

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

TUESDAY, January 19, 2010

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 6:04 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, Assistant to the City Manager Laura Hoffmeiser, and City Clerk Laci Jackson.

2. **CLOSED SESSION** Mayor Stratford announced the following purpose for Closed Session and then adjourned into Closed Session at 6:04 p.m.
 - (a) *Government Code Section 54956.9, Conference with Legal Counsel*
Pending Litigation: *Katzman, et al. v. City of Clayton, et al. Coordinated Cases Master/C07-01461/C07-00707, Superior Court of CA, Contra Costa County*

7:05 Report out of Closed Session: Mayor Stratford reported the Council received a report from and gave direction to legal counsel.

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 amended in 4(d) to add a Closed Session item to the Special Meeting agenda (Passed; 5-0 vote).
 - (a) Information Only
 1. Findings of the CA Statewide Local Streets and Roads Assessment Report.
 - (b) Approved the minutes of the regular meeting of January 5, 2010.
 - (c) Approved Financial Demands and Obligations of the City.
 - (d) Set Monday, January 25, 2010 at 3:30 p.m. in the City Hall 3rd Floor Conference Room as the date and time for a Special City Council Meeting for the annual Council-Manager Goals & Objectives Session.

5. **RECOGNITIONS AND PRESENTATIONS**
 - (a) Mayor Stratford read a Proclamation declaring January 20, 2010 as "USMC Sgt. Karie Stevens Day" in Clayton, and presented it to St. Stevens in attendance in appreciation for her military service.

 - (b) Mayor Stratford presented a Certificate of Recognition to Jacob M. Baldree (BSA Troop 492) for his Eagle Scout Project (shade arbor) at the Clayton Dog Park. Jacob stated that he spent more than 40 hours on the project and over 200 hours of group effort were volunteered. The Clayton Dog Park Coalition provided part of the funding as well as other organizations.

6. **REPORTS**

- (a) Planning Commission – Commissioner Tuija Catalano report on the January 12th Planning Commission meeting. The Commission reviewed a time extension for building enhancements approval in the Clayton Station shopping center.
- (b) Trails and Landscaping Committee – No meeting held to report.
- (c) The City Manager stated the City Maintenance crew had conducted preventative maintenance that included inspecting and cleaning storm drain inlets and creeks, and so far with the storms there have been no reports of flooding or damaged trees.
- (d) City Council

Councilmember Medrano stated he met with the Endeavor Hall sub-committee and the plans will be coming to the Council soon.

Councilmember Pierce attended a Transportation Authority meetings including one concept Congressman John Garamendi. She also met with the Economic Development sub-committee.

Councilmember Geller met with Councilmember Medrano on the Endeavor Hall sub-committee work, and stated the City has sand and sandbags available for anyone who needs them.

Vice Mayor Shuey met with the design firm working on the parcel across from Endeavor Hall and attended a court hearing on litigation.

Mayor Stratford attended the Mayors' Conference.

- (e) Other – None.

7. **PUBLIC COMMENT ON NON-AGENDA ITEMS**

Sawyer Crane stated he had contacted State Senator Mark Desaulnier to discuss the liability issues associated with a bike jump park. Senator Desaulnier wrote back and indicated the City could post a sign that tells bikers that they are biking at their own risk.

Councilmember Medrano thanked Sawyer for coming back to the Council with updated information and stated they would discuss the possibility of funding such a project at their Goal Setting Session.

8. **PUBLIC HEARINGS** – None.

9. **ACTION ITEMS**

- (a) Consider a Resolution approving a multi-year contract with Environtech Enterprises (Vallejo, CA) in the amount of \$165,999 (3-year total) for annual abatement of noxious weeds in specified areas of the public open space of the Oakhurst Development [Citywide Landscape Maintenance District].

The City Engineer presented the staff report and indicated this contract is for the Oakhurst Development's open space pesky weed management program. The program used to be funded by the Oakhurst Landscape District but when the Oakhurst

Landscape District and the Citywide Landscape District merged funding responsibility for this task shifted citywide to all property owners. The City only received one response from Environtech Enterprises, the current subcontractor of Wildland Resource Management. The proposed contract comes at a cost savings of over \$12,000 over the 3-year life of the contract. The proposed cost includes a contract with Wildland Resource Management for oversight. The City has stewardship responsibility to provide these services in the open space.

Vice Mayor Shuey asked why other firms did not bid on the project? The City Engineer responded that Requests for Qualifications went out on December 21st and were due back on January 7th. No other firms responded though two asked for extra time and were still unresponsive.

The Council discussed the bid process and its timing during the holidays, and whether staff should go back out to get more responses and contractor follow-up.

It was moved by Vice Mayor Shuey, seconded by Councilmember Geller to continue this item pending follow-up with the other possible bidders on the project and bring information back at the next meeting(Passed; 5-0 vote).

- (b) Consideration of the City's Annual Report regarding the collection and disposition of development impact mitigation fees for FY 2008-2009, in compliance with CA Government Code (AB 1600).

The Assistant to the City Manager presented the staff report and explained that state law requires the City to adopt a Resolution in order to retain collected development impact fees. She outlined the fees collected and expended then discussed the upcoming project where the monies need to be retained for eventual expenditure.

It was moved by Vice Mayor Shuey, seconded by Councilmember Pierce to adopt Resolution 03-2010 with findings there is a reasonable relationship between current needs for the development impact mitigation fees and the purposes for which they were originally levied and collected (Passed; 5-0 vote).

- (c) Consideration of staff recommendations for City response to the State Housing and Community Development (HCD) Department's comments on the City of Clayton's 2009-2014 draft Housing Element Update.

The Community Development Director introduced the staff report and reported the City had received comments from HCD about the City's draft Housing Element. He stated the City's Housing Consultant Jennifer Gastelum and City staff had been able to address most of the issues raised by HCD, except HCD's concerns about raising density maximum thresholds from 15 to 20 units identifying suitable sites for increasing densities to accommodate affordable units. There now remains only had a few issues to reconcile.

The Community Development Director then introduced Jennifer Gastelum, PMC. Ms. Gastelum stated that in November staff had a conference call with HCD regarding final issues with the draft Housing Element. She said HCD wanted to see specific implementation measures for affordable housing included in the report to ensure that all 151 units assigned to Clayton could be accommodated on actual land sites. She stated HCD believed the proposal was 50 units short and they wanted to see additional sites

that could accommodate these units identified in the report. Additionally, HCD suggested the density for the MFND zones be raised to accommodate 20 units per acre instead of the current 15 units per acre.

Ms. Gastelum stated she and staff had prepared written implementation measure including initial sites for consideration to address HCD's concerns regarding increasing the maximum density threshold to 20 units per acre from 15 units per acre for multi-family housing and identifying and re-designating to higher density suitable sites to accommodate the City's regional housing needs allocation (RHNA) in lower income categories. She asked the Council for input regarding these measures.

Councilmember Pierce asked if the property owners of the proposed sites seemed supportive of the re-zoning.

The Community Development Director responded that four property owners seem supportive and two others had reservations. He stated Clayton Valley Associates representatives and Mr. Raymond Capella were very supportive. Mr. Robert Easley requested more information and the opportunity to talk with family members. He stated a detailed letter will be sent out by the City as follow up to property owners. He stated further that Mr. Jerry Stanley and Mr. Richard Seeno seemed supportive of increasing their maximum density thresholds.

Councilmember Geller asked what happens once the sites are identified and rezoned. He commented the City still has no power to make them develop. Ms. Gastelum stated that the goal was to demonstrate to HCD sufficient land area is available with a higher density designation that, if developed, could accommodate the City's RHNA.

The City Manager stated a goal for a Housing Element is to remove obstacles for development of housing; whether or not property owners agree with a land re-designation on their property, the City Council has the authority to move forward because it has local land use authority.

Mayor Stratford asked if staff and the Housing consultant had exhausted all avenues to address HCD concerns without having to re-designate/ rezone additional sites.

Ms. Gastelum stated she had met directly with HCD reviewers and she believed HCD was firm and the proposed measure is the only option to satisfy certification.

Mayor Stratford stated that he talked with Mr. Jay Torres-Muga about his flag lot parcel, with its single lane driveway between the Clayton Valley Associates property and the Capella properties. He stated that since this is a sloped property he did not believe it was suitable for consideration for re-designation. Mayor Stratford urged the property be taken off the Housing Element list at this time.

Councilmember Pierce stated it was best to leave all of the properties on the list and go through the re-zoning process rather than take the Torres-Muga property off the list now and possibly have to add it back at a later date.

It was moved by Councilmember Geller, seconded by Councilmember Pierce to move forward with the recommended revisions to the City's draft Housing Element Update for re-submittal to HCD for certification (Passed;4-1- No-Stratford).

10. **COUNCIL ITEMS**- None.

8:38 p.m.- Mayor Stratford recessed the City Council meeting until after the conclusion of the Redevelopment Agency meeting.

9:04 p.m.- Mayor Stratford reconvened the City Council meeting.

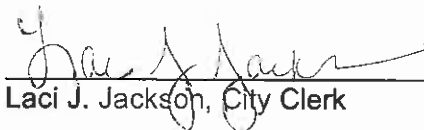
2. **CLOSED SESSION** Mayor Stratford announced the following purpose for Closed Session and then adjourned into Closed Session at 9:04 p.m.

- (b) *Government Code Section 54956.8*, Conference with Real Property Negotiator
Real Properties: APNs 119-050-008, -009, and -034 (1005 & 1007 Oak Street)
Instructions to City Negotiator (City Manager) concerning terms and conditions.
Negotiating Party: VIZf/x (Robert Staehle), et al.

9:45 p.m. Report out of Closed Session: Mayor Stratford reported the Council received a report and gave direction to its Real Property Negotiator.


11. **ADJOURNMENT**- On call by Mayor Stratford the meeting adjourned at 9:45 p.m.

Respectfully submitted,



Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL



Hank Stratford, Mayor