

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

TUESDAY, October 4, 2011

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:00 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 and Pierce. Councilmembers absent: Councilmember Stratford. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, Community Development Director David Woltering, Police Chief Dan Lawrence, and City Clerk Laci Jackson.

2. **CLOSED SESSION** – Not held.

Mayor Shuey stated the Closed Session had been cancelled prior to the meeting.

- (a) *Government Code Section 54956.9, Conference with Legal Counsel*
Existing Litigation: *JFC Construction, Inc. v. City of Clayton, and related cross action*
Superior Court of CA, Contra Costa County; Case No. C-10-00293

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

4. **CONSENT CALENDAR-** It was moved by Vice Mayor Geller, seconded by Councilmember Pierce, to approve the Consent Calendar as submitted (Passed; 4-0 vote).

- (a) Approved the minutes of the regular meeting of September 20, 2011.
 - (b) Approved Financial Demands and Obligations of the City.
 - (c) Approved the City Investment Report for the 4th Quarter of FY 2010-11 (April-June 2011).
 - (d) Adopted Resolution 39-2011 amending "Do The Right Thing Resolution" (Section 3 of No. 42-2010) regarding public display/frequency of banners.

5. **RECOGNITIONS AND PRESENTATIONS**

- (a) Certificates to "Do The Right Thing" students of the month. Mayor Shuey presented Certificates of Recognition to six students for exemplifying the trait of "Responsibility." The students recognized from Mt. Diablo Elementary School were Ryan Morimoto and Ellie Tsao; from Diablo View Middle School, James Woods and Caitlin O'Leary; from Clayton Valley High School, Ted Hall and Sara Kommer.
 - (b) Mayor Shuey presented a Certificate of Recognition to Vince Scalise from the Pacific Coast Farmers' Market Association for their generous support of the Mayors' Healthy Cook-off by providing all of the produce used at the event.

Vince Scalise thanked the Mayor and stated it was a fun event and made a good impression of the Clayton Farmer's Market and the beautiful downtown and park.

6. REPORTS

- (a) Planning Commission – No meeting held.
- (b) Trails and Landscaping Committee – No meeting held.
- (c) The City Manager stated it is not too early to start thinking about the “Clayton Counts Down” New Year’s Eve event and that donations and volunteers are needed.
- (d) City Council

Councilmember Pierce attended the Contra Costa Transportation Authority board meeting, a Women’s Transportation seminar, and an MTC meeting.

Vice Mayor Geller stated he volunteered to be an actor in the upcoming Clayton Valley Women’s Club’s Mystery dinner on October 23rd.

Councilmember Medrano stated he has been working on and with the Clayton Valley High School Charter committee.

Mayor Shuey stated he has been working on the Clayton Valley Charter High School application. He attended the last meeting of the school board and spoke during public comment. He asked citizens to attend the next school board meeting on October 11th. He also noted CBCA’s Oktoberfest was a wonderful success.

- (e) Other – None.

7. PUBLIC COMMENTS – None.

8. PUBLIC HEARINGS

- (a) Consider the allocation of FY 2011-12 COPS Grant amount of \$100,000 to law enforcement compensation.

The Police Chief presented a report on the proposed expenditure of the COPS Grant funds to pay for front line law enforcement personnel. He stated the funds are allocated by population and Clayton is eligible for the minimum \$100,000. He stated by approving these funds the City can continue funding its 11th Police Officer position.

Mayor Shuey opened the Public Hearing at 7:28 p.m. No comments were received and the Public Hearing was closed at 7:29 p.m.

It was moved by Councilmember Pierce, seconded by Vice Mayor Geller, to adopt Resolution 40-2011 approving the expenditure of SLESF/COPS Grant monies as recommended (Passed; 4-0 vote).

- (b) Introduction and First Reading of an Ordinance rezoning 3 parcels in the Diablo Estates at Clayton subdivision located off Rialto Drive from R-40-H to R-40 (ZOA 05-11).

The Community Development Director stated the Ordinance before the Council tonight reclassifies three lots from R-40H to R-40 so that horses will not be permitted. He stated the Diablo Estates subdivision went through the planning process in 2004-2005 and at that time there was a plan to put horses on the lots. He stated the project was picked up by another developer who has changed the plans for the subdivision in a way that does not anticipate horses on these properties. He stated with the proposed homes the developer has done substantial grading on the property and they would like the sloped areas behind the homes to remain unimproved and not to have horses on the property. Staff is forwarding the Ordinance recommended by the Planning Commission for Introduction and First Reading.

Mayor Shuey opened the Public Hearing at 7:33 p.m. No public comments were received and the Public Hearing was closed at 7:33 p.m.

It was moved by Councilmember Medrano, seconded by Vice Mayor Geller, to have the City Clerk read Ordinance No. 435 by title and number only and waive further reading (Passed; 4-0 vote).

The City Clerk read Ordinance No. 435 by title number only.

It was moved by Councilmember Medrano, seconded by Vice Mayor Geller, to approve Ordinance No. 435 for first reading (Passed; 4-0 vote).

9. ACTION ITEMS

- (a) Adoption of a Resolution establishing a monetary reward system for information leading to the arrest and conviction of vandals to public property.

The Police Chief stated the Council directed staff to research and develop a Vandalism Accountability Rewards Program. He stated the goal of this program is to entice witnesses to come forward and identify people caught damaging City property. He stated, if approved, the program would be implemented and then reviewed in a year.

Councilmember Medrano asked if the City can charge the perpetrator for the cost of the reward even if they are not convicted by the court system? The City Attorney responded "Yes the City could still charge the perpetrator for the amount provided as the reward."

No public comments were received.

It was moved by Vice Mayor Geller, seconded Councilmember Pierce, to adopt Resolution 41-2011 (Passed; 4-0 vote).

- (b) Introduction and First Reading of an Ordinance adding Chapter 2.11 to the Municipal Code regarding a City Attorney.

The City Clerk presented the staff report and stated when the new City Attorney was hired staff realized there was no section in the Clayton Municipal Code referring to the duties of the City Attorney. She and City Attorney worked on this Ordinance and stated there are minor amendments to formatting which will be provided in the final version of the Ordinance at the next City Council meeting. She also requested the Council amend the Ordinance to add "as requested by the City Council" to the end of the sentence in Section 2.11.020.

No public comments were received.

It was moved by Councilmember Medrano, seconded by Councilmember Pierce, to have the City Clerk read Ordinance No. 436 by title and number only as amended and waive further reading (Passed; 4-0 vote).

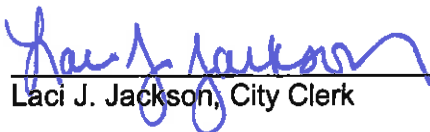
The City Clerk read Ordinance No. 436 by title and number only.

It was moved Councilmember Medrano, seconded by Councilmember Pierce, to approve Ordinance No. 436 for first reading (Passed; 4-0 vote).

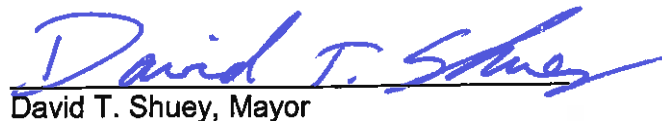
10. **COUNCIL ITEMS**- None.

11. **ADJOURNMENT**- On call by Mayor Shuey the meeting adjourned at 7:40 p.m.

Respectfully submitted,


Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL


David T. Shuey, Mayor