

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

TUESDAY, September 17, 2013

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 6:04 p.m. by Mayor Pierce in Hoyer Hall of the Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Pierce, Vice Mayor Stratford (arrived during Closed Session), Councilmembers Diaz, Geller, and Shuey (left meeting after Closed Session). Staff present: City Manager Gary Napper, Assistant City Attorney Chris Diaz, Community Development Director Charlie Mullen, and City Clerk Laci Jackson.

2. **CLOSED SESSION** On call by Mayor Pierce the Council adjourned into Closed Session for the following purpose:

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

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

2. Employee Organization: Undesignated City Employees Unit.

7:12 p.m. Report out of Closed Session: Mayor Pierce reported the Council discussed and gave direction to the labor negotiator.

Mayor Pierce noted Councilmember Shuey had to leave the meeting after Closed Session.

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

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

- (a) Approved the minutes of the regular meeting of August 20, 2013.
- (b) Approved Financial Demands and Obligations of the City.
- (c) Approved a Defense and Indemnification Agreement related to the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan revised implementation/mitigation fees.

5. **RECOGNITIONS AND PRESENTATIONS**

- (a) Mayor Pierce presented a Proclamation declaring September 2013 as "Personal and Community Preparedness Month" to the Clayton CERT team. CERT is providing training for Hands Only CPR and emergency preparedness. Pam Dodson, from County Emergency Medical Services stated Clayton has done an outstanding job and has attained status as a "Heart Safe Community." She presented the City of Clayton with signs showing the City has reached its goal of becoming "Heart Safe Community".
- (b) Mayor Pierce stated the Proclamation declaring September 17-23, 2013 as "Constitution Week" would be mailed to the Daughters of the American Revolution chapter.

- (c) Mayor Pierce read the Proclamation declaring September 23-28, 2013 as "Fall Prevention Awareness Week" to representatives from Meals on Wheels and the Fall Prevention Coalition.
- (d) Mayor Pierce presented Certificates of Recognition to "Do The Right Thing" public school students chosen for exemplifying the character trait of "Courage". Vice Mayor Stratford stated there are 6 Character traits the Council has been recognizing the students for the last two years; the Program is looking at ways to include community members too.

Mayor Pierce and Mt. Diablo Elementary School teacher Mrs. Kerr and Diablo View Middle School Principal Patti Banister recognized students Jason Downs and Haley Morrison.

Mayor Pierce and Clayton Valley High School teacher Kat Marzel recognized Clayton Valley Charter High School students Brody Rogers, Kyra Ortiz, and Kyle Metz; Celine Jusup was unable to attend the meeting.

6. **REPORTS**

- (a) Planning Commission- Commissioner Sandy Johnson reported on the Planning Commission meetings of August 27th and September 10th. The Commission approved a Site Plan Review Permit on Douglas Court, reviewed the CIP Budget for conformance with the General Plan, and recommended the Cottage Food Industries Ordinance move forward to the City Council.
- (b) Trails and Landscaping Committee – No meeting held.
- (c) The City Manager thanked the many people who helped keep the community safe during the Morgan Fire. He stated the fire was extremely scary for the community. He noted staff and the Council responded as well as CalFire, the Contra Costa Fire District, ambulance services and many volunteers. He stated no homes were lost and animals were moved by volunteers. He thanked Police Chief Thorsen for his work, Assistant to the City Manager Laura Hoffmeister for manning the Evacuation Center, Maintenance personnel for manning the barricades, and the City Clerk uploading information to the City's website from home. He stated communication was difficult because the City was not directly affected by the fire. He stated one of the lessons the City learned is that social media a great way to keep in touch with people and the City's emergency operations plan should be updated to make certain social media outreach is provided during emergencies. Again he thanked everyone for jobs well done.

Tamara Steiner, thanked Police Officer Rich Enea who went above and beyond the call of duty in providing information to her when the roads were opened and she could return home.

- (d) City Council

Councilmember Diaz attended a briefing from Fitch and Associates on August 21st regarding the Fire District. He attended the CBCA meeting, the Clayton Community Church's Labor Day Derby, the Thursday Night Concert, and noted he will be attending CERT training beginning on September 23rd.

Vice Mayor Stratford held a committee meeting for the "Do The Right Thing" program and they are trying to think of ways to promote the traits. He stated the current trait is "Responsibility."

Councilmember Geller attended the KOPS for Kids Golf Fundraiser, the Volunteer Fair at Clayton Valley Charter High School, the Farmers' Market, the Clayton Labor Day Derby, and the last two Concerts in The Grove which featured the Chicago Tribute Authority, and East Bay Mudd. He stated the audience donations raised \$18,000 this year which will help fund next year's concerts.

Mayor Pierce stated there is no City money that pays for the Concerts and donations along with sponsors (CBCA or Republic Services) fund the concerts without tax dollars. She thanked the Red Cross and Salvation Army for their response to the Morgan Fire. She attended several meetings for ABAG, the Transportation Authority, attended the Fitch Fire Services meeting, and the Mayors' Conference.

City Manager introduced Christopher Diaz from Best, Best and Krieger, LLP who is filling in for the City Attorney at tonight's meeting.

(e) Other

7. PUBLIC COMMENTS

8. PUBLIC HEARINGS

- (a) Public Hearing to consider the Introduction and First Reading of a proposed City-initiated Ordinance to amend portions of Title 17 - Zoning of the *Clayton Municipal Code* to establish regulations for emergency shelters and specifically establishing emergency shelters as a permitted use in the Public Facilities (PF) Zoning District (ZOA -04-13).

The Community Development Director presented the staff report and noting the State of California Housing and Community Development Department (HCD) has mandated the City initiate an Ordinance to establish regulations for Emergency Shelters as permitted facilities within the City limits. In July 2010, HCD conditionally certified the City's 2009-2014 Housing Element. Since the conditional certification, staff has brought forward many amendments to meet the required of the certification. He stated staff did research and prepared the draft Ordinance to allow Emergency Shelters in the Public Facilities (PF) district. He stated this zoning district was selected after analysis and a Land Availability Study. He stated the Keller Ranch House Property could be a potential site for this type of use. Staff and the Planning Commission thought this was the best approach and gives the City the most discretion in reviewing the planning applications.

Mayor Pierce opened the Public Hearing at 8:18 p.m. and closed the Public Hearing at 8:19 p.m. No comments were presented.

It was moved by Vice Mayor Stratford, seconded by Councilmember Geller, to have the City Clerk read Ordinance No. 449 by title and number only and waive further reading (Passed; 4-0 vote).

The City Clerk read Ordinance No. 449 by title and number only.

It was moved by Vice Mayor Stratford, seconded by Councilmember Diaz, to approve Ordinance No. 449 for Introduction with findings the action does not constitute a project under CEQA. (Passed; 4-0 vote).

9. **ACTION ITEMS**

- (a) Consider a Resolution establishing new fees and adjusting existing fees in the City Master Fee Schedule for certain user-benefit City services and rental of City facilities or parks in FY 2013-14.

The Assistant to the City Manager presented the staff report. She stated the last fee update Resolution was approved in July 2012. She stated staff did the analysis and used the April-April CPI (2.4%) and rounded up or down to the nearest whole dollar. She stated for field rental fees the fees are only adjusted every two years and this is the year for the increase. She noted this does not affect renters who already paid their fees. She also noted these fees are not in-lieu or Development Impact fees. She noted one amendment was benched for the Council's consideration and was to decrease the fee for a Solicitation permit from \$218 to \$87 due to potential solicitors paying for their own fingerprint screening directly with the outside vendors.

No public comments were received.

It was moved by Vice Mayor Stratford, seconded by Councilmember Diaz, to adopt Resolution 31-2013 as amended setting City fee rates for FY 2013-14 (Passed; 4-0 vote).

10. **COUNCIL ITEMS**

Councilmember Geller asked for the 2014 Concerts in the Grove Schedule to be placed on the next Council agenda for approval.

11. **ADJOURNMENT**— on call by Mayor Pierce the meeting adjourned at 8:25 p.m.

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Respectfully submitted,



Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL



Julie K. Pierce, Mayor