

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

TUESDAY, November 18, 2014

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:02 p.m. by Mayor Stratford in Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Stratford, Vice Mayor Shuey and Councilmembers Diaz, Geller and Pierce. Councilmembers absent: None. Staff present: Assistant to the City Manager Laura Hoffmeister, Community Development Director Charlie Mullen, Assistant City Attorney Christopher Diaz, and City Clerk Janet Brown.
2. **PLEDGE OF ALLEGIANCE** – led by Mayor Stratford.
3. **CONSENT CALENDAR**

It was moved by Councilmember Diaz, seconded by Councilmember Pierce, to approve the Consent Calendar. (Passed; 5-0 vote).

 - (a) Approved the minutes of the regular meeting of November 4, 2014.
 - (b) Approved Financial Demands and Obligations of the City.
 - (c) Approved the proposed 2015 schedule of Thursday “Concerts in The Grove” for five (5) public concerts sponsored by the City but funded solely through private sponsorships.
4. **RECOGNITIONS AND PRESENTATIONS** – None.
5. **REPORTS**
 - (a) Planning Commission – No meeting held.
 - (b) Trails and Landscaping Committee – No meeting held.
 - (c) City Manager/Staff – No reports.
 - (d) City Council - Reports from Council liaisons to Regional Committees, Commissions and Boards.

Councilmember Diaz attended the Contra Costa County Mayors Conference hosted by the City of Brentwood, Clayton Business and Community Association meeting, and the Clayton Historical Society annual meeting.

Councilmember Pierce congratulated newly elected official Keith Haydon and re-elected Councilmember David Shuey. She attended the Contra Costa County Board of Education meeting where Clayton Valley Charter High School was approved for another 5 years. Councilmember Pierce also attended the Contra Costa Transportation Authority Countywide Transportation Plan meeting, Contra Costa County Mayors Conference, California Council of Governments Planning Retreat, Clayton Valley Charter High School Board meeting, TRANSPAC meeting, Associated Bay Area Governments

Housing Affordability Conference, Joint Policy Committee meeting, Bay Area Prosperity meeting and “Focus on the Future” conference in Santa Clara.

Councilmember Geller attended a meeting with Clayton Valley Village, Contra Costa County Board of Education regarding Clayton Valley Charter High School and the Contra Costa County Mayors Conference. He also congratulated Keith Haydon and David Shuey as councilmembers elect per the 2014 General Election unofficial results.

Vice Mayor Shuey attended the Contra Costa County Board of Education meeting regarding Clayton Valley Charter High School renewing their charter for an additional 5 years. He also thanked Mayor Stratford for his service to the Clayton community and the City Council. Vice Mayor Shuey congratulated newly elected Keith Haydon to the City Council.

Mayor Stratford congratulated Keith Haydon on his new position on Clayton City Council. He attended the Contra Costa County Mayors Conference and reminded the community “Kindness” is the “Do The Right Thing” character trait for November and December.

Councilmember Diaz provided an update on the plans to re-open Clayton Fire Station - according to the County Fire Chief, it has been delayed awaiting current Fire Academy conclusion and advised the re-opening should occur mid-January 2015.

- (e) Other – None.

6. PUBLIC COMMENT ON NON-AGENDA ITEMS

After the Public Hearing, Mayor Stratford received a speaker card from Denise Pursche who provided an update to her research and the findings by Orange County Schools on Common Core, and potential actions by Orange County schools on filing Federal and or State law suits to remove Common Core standards from their schools.

7. PUBLIC HEARINGS

- (a) Public Hearing to consider a Resolution approving a General Plan Amendment to the Housing Element of the Clayton General Plan by adoption of the City of Clayton’s 2015-2023 Housing Element Update, as required by State law, and its Initial Study/Negative Declaration environmental analysis report (ENV 02-14; GPA 01-09).

Community Development Director Charlie Mullen presented the staff report and recapped the timeline starting with a joint Public Workshop that took place on November 5, 2013 followed by public hearings held in May 13, 2014 by the Planning Commission and June 3, 2014 by the City Council. On June 4, 2014 Pacific Municipal Consultants (PMC) transmitted the Draft 2015-2023 Housing Element update to the State Housing and Community Development Department (HCD). On July 31, 2014 HCD notified the City of Clayton the Housing Element met the statutory requirement of State housing element law. Pacific Municipal Consultants prepared the Initial Study/Negative Declaration environmental review. The documents were made available for public review and comment on September 12, 2014 which concluded on October 14, 2014. The Planning Commission conducted its public hearing providing minor comments, and made no changes to the Final Draft.

Ms. Jennifer Gastelum from Pacific Municipal Consultants explained the Housing Element components and changes since the June 2014 City Council review. The State Housing and Community Development Department in their July 2014 review (of the City's June 2014 submittal) requested changes regarding emergency shelters designation, transitional and supportive housing, updates to tables 46 and 47 to include approved projects and vacant sites, further explain rezones that were completed as part of the 4th round Housing Element update and amend the General Plan and/or Zoning Ordinance to allow multi-family housing by right. Ms. Gastelum reviewed the Regional Housing Needs Allocation (RHNA) requirements including Income and Residential Capacities.

Vice Mayor Shuey asked the Community Development Director to explain to the community "Why do we have to do this?" Community Development Director Charlie Mullen explained State law requires cities to have a housing element which allows the State to implement regional housing needs. Ultimately, it allows persons of different income levels opportunity for housing.

Vice Mayor Shuey asked "What happens if we don't do this?" Community Development Director Charlie Mullen advised the City of Clayton would not receive State and local funding tied to Measure J. This can be a loss of \$200,000.00 to \$250,000.00 per year.

Assistant to the City Manager Laura Hoffmeister added by not having an adequate housing element does not relieve the City of the requirement to comply with State Law. Other cities have been sued for non-compliance resulting in substantial ramifications both financial and court mandating compliance. This update is similar to previous Housing Element updates. The City of Clayton has in previous Housing Element updates been able to show it can accommodate the required state housing needs in a manner that fits in and is compatible with the community.

Vice Mayor Shuey added it is mandate and legal requirement in California this important for the public to understand and knows it is frustrating to the community however, the City is making to best of the situation, in a way that works for Clayton.

Councilmember Geller asked if a general plan designation was made to a parcel with a new minimum of 20-30 units, does it require the property owner to sell or development the property to the new designation? Community Development Director Charlie Mullen confirmed that it does not require the property owner to sell or develop, rather provides an opportunity for property development within that range.

Councilmember Diaz noted the Residential Capacity Chart indicates the City of Clayton has the ability to accommodate 134 units over the next cycle, which is eight years.

Mayor Stratford opened the Public Hearing to receive public comments on the Resolution No. 42-2014, General Plan Amendment for the Housing Element Update, including the adoption of the Negative Declaration with the environmental finding there is no substantial evidence that it will have a significant effect on the environment.

Resident Bill Jordan requested clarification regarding the Multi-Family High Density General Plan designation and why the change to 20 minimum instead of maximum. Community Development Director Charlie Mullen responded that there had been earlier miscommunication between HCD and the City. The City and its consultant had originally understood language of up to 20 units or 20 maximum would be

acceptable to the State HCD and that was the language submitted. HCD during its review clarified the language would need to be a minimum of 20 units, and the corresponding changes is what is currently proposed consistent with HCD comments.

Mr. Jordan confirmed the allowed minimum unit requirement would be 20 units.

Community Development Director Mullen confirmed and added the allowed minimum requirement is there, however, each site would have to be confirmed and evaluated on a case by case basis and its particular constraints if any.

Councilmember Geller asked with the State mandates is there and the ability to adjust the allowed minimum unit requirement? Community Development Director Charlie Mullen added there would be consideration based on the sites features such as existing trees, creeks, slope and drainage on the proposed properties.

Councilmember Pierce added the Housing Element is a huge achievement however, she expressed concerns with the income ranges for each income category and how residents could afford to stay in the Clayton community in that the housing costs are still high even for the moderate income.

Councilmember Geller thanked Ms. Gastelum for preparation of the Housing Element.

Mayor Stratford also thanked Ms. Gastelum, Community Development Director Charlie Mullen and the Planning Commission working on this complicated issue and is unsure of what the solution is overall regarding accommodating future housing needs and understands that the City is required to comply with State Law. The City is doing its part in a logical and efficient way.

Councilmember Pierce noted that only new units count and it is unfortunate that existing housing is not counted in our stock and added that affordable housing is very expensive.

Assistant to the City Manager Laura Hoffmeister added there is previously established affordable housing units located in the Stranahan, Oakhurst, and Dana Hills Subdivisions. There is also special needs affordable housing within the fabric of Clayton, which includes very low incomes such as Kirker Court and Diamond Terrace.

No further public comments were offered. Mayor Stratford then closed the Public Hearing.

It was moved by Councilmember Pierce, seconded by Councilmember Diaz, to adopt Resolution No. 42-2014 to include the adoption of the Negative Declaration environmental finding there is no substantial evidence to suggest the Housing Element document may have a significant effect on the environment. (Passed; 5-0 vote).

8. ACTION ITEMS – None.

9. **COUNCIL ITEMS** – None.

10. **7:57 p.m. CLOSED SESSION** – on call by Mayor Stratford, the City council adjourned into Closed Session for the following purpose:

- (a) *Government Code Section 54956.9(d)(4)* – Conference with Legal Counsel
Anticipated Litigation: 1 Potential Claim
- (b) *Government Code Section 54957*
Public Employee Annual Performance Evaluation
Position Title: City Manager

8:45 p.m. Reports out from Closed Session: Mayor Stratford announced re-opened the public meeting and announced there was no reportable action taken.

11. **ADJOURNMENT**– on call by Mayor Stratford, the City Council meeting adjourned at 8:47 p.m. Its next regular meeting will be on Tuesday, December 2nd at 7:00 p.m.

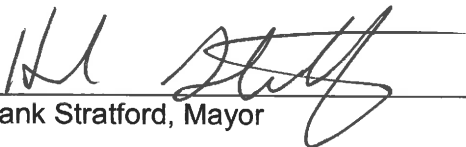
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Respectfully submitted,



Janet Brown, City Clerk

APPROVED BY CLAYTON CITY COUNCIL



Hank Stratford, Mayor

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