

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

TUESDAY, December 15, 2009

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:00 p.m. by Mayor Stratford in Hoyer Hall of the Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Stratford, Vice Mayor Shuey, Councilmembers Geller, Medrano, and Pierce. Staff present: City Manager Gary Napper, City Attorney Dan Adams, Community Development Director David Woltering, Finance Manager Merry Pelletier, and City Clerk Laci Jackson.
2. **CLOSED SESSION** – None.
3. **PLEDGE OF ALLEGIANCE** – led by Mayor Stratford.
4. **CONSENT CALENDAR-** It was moved by Councilmember Pierce, seconded by Vice Mayor Shuey to approve the Consent Calendar as submitted (Passed; 5-0 vote).
 - (a) Information Only
 1. Notification by Republic Services (dba Allied Waste Services) that residential and commercial solid waste collection and disposal services rates will increase by 0.09% (90% of the annual CPI increase, per the Franchise Agreement), effective January 1, 2010.
 - (b) Approved the minutes of the regular meeting of December 1, 2009.
 - (c) Approved Financial Demands and Obligations of the City.
5. **RECOGNITIONS AND PRESENTATIONS** – None.
6. **REPORTS**
 - (a) Planning Commission – Commissioner Dan Richardson reported on the December 8th Commission meeting. The Commission approved a time extension on a Site Plan Review Permit for a single family residence on Morningside Drive and approved the removal and replacement of a home on north Mitchell Canyon Road.
 - (b) Trails and Landscaping Committee – No meeting held to report.
 - (c) The City Manager reported the Clayton Redevelopment Agency has ownership of an affordable home in Clayton. He stated the home is near downtown Clayton in the Stranahan sub-division and that qualified households can apply for ownership of the affordable home. He also stated he Clayton Counts Down will be held from 6-9pm on New Year's Eve at the Clayton Community Gym.
 - (d) City Council

Councilmember Geller met with representatives from Allied Waste and thanked them for their continued support. He stated he had a meeting with the City Manager, the Community Development Director, and property owner Al Martin about the prospects of developing their one acre parcel on Marsh Creek Road for higher density housing.

Vice Mayor Shuey attended a Downtown Development Committee meeting.

Councilmember Medrano stated there is one more week for businesses or citizens to donate to the Clayton Counts Down and have their names put on the shirts handed out to 300 kids.

Councilmember Pierce attended Transportation Authority Administration and Projects Committee meeting, the Mayors' Conference, the tree lighting, the Downtown Economic Development Committee meeting, and the Clayton Community Church's light show.

Mayor Stratford attended the Tree Lighting, the Mayors' Conference, and the CERT Citizen Corp Council meeting.

- (e) Other – None.

7. PUBLIC COMMENT ON NON-AGENDA ITEMS

Debbie DeSousa presented information about her Barter Bucks Banc and stated she would like to start a community currency in Clayton and stimulate sales tax. She handed out information regarding the program.

8. PUBLIC HEARINGS

- (a) Introduction and First Reading of Ordinance No. 426 proposing amendments to the *Clayton Municipal Code* for the purpose of implementing State law mandates (requirements of Senate Bill 1818) to grant density bonuses and incentives to support affordable housing construction in the City.

The Community Development Director presented the staff report and stated this Ordinance is being presented to comply with the mandates of SB 1818 to provide density bonuses up to exceed 35% as well as project incentives and site development concessions. He stated that density bonuses do not require a general plan amendment or a rezoning. He stated a common concession could be open parking rather than garages. He noted the proposed Ordinance was recommended by the Planning Commission and is exempt from CEQA (the California Environmental Quality Act). He stated the Ordinance assures affordable units would be built concurrent with market-rate units. He stated for-sale affordable units would need to be similar if not comparable to market rate units but that affordable units could have more economical interior finishes and treatments and be somewhat smaller. Generally, the goal would be for the units to all blend. He stated the primary purpose of the Ordinance is to facilitate the construction of more affordable housing within the community.

Mayor Stratford opened the Public Hearing at 7:24 p.m. No comments were received and he closed the Public Hearing at 7:25 p.m.

It was moved by Councilmember Pierce, seconded by Councilmember Medrano to have the City Clerk read Ordinance No. 426 by title and number only and waive further reading (Passed; 5-0 vote).

The City Clerk read Ordinance No. 426 by title and number only.

It was moved by Councilmember Pierce, seconded by Councilmember Medrano to approve Ordinance No. 426 for Introduction and First Reading (Passed; 5-0 vote).

9. **ACTION ITEMS**

- (a) Second Reading and Adoption of Ordinance No. 425 proposing amendments to Clayton's *Municipal Code* to allow manufactured homes within the City of Clayton in accordance with the requirements of State law.

Community Development Director presented the staff report and stated the Ordinance provides adequate safeguards for manufactured homes to blend with the surrounding community.

No public comments were received.

It was moved by Councilmember Geller, seconded by Councilmember Pierce to have the City Clerk read Ordinance No. 425 as amended by title and number only and waive further reading (Passed; 5-0 vote).

The City Clerk read Ordinance No. 425 by title and number only.

It was moved by Councilmember Geller, seconded by Councilmember Pierce to adopt Ordinance No. 425 (Passed; 5-0 vote).

- (b) Presentation of City's Audited Financial Statement for Fiscal Year 2008-2009 prepared by Moss, Levy and Hartzhiem, Certified Public Accountants.

The Finance Manager presented the staff report. She stated the Audited Financial Statements were prepared by Moss, Levy and Hartzhiem as independent auditors. She stated the amended report in front of the Council had minor changes to formatting due to a third technical review by the audit firm's partners. She thanked her consultant from Thales Consulting for his work and stated she would be putting out an RFP for new auditors soon as this is the final year for this auditors contract.

The Finance Manager stated the ending Fund Balance (residual equities or balances either reserved or unreserved, undesignated at year end) was slightly greater for the fiscal year than expected at mid-year. She stated the revenues came in over expenditures which was extremely positive during this economic downturn. She stated Endeavor Hall came in with revenues slightly exceeding expenditures (without accounting for depreciation value).

The City Manager noted the City received an "Unqualified Opinion" which means there were no problems with the audit. He stated this is goal the City strives for.

Councilmember Geller thanked the Finance Manager for her hard work on the Audit. Mayor Stratford expressed commendations to the Finance Manager and City staff for the positive outcome on the audit and the City's fiscal health.

It was moved by Councilmember Pierce, seconded by Councilmember Geller to approve the FY 2008-2009 Audited Financial Statement as submitted by the independent auditors (Passed; 5-0 vote).

- (c) Council Member request to discuss the organizational and management structure of the Concerts in The Grove Park series.

Councilmember Medrano stated he wanted to discuss the Concerts and the organizational structure of the concerts because when the Concerts started two years ago there was a non-partisan person in charge of running the concerts. He stated he wanted to discuss that issue of who should be running the event.

Councilmember Geller stated that when the concerts started he was not on the Council and that the concerts were not the plan of CBCA but that he as an individual had provided the Council with a concept and they had approved it along with a budget. He stated the City (Redevelopment Agency) and the CBCA split the cost of the event. During the planning for the 2009 series he was still working as an individual and was then elected to the City Council. He stated the second year the concerts needed less guidance because the processes had been established. He stated he is willing to volunteer his time and he does not believe there is any conflict of interest. He stated Councilmember Pierce also helped with the concerts and she did not do it as the Mayor but as a citizen. He stated for the 2010 series Allied Waste has agreed to help sponsor again and about \$7,000 was raised by public contributions at the concerts.

Councilmember Medrano stated Councilmember Geller has done a great job but that it had become more of a City function than a joint venture. He stated he wanted members of Council to remove themselves more.

Councilmember Pierce stated she wanted to give a historical perspective and that while negotiating the purchase of the Grove property in 1988 there was a desire to hold concerts in the downtown. She stated the City built the park and the CBCA donated the gazebo. She stated The Grove Park is a City owned facility and it was appropriate for the City to be in charge of running the event. She stated she doesn't mind helping because she loves the concerts and no one on Council is getting paid for the time or out of pocket expenses at the Concerts.

Mayor Stratford asked the City Attorney if he saw any conflicts of interest. The City Attorney stated to his knowledge there is not a profit issue and he can not see any conflict, but this is a policy issue.

Ed Hartley, CBCA President-elect, stated he was not sure how much money will be asked for by the CBCA and he hasn't heard any CBCA issues about who announces things at each concert he does not see a potential conflict.

Councilmember Geller stated he had helped create and run the concerts with the help of his friends and the Diablo Valley Ranch. He stated he wants to make sure every concert is as good as it can be and it takes someone to run the show behind the scenes. He stated he always tries to introduce all dignitaries and Councilmembers present in the audience at every show.

Councilmember Medrano stated he wanted the Council to have more input into the event and have other ideas considered.

Councilmember Pierce stated this is a policy issue and that every decision does not need to be made by a committee of the whole for such events.

Vice Mayor Shuey stated it is difficult to argue against the volunteer effort. He stated the discussion was good but that there is not need for another sub-committee. He stated he appreciates all the hard work because he can not put in as much time as others. He stated oversight is still at the Council level.

Councilmember Geller stated he tries to get a diverse selection of music and gets recommendations from the City Clerk. He stated there is always room for more people on the volunteer committee and he would love to have more Council participation.

Mayor Stratford stated that this year the Council even discussed the concerts with the Downtown Business owners in a special meeting. He further indicated such a meeting should occur annually with the Downtown business owners.

Councilmember Pierce stated the presence of Councilmember's carrying around the donation jars helped collect more money because they are recognized and trusted by community members as to the stewardship of the donations.

By consensus the Council determined to continue with the annual review and periodic survey to get citizen feedback on the concerts, but no other changes were enacted.

- (d) Review and determination of City Council sub-committee, inter-governmental and regional board assignments for 2010.

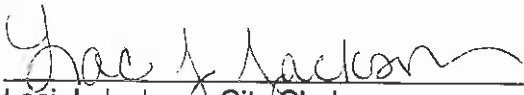
Mayor Stratford announced and outlined his proposed Council committee assignments for 2009.

By general consensus the Council approved their sub-committee assignments for 2010 as submitted by Mayor Stratford.

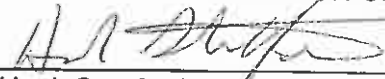
10. **COUNCIL ITEMS**- None.

11. **ADJOURNMENT**- On call by Mayor Stratford the meeting adjourned at 8:27 p.m.

Respectfully submitted,


Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL


Hank Stratford, Mayor