

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

TUESDAY, October 15, 2013

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 6:00 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 Councilmembers Diaz, Geller, and Shuey. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, Community Development Director Charlie Mullen, Police Chief Chris Thorsen, and City Clerk Laci Kolc.
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.

7:03 p.m. Report out of Closed Session: Mayor Pierce reported the Council gave instructions to the labor negotiator.
3. **PLEDGE OF ALLEGIANCE** – led by Mayor Pierce.
4. **CONSENT CALENDAR**- It was moved by Councilmember Shuey, seconded by Vice Mayor Stratford, to approve the Consent Calendar (Passed; 5-0 vote).
 - (a) Approved the Financial Demands and Obligations of the City
 - (b) Set Tuesday, November 5, 2013 at 5:30 p.m. in Hoyer Hall at the Clayton Community Library, 6125 Clayton Road, as the date, time and location of a joint workshop of the City Council and its Planning Commission for review of proposed policies concerning the state-required City Housing Element update for Years 2014-2022.
 - (c) Adopted Resolution No. 33-2013 supporting proposed state legislation (SB 405; Padilla) in calendar year 2014 which would phase out or prohibit single-use retail carryout plastic bags in California.
5. **RECOGNITIONS AND PRESENTATIONS**
 - (a) Mayor Pierce announced a Proclamation declaring October 2013 as “Domestic Violence Awareness Month” is being mailed to STAND! For Families Free of Domestic Violence.

6. REPORTS

- (a) Planning Commission- The Community Development Director provided an update on the Planning Commission's October 8, 2013 meeting. He stated the meeting was an informational study session held by the developers of the proposed Silver Oak Estates project. He stated there was a good turn out and a lot of input from the neighborhood.
- (b) Trails and Landscaping Committee – No meeting held.
- (c) The City Manager had no report.
- (d) City Council

Councilmember Geller attended the land dedication of Rowdy Ranch to the East Bay Regional Parks District. He also attended a dinner to honor Tim Argenti as the "Citizen of the Year" by the Silverado Council of the Boy Scouts of America.

Vice Mayor Stratford attended the land dedication and the CERT Corps Council meeting. He stated CERT talked about revisiting the City's Emergency Response plan. He also noted the character trait of the month is "Respect."

Councilmember Diaz attended the Mayors' Conference in Clayton and worked at the Oktoberfest.

Mayor Pierce attended a Transportation Authority meeting, ABAG Regional Planning Committee meeting, the Mayors' Conference, and a TRANSPAC meeting. She stated TRANSPAC is looking at forming a Joint Powers Authority (JPA). The City Manager noted other similar agencies are doing the same thing for insurance purposes.

Councilmember Geller stated this was one of the best Oktoberfest events with many vendors and attendees.

The City Manager stated staff received an email that Contra Costa County Fire Protection District is closing Station 8 in Concord for three weeks in November for construction. The ConFire Station 8 crew will stage out of Clayton's Station 11 during that interim time.

- (e) Other

7. PUBLIC COMMENTS

Richard Taylor announced the 33rd annual Clayton Halloween Ghost Walk will be held on October 31st. He thanked the City for helping out with the PA system and the local press for their coverage. He stated he appreciates the local support and hopes the tradition continues.

8. PUBLIC HEARINGS – None.

9. ACTION ITEMS

- (a) Consider the Introduction and First Reading of proposed City-initiated Ordinance No. 451 amending Chapters 1.14, 1.18, 1.20, 8.08 and 17.72 of the *Clayton Municipal Code* concerning code enforcement procedures and regulations.

The Community Development Director presented the staff report about the proposed Ordinance to amend the Clayton Municipal Code for code enforcement procedures and regulations. He stated after a recent code enforcement case and appeal hearing staff identified a need to clean up procedural wording and incorporate better cost recovery into the Municipal Code. The code enforcement action was about \$1,200 for a hearing officer and that does not include staff or the City Attorney's time. He stated because of the Code the City was only able to charge a \$53 fee. The proposed Ordinance amendments provide a fairer cost recovery procedure to be more current. He stated Chapter 1.14 create more flexibility for courtesy notice violations, for notice between 10-20 days and 1.18 defines responsible persons and clarifies the payment of fines. He also stated the process has to allow for the waiver for advance deposits for those who need it. He also stated Section 1.20 allows the City to recover attorney fees. The Ordinance also clarifies nuisances sections of the zoning code, clarifies ability to recover cost of violations that require immediate abatement, and clarifying property owners' responsibilities to look at this. It also establishes an abatement hearing process and the nuisance appeal process. Lastly, it changes some clean-up of redundancies in code sections.

Councilmember Geller asked why the state can mandate the fees be waived for indigent persons? The City Attorney stated it is only temporarily waiving deposit fees in the case of economic hardship; proof of bank statements would have to be shown. Should the appeal decision be in the City's favor, the appellant would then owe the fees and expenses.

Mayor Pierce stated Exhibit A, both sections b and c are unclear as it reads, regarding the fine for second violations of local building and safety codes, and whether it was a per day fine or fixed one-time fine.

The City Attorney confirmed the intent was a violation per day fine. The City Manager responded where it included a building and safety code, "per day" could be added to the text.

Councilmember Shuey stated staff's proactivity on these changes is great, that we recognized a problem and proposed changes to fix it.

The Community Development Director stated he and the City Attorney would work on the text amendments for consideration at the Ordinance's second reading.

It was moved by Councilmember Shuey seconded by Vice Mayor Stratford, to have the City Clerk read Ordinance No. 451 as amended to add "per day" by title and number only and waive further reading (Passed; 5-0 vote).

The City Clerk read Ordinance No. 450 by title and number only.

It was moved by Vice Mayor Stratford, seconded by Councilmember Shuey, to approve Ordinance No. 451 with the "per day" amendments for Introduction with findings the action does not constitute a project under CEQA. (Passed; 5-0 vote).

- (b) Second Reading and Adoption of proposed City-initiated Ordinance No. 450 amending portions of Title 17 – Zoning of the *Clayton Municipal Code* to establish regulations for the operation of cottage food businesses in residential zones.

The Community Development Director stated this Ordinance was introduced at the October 1st City Council meeting. He stated this Ordinance will amend the Municipal Code to allow the Planning Commission to review cottage foods business proposals for approval or denial.

No public comments were received.

It was moved by Councilmember Shuey, seconded by Vice Mayor Stratford, to have the City Clerk read Ordinance No. 450 by title and number only and waive further reading (Passed; 5-0 vote).

The City Clerk read Ordinance No. 450 by title and number only.

It was moved by Vice Mayor Stratford, seconded by Councilmember Shuey, to adopt Ordinance No. 450 with findings the action does not constitute a project under CEQA. (Passed; 5-0 vote).

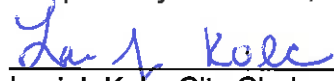
10. COUNCIL ITEMS

Councilmember Geller asked for an item to be placed on a future agenda to discuss hiring a professional to actively market the City's properties for sale in the downtown area.

11. ADJOURNMENT– on call by Mayor Pierce the meeting adjourned at 7:40 p.m.

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Respectfully submitted,



Laci J. Kolc, City Clerk

APPROVED BY CLAYTON CITY COUNCIL



Julie K. Pierce, Mayor