c) The City Manager stated the State is still battling its budget deficit of \$9.6 billion and Governor Brown is still urging that RDA's be eliminated but no state takeaways on the plate right now due to Prop. 22's passage. He stated the 4th of July Parade is not far away and volunteers are needed.

(d) City Council

Councilmember Medrano attended the East Bay League of Cities meeting and stated the American Lung Association gave a presentation on local anti-smoking regulations and ranked cities as to their effectiveness. He stated teachers at Clayton Valley voted and 75% were in favor of the transition to a Charter High School so the group will be submitting their application to the school board soon.

Councilmember Pierce attended a Transportation Authority meeting, an Administration Projects Committee meeting, an ABAG Executive Board meeting, and a meeting for the Legislative and Government Operations Committee. She attended the Contra Costa Council Transportation Forum and the county supervisorial redistricting meeting at Endeavor Hall. Lastly, she attended the Housing Methodology Committee meeting and the Mayors' Conference.

Vice Mayor Geller stated the June 4th Concert was cancelled due to rainy weather and he will be working with the band to try to reschedule. He stated the previous Concert (Sun Kings) had record breaking donations from the audience at \$1,625. He also attended the Mayors' Conference.

- (e) Other – None.

7. PUBLIC COMMENTS

Marcy Moss stated there is a group of organized Clayton residents who have started a website to discuss concerns over the proposed Church www.saveclayton.com

Linda Hudak stated she could not make the Planning Commission meeting but stated the Clayton Community Church project does not fit downtown and she is opposed to tearing down the old Pioneer Inn.

Elise Agnew stated the story poles [for the Clayton Community Church project] seem completely out of place and the parking spots required would impact trying to get anywhere in downtown Clayton.

Tamara Steiner stated the East Contra Costa County Fire Protection Board voted to continue fire protection for the Morgan Territory area.

The City Manager stated the public comment period for the Clayton Community Church Draft EIR ends on June 25th. He stated all comments will be given to the consultant to analyze, comment on, and place in the final version of the EIR. The City Manager stated the Public Hearings on the church project will be at the Planning Commission in the latter part of September or the beginning of October.

8. PUBLIC HEARINGS – None.

9. **ACTION ITEMS**

- (a) Second Reading and Adoption of a Planning Commission-recommended Ordinance to amend the *Clayton Municipal Code* regarding the number of administratively-issued Temporary Use Permits (TUPs) allowed per parcel per year and other TUP procedural requirements.

The Community Development Director presented the staff report and stated the Ordinance amends the current requirements for administratively approved temporary use permits. The amendments clarify that the allowed temporary uses could not exceed 45 days per application, sets a minimum time for submittal of application materials prior to a TUP event (45 days vs. the 48 hrs in the current code), increases the number of temporary use permits allowed per property from 3 to 4, and adds that a Maintenance supervisor review the Temporary Use Permit applications.

No public comments were received.

It was moved by Councilmember Medrano, seconded by Councilmember Pierce to have the City Clerk read Ordinance No. 433 by title and number only and waive further reading (Passed; 3-0 vote).

The City Clerk read Ordinance No. 433 by title and number only.

It was moved by Councilmember Medrano, seconded by Councilmember Pierce to adopt Ordinance No. 433 (Passed; 3-0 vote).

- (b) Second Reading and Adoption of an Ordinance amending Title 17 (Zoning) of the *Clayton Municipal Code* to increase the minimum interior side and rear yard setback requirement for a detached accessory structure and detached accessory buildings from three (3) feet to five (5) feet (ZOA 04-11).

The Community Development Director presented the staff report and stated by approving the Ordinance the setback requirements will be moved from 3 feet to 5 feet to be consistent with County Building and Fire Codes. He noted this does not apply to exempt structures such as sheds.

No public comments were received.

It was moved by Councilmember Medrano, seconded by Councilmember Pierce to have the City Clerk read Ordinance No. 434 by title and number only and waive further reading (Passed; 3-0 vote).

The City Clerk read Ordinance No. 434 by title and number only.

It was moved by Councilmember Medrano, seconded by Councilmember Pierce to adopt Ordinance No. 434 (Passed; 3-0 vote).

- (c) Introduction and consideration of the recommended City of Clayton Budget for Fiscal Year 2011–2012 and the Capital Improvement Program (CIP) for Fiscal Years 2011–2016.

The City Manager stated the overall budget is a status quo budget, with no reductions in services or programs. He noted the total budget is \$21,376 less than last year's budget. The General Fund budget is balanced at \$3.65 million and property taxes and sales taxes make up the majority of the budget revenues. He stated of a Clayton resident's property tax bill, the City gets 4.2%. He stated most of the money goes to the State to fund public education. He stated this budget calls for no use of one time monies for general operations. He stated one area that is troubling is the COPS grant funds of \$100,000 which is now paid via vehicle license fees. He noted locally this grant funds one Police Officer position and two Police Services Aides. He stated the funding expires on June 30th and may require a ballot measure in November for tax extensions for the VLF tax. He stated due to the un-assured funding this budget is patched to keep the 11th Officer position funded until the outcome of the budget negotiations or the November election. He stated there are two labor units still in negotiations and the Budget does not address that outcome. He stated the General Fund Reserve is \$5.1 million (140% of the annual operating budget).

He stated the Budget is built of four major categories: General Fund, Other Funds, CIP, and RDA. He stated the economic recession has hit everyone and while costs have increased City revenues have remained flat. The City of Clayton employees have made concessions equaling \$310,294 in each of the last three years, through furloughs, lack of COLA increases, and other cost saving measures. He stated in order to work as effectively as possible the City needs to do Capital Equipment Replacements in the amount of \$70,000 using one-time monies, and install a Credit Card Payment System so the public can pay fees using plastic cards.

He stated the Landscape Maintenance District will continue the work started this year and will do many projects next year, which is exactly what the voters wanted when they voted for the tax measure; namely, a pay-as-you-go improvement plan.

He stated Capital Improvement budget (CIP) includes a street paving project, the new parking lot expansion at the Community Park (partially funded by the Measure WW grant), and a sanitary sewer improvement for El Molino Drive.

Councilmember Pierce thanked the Finance Manager and the City Manager for putting the budget together. She stated the Finance Manager is extremely conservative with the revenue projections and considering the money that has been taken by the state, the City has fared well.

Councilmember Medrano asked for the budget to be amended to include adding a back-up tape for the taping of the City Council meetings by using Comcast PEG monies.

Vice Mayor Geller thanked the City Manager and the Finance Manager.

No public comments were received.

It was moved by Councilmember Pierce, seconded by Councilmember Medrano to instruct the City Manager to prepare the amended Budgets for Public Hearing and adoption at the June 21st City Council meeting (Passed; 3-0 vote).

- (d) Consideration of the establishment of a Reward Program (up to \$1,000 each occurrence) for information leading to the arrest and conviction of person(s) responsible for damage (graffiti and vandalism included) to City facilities, assets and property.

The Chief of Police presented the staff report. He stated since June 30, 2010 there have been 30 vandalism incidents reported and 14 to public properties. He stated three local cities offer rewards: Richmond, Hayward, and San Francisco. The Hayward Police Department said they had only paid a reward out three times since the program started. He stated staff feels a reward program could work if people would come forward but the language would have to be crafted and it is unknown if this would control or stop vandalism. He stated there are possible downsides if two people conspire to receive the reward. He stated security surveillance cameras could also be another option to look into for catching vandals in the act.

Councilmember Pierce stated the vandalism is an ongoing problem and initially she thought the reward system might be workable, but she fears bullying. Cameras really do work, and some strategically placed cameras around Endeavor Hall and at The Grove Park may be a better way to go.

Councilmember Medrano agreed with looking into the cameras but thinks putting out a reward system could work. He asked staff to look into whether the reward funds could be paid by the perpetrator's parents as part of the restitution program.

Vice Mayor Geller thinks the reward program could be beneficial but would like to see if the cameras would be an option.

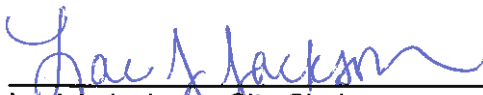
No public comments were received.

Pursuant to Council consensus, staff will look into camera options and draft language for a reward program for a future meeting.

10. **COUNCIL ITEMS**- None.

11. **ADJOURNMENT**- On call by Vice Mayor Geller the meeting adjourned at 8:32 p.m.

Respectfully submitted,



Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL



David T. Shuey, Mayor