

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

TUESDAY, November 5, 2013

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 5:33 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 (arrived at 6:38 p.m.). Staff present: Assistant to the City Manager Laura Hoffmeister, City Attorney Mala Subramanian, Community Development Director Charlie Mullen, and City Clerk Laci Kolc.
2. **PLEDGE OF ALLEGIANCE** – led by Mayor Pierce.
3. **PUBLIC COMMENTS**- None.
4. **PUBLIC WORKSHOP**
 - (a) Joint Study Session to discuss and provide general instructions to staff and its consultant on the City's Housing Element Update, as required by State law.
(Community Development Director & Jennifer Gastelum, Project Manager, PMC)

The Community Development Director stated this is the kick-off workshop for the Housing Element Update. He introduced the consultant team from Pacific Municipal Consultants (PMC), Jennifer Gastelum and Kim Opsfeld. He stated in May 2013 PMC competitively won the contract to be the consultant for the Housing Element update. He stated this cycle is eight years from 2014-2022. He noted the eight year cycle should reduce the impact on staffing and the cost associated with this process. He noted PMC and Ms. Gastelum were the consultants on the City's previous Certified Housing Element Update.

Ms. Gastelum stated this cycle is a minor technical update for the City. She stated this process provides for the implementation of the Regional Housing Needs Assessment (RHNA) numbers assigned by ABAG for the next eight years. She stated the Housing Element is one of the elements of the General Plan and it is important the City has an Certified Housing Element to be able to access state and local funding.

She stated there are new laws that must be implemented in this process (SB 812, SB 375, SB 2 (2007), AB 2634, and AB 2511) to facilitate housing for persons with disabilities, emergency shelters, and very low income households.

She stated the goal is a streamlined approach based on the work done during the implementation of the last Housing Element. She noted staff will be modifying the language of the PD Districts to identify standards for density. She stated once that happens the City can move forward and streamline the process with HCD.

Ms. Opsfeld provided an overview of the Housing Needs Assessment and stated it was difficult to find market homes at "affordable" prices in the City limits. She also noted the rental listing price information may be skewed because there are very few rentals in the community.

Ms. Gastelum stated staff and PMC are working on a draft which will be presented to the Planning Commission in February 2014 and should be completed well before the deadline for HCD.

Councilmember Geller offered to help PMC get information from local property managers to provide more accurate information.

Mayor Pierce stated she would like to see a new picture for the front cover of the report.

Planning Commissioner Dan Richardson stated it was nice to see the City has moved so many initiatives forward since the last Housing Element cycle.

Planning Commissioner Sandy Johnson stated there doesn't seem like there is much more work to do given all of the previous efforts. Ms. Gastelum stated indeed this a minor technical update.

Ms. Gastelum stated staff would eventually identify land inventory and change the default development standards for the PD zoned districts to meet HCD's requirements.

Mayor Pierce asked if the intention to have categories of planned development yet satisfy HCD's requirement? Ms. Gastelum stated that is the intention.

No public comments were received and no action was taken.

The Council recessed at 6:10 p.m.

Mayor Pierce reconvened the Council Meeting at 7:00 p.m.

5. **PLEDGE OF ALLEGIANCE** – Mayor Pierce asked the students being recognized for the "Do The Right Thing" campaign to lead the pledge.
6. **CONSENT CALENDAR**- It was moved by Councilmember Diaz, seconded by Councilmember Geller, to approve the Consent Calendar as submitted (Passed; 5-0).
 - (a) Approved the minutes of the regular meetings of October 1 and October 15, 2013, and the special meeting of November 27, 2012.
 - (b) Approved Financial Demands and Obligations of the City.
 - (c) Adopted Resolution 34-2013 approving the 3rd Amendment to the Stormwater Utility Area Agreement between the Contra Costa County Flood Control and Water Conservation District and the City of Clayton.
 - (d) Adopted Resolution 35-2013 approving a one (1) year Memorandum of Agreement with the City's Miscellaneous Employees Unit effective 01 July 2013.
 - (e) Approved a multi-year lease with Konica Minolta Business Systems for replacement of the existing City Hall copier machine.
 - (f) Approved authorization for City application to the County Board of Supervisors for \$29,000 in County Park Dedication Funds to replace three (3) sport scoreboards at Clayton Community Park, and allocate \$7,500 in Deferred Maintenance funds.
7. **RECOGNITIONS AND PRESENTATIONS**
 - (a) Certificates of Recognition to "Do The Right Thing" public school students chosen for exemplifying the character trait of "Respect".

Mayor Pierce and Mt. Diablo Elementary School teachers Ms. Howard and Ms. Mori recognized students Kaden Rose and Sophia Carcamo.

Mayor Pierce and Diablo View Middle School Principal Patti Banister recognized students Elijah Stolarz and Nicholas Carbonneau.

Mayor Pierce and Clayton Valley Charter High School teachers recognized Clayton Valley Charter High School students Malcolm Pratt, De'Angelo Cabuloy, Marissa Espinosa and Hailey Pascoe (who was unable to attend the meeting).

8. REPORTS

- (a) Planning Commission- Vice Chairman Dan Richardson stated the Planning Commission held a Joint Meeting with the City Council today on the Housing Element update. He reported on the October 22nd meeting Planning Commission meeting where the Commission approved a Home Occupation Permit for tax services and finalized amendments to the Planning Commission meeting procedures and protocols.
- (b) Trails and Landscaping Committee – Chairman Larry Casagrande reported two residents attended the last Trails and Landscaping Committee meeting of October 28th. Both residents were concerned with the landscaping in medians and the lack of replanting. He stated after a year of no activity on the Adopt-a-Trail subcommittee, the Committee received an update that new sponsors had been obtained for the Cardinet Trail. He stated the next project is to bid for tree replacement on Keller Ridge and Peacock Creek. He also noted the contractor was able to complete the backlog of weed abatement in time even with a late start. Lastly, he noted there will be some articles on the Landscape District in the upcoming Clayton Pioneer.
- (c) The Assistant to the City Manager had no report.
- (d) City Council

Councilmember Diaz attended a meeting for a group that honors local law enforcement and attended the CBCA meeting.

Vice Mayor Stratford attended the Trails and Landscaping Committee meeting and stated the November and December character trait being focused on for the "Do the Right Thing" campaign is Kindness.

Councilmember Geller attended the CBCA meeting.

Mayor Pierce attended a Transportation Authority meeting, an ABAG Joint Policy Committee meeting, and noted the TRANSPAC meeting voted to form a Joint Powers Authority (JPA). She attended the STAND! For Families Free of Domestic Violence luncheon. She attended a meeting of the Central County Mayors' group which focused on discussing a plastic bag ban. She noted she had the honor of opening the State of the Estuary Conference, attended a Future of Transportation Town Hall meeting hosted by Senator Mark Desaulnier. Lastly, she stated she would be moderating the Morgan Fire Town Hall meeting Thursday at 7 p.m. in Hoyer Hall of the Clayton Community Library. She also noted the citizen involved in a recent motorcycle accident in front of City Hall is recovering remarkably well.

- (e) Other – None.

9. PUBLIC COMMENTS- None.

10. **PUBLIC HEARINGS** - None.

11. **ACTION ITEMS**

- (a) Presentation and acceptance of the Trails and Landscaping Committee's FY 2012-13 Annual Report for the Citywide Landscape Maintenance District.

TLC Chairman Larry Casagrande presented the Annual Report. He noted he and Bob Steiner worked on preparing the report. He stated in the last year significant projects were completed (landscape median project and Daffodil Hill). He stated trees were removed and trimmed in open space and irrigation repairs were provided. He noted the City signed a new 4 year contract for weed abatement and fire control in the open space. He stated the Adopt-a-Trail program is seeking donors. Lastly, the Committee submitted a proposed budget to the City Council based on the parcel assessments of \$995,711 and urged citizens to attend their meetings.

It was moved by Vice Mayor Stratford, seconded by Councilmember Diaz, to accept the Trails and Landscaping Committee's Annual Report for FY 2012-13 (Passed; 5-0 vote).

- (b) Second Reading and Adoption 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 stated the Ordinance has been updated with clarification on the per day fine. He stated no other changes were made and staff received no additional public comment.

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

The City Clerk read Ordinance No. 451 by title and number only.

It was moved by Vice Mayor Stratford, seconded by Councilmember Diaz, to adopt Ordinance No. 451 with findings the action does not constitute a project under CEQA. (Passed; 5-0 vote).

- (c) City Council determination of the date, time, location and agenda topics for its 5th annual Town Hall Meeting with the Clayton business community and commercial property owners.

Councilmember Geller stated this would be the 5th year of meeting with business owners, and in the past nothing significant has come out of the meeting.

Vice Mayor Stratford stated the last couple years we met the Council did more of the talking than the business owners and he is ok if we do not meet this year.

Councilmember Diaz stated it is a good opportunity for people to speak to the Council directly.

By consensus, the Council agreed to have Mayor Pierce make phone calls to businesses and see if they are interested in having a meeting and report back if there is interest.

- (d) Discussion of a Council Member's proposal for the City to hire a commercial real estate broker to list and market for sale the City's recently-purchased 1.67 acre vacant real property located on Main Street (APN 118-560-010).

Councilmember Geller stated he spoke with Colliers International and Larry Easterly about the process of listing the City owned property for sale on the open market. He stated the City could place the property on the open market with an agent and this person could come up with ideas to market the property, and get the word out in the community and nationally. He stated there are several agencies the City could look at for proposals and the agents are paid on performance.

Vice Mayor Stratford stated he would hate to give up the commission to an agent but he is not sure how much exposure the property gets. He stated he would be interested in moving forward and having the ad-hoc downtown economic sub-committee look at proposals.

Councilmember Shuey asked what the commission would be? Councilmember Geller stated it would be negotiable.

Mayor Pierce stated she is torn because she is concerned about the current negotiations for the property but if that buyer can be excluded from the contract then she is interested in looking at proposals.

By consensus the Council, asked the ad-hoc downtown economic development sub-committee to look at proposals.

12. **COUNCIL ITEMS** – None.

13. **CLOSED SESSIONS** – On call by Mayor Pierce the Council adjourned into Closed Session for the following purposes:

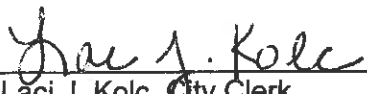
- (b) *Government Code Section 54957*, Public Employee Annual Performance Evaluation
Position Title: City Manager
- (c) *Government Code Section 54957.6*, Conference with Labor Negotiator
Instructions to City-designated Representative: Julie K. Pierce, Mayor
Unrepresented City Employee: Gary Napper, City Manager

9:30 p.m. Reports out from Closed Session: Mayor Pierce reported the Council gave instructions to its Labor Negotiator.

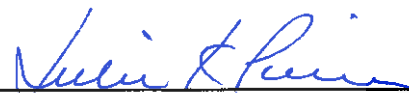
14. **ADJOURNMENT**– on call by Mayor Pierce the meeting adjourned at 9:30 p.m.

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Respectfully submitted,


Laci J. Kolc, City Clerk

APPROVED BY CLAYTON CITY COUNCIL


Julie K. Pierce, Mayor