

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

TUESDAY, November 20, 2012

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 6:17 p.m. by Mayor Geller in Hoyer Hall of the Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Geller, Councilmembers Pierce, Shuey, and Stratford. Councilmembers Absent: None. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, Community Development Director David Woltering, and City Clerk Laci Jackson.
2. **CLOSED SESSION**- Mayor Geller announced the following purpose for Closed Session and then adjourned into Closed Session at 6:17p.m.
 - (a) *Government Code Section 54956.8, Conference with Real Property Negotiator*
Real Properties: 6055 Main Street, Clayton (APNs 118-560-010 & 119-011-003)
Instructions to City Negotiator (City Manager) concerning terms and conditions.
Negotiating Party: Clayton Community Church.

7:15 p.m. Report out of Closed Session: Mayor Geller reported the Council would return to Closed Session at the end of the meeting. There was no public report to provide at this time.
3. **PLEDGE OF ALLEGIANCE** – led by Mayor Geller.
4. **CONSENT CALENDAR**- It was moved by Councilmember Pierce, seconded by Councilmember Stratford, to approve the Consent Calendar as submitted (Passed; 4-0 vote).
 - (a) Approved the minutes of the regular meeting of November 6, 2012.
 - (b) Approved the Financial Demands and Obligations of the City.
5. **RECOGNITIONS AND PRESENTATIONS** – None.
6. **REPORTS**
 - (a) Planning Commission – Commissioner Johnson reported on the November 13 meeting of the Planning Commission. The Commission approved an addition to a balcony in Diablo Estates and reviewed the proposed Universal Design Ordinance which will require developers to offer design features to make units more usable and safe for persons with disabilities. This action is a requirement from the City's HCD- Certified Housing Element.

The Council asked questions regarding the size of the deck addition and the reasons for its addition. Councilmember Shuey stated he did not believe it was government's place to require the ADA Universal Design features be offered by the developer. If a homebuyer wants them, they can request the information and costs at that time. The Community Development Director stated the requirements come from the adopted Housing Element.

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

(c) The City Manager congratulated Mayor Geller, Councilmember Pierce, and Councilmember-Elect Jim Diaz, who is in the audience, on their successful elections. He stated December 4th will be the transition meeting of the City Council. He noted the meeting will have cake and a celebration along with the selection of the new Mayor and Vice Mayor. He stated the new Police Chief Chris Thorsen will also be at the meeting for administration of his Oath of Office. He thanked current Police Chief Dan Lawrence for his 40 years of law enforcement service and for his seven years as the Clayton Chief of Police. Police Chief Lawrence stated it had been a pleasure serving the Clayton community.

(d) City Council

Councilmember Stratford stated the “Do the Right Thing” trait of the month is “Kindness.”

Councilmember Shuey attended the East Bay League of Cities Division meeting.

Councilmember Pierce attended a Transpac meeting, an ABAG meeting, a Joint Policy Executive Committee, a Joint ABAG and MTC meeting, a Bay Area prosperity project meeting, and the MTC parking policy workshop. She attended the Focus on the Future Conference. She noted the Clayton Counts Down Committee met and because of changing demographics and lowered attendance the event will not be held this year. She stated the Committee is brainstorming about ideas of a event in the park for children. She stated as of 2010 there are only 450 children under 8 years old in Clayton and the event was only bringin in 300-400 people total. She stated the event requires a tremendous amount of volunteers and they are nearly the same volunteers since 2003.

Councilmember Shuey also noted he has been meeting with Councilmembers from other cities to assist the Mt. Diablo Unified School District. He stated they are trying to figure out a structure and method to help the District.

Mayor Geller attended the CCC (Careers Community Collaboration) Club at Clayton Valley Charter High School. He hosted the Mayors Club meeting this month and noted the Clayton Valley Charter High School football team is in the playoffs.

(e) Other – None.

7. PUBLIC COMMENTS

Richard Taylor thanked the City of Clayton and the Police Department for sponsoring the 32nd Annual Halloween Ghost Walk. He also thanked the Clayton Pioneer, the Concord Transcript, and Channel 2 News for their coverage of the event.

8. PUBLIC HEARINGS- None.

9. ACTION ITEMS

- (a) Consideration of a staff report outlining options and range of costs for updating the City's Noise Element and Noise Ordinance.

The Community Development Director stated this item arises from the October 2nd City Council meeting where Council directed staff to prepare more information about the costs of updating the City's Noise Element and Noise Ordinance. He stated the issue started as an informational item about complaints received about the noise levels at the Clayton Club Saloon. Staff worked with the Clayton Club owners to make operational modifications such as keeping the decibel levels lower outdoors, keeping the back doors closed, adding ventilation, and adding a noise monitoring device. He stated staff worked within the confines of the City's Noise Element and Chapter 9.30 of the Municipal Code-Noise Regulations. He stated the Clayton Club owners were concerned there are no consistent noise thresholds and how staff would measure compliance based on the regulations. Staff was asked by Council to come back with information regarding the cost of updating these regulations.

The Community Development Director stated the Clayton Club owners are correct; it would be helpful to update the documents by creating quantitative standards and clear direction on how to monitor noise. He stated the ultimate vision for downtown is a mixed use environment. As these uses are brought together there may be an inherit conflict in terms of noise. He checked noise documents in other communities and talked with planners and consultants that are dealing with this same issue. As he talked to consultants he tried to get sense of time frames and cost estimates. He stated Option 1 is to stick with the current Noise Element and work with property owners on a case by case basis. Option 2 is amending some of the language and the Noise Element which will take 4-6 months for public hearings and research at a cost of \$17,000-\$25,000 for the Downtown area only, or Option 3 to selectively amend the language on a City wide basis would take 6-8 months and cost \$25,000-\$32,000. He stated Option 4 is to comprehensively update both the noise regulations, Noise Element and update the noise contour maps for the community which has not been updated since 1995. That process would take 8-12 months and would cost \$32,000-\$45,000.

He stated in terms of the Clayton Club, staff and the owners agreed upon operational modifications that seem to have made a difference but the owners are concerned they suffered an undue burden. If the Council wants to move forward funding is a concern. There are many projects coming up in 2013 including the Housing Element update which cost \$44,000 in 2010. Staff recommends this task be added to the Council/ Manager tracking sheet and look for opportunities to revisit this item in the future funds become available or identified.

Mayor Geller indicated he liked Option 2 for the Downtown only.

It was moved by Councilmember Stratford, seconded by Councilmember Pierce, to approve the staff recommendation instructing the City Manager to add updating/revising the City's noise regulations into the Council-Manager's Staff Work in Progress document until such time a funding source and prioritization are identified (Passed; 4-0 vote).

10. **COUNCIL ITEMS** – Mayor Geller asked for a future agenda item to discuss paying off the City's CalPERS Unfunded Liability. The City Manager stated staff can provide information but will not provide all analysis until the Council gives further direction.

Councilmember Pierce asked for the potential cancellation of the January 1st meeting to be discussed at the next meeting.

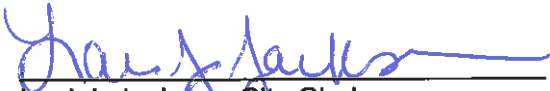
2. **CLOSED SESSION**- Mayor Geller announced the following purposes for Closed Session and then adjourned back into Closed Session at 8:25 p.m.

- (a) *Government Code Section 54956.8*, Conference with Real Property Negotiator
Real Properties: 6055 Main Street, Clayton (APNs 118-560-010 & 119-011-003)
Instructions to City Negotiator (City Manager) concerning terms and conditions.
Negotiating Party: Clayton Community Church.

8:34 p.m. Report out of Closed Session: Mayor Geller reported there was no reportable action taken.

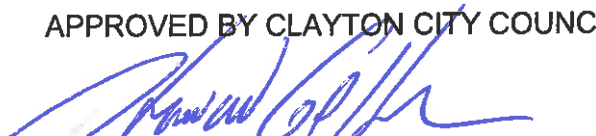
13. **ADJOURNMENT**– On call by Mayor Geller the meeting adjourned at 8:35 p.m.

Respectfully submitted,



Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL



Howard Geller, Mayor