

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

**TUESDAY, February 17, 2009**

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 6:02 p.m. by Mayor Pierce in the Library Community Meeting Room, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Pierce, Vice Mayor Stratford, Councilmembers Geller and Medrano. Absent: Councilmember Shuey. Staff present: City Manager Gary Napper, City Attorney Dan Adams, Community Development Director David Woltering, and City Clerk Laci Jackson.

2. **CLOSED SESSION-** On call by Mayor Pierce, the City Council adjourned into Closed Session for the stated purposes at 6:02 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

(b) *Government Code Section 54956.9(b)(1)*, Conference with Legal Counsel  
Anticipated Litigation: One (1) case.

**7:18 p.m. Report out of Closed Session:** Mayor Pierce stated the Council received reports and provided direction to legal counsel on both items.

3. **PLEDGE OF ALLEGIANCE** – led by Mayor Pierce.

4. **CONSENT CALENDAR-**

Councilmember Medrano asked that Item 4(c) be pulled for discussion. Councilmember Medrano asked if the Finance Manager had looked into placing the City's investments into higher dollar amount accounts since the FDIC had increased its insurance on investments up to \$250,000. The City Manager stated he would ask the Finance Manager to look into it and report back.

**It was moved by Vice Mayor Stratford, seconded by Councilmember Medrano to approve the Consent Calendar as submitted (Passed; 4-0 vote).**

(a) Approved the minutes of the regular and special meetings of February 3, 2009.

(b) Approved Financial Demands and Obligations of the City.

(c) Accepted the City's Investment Portfolio Report for the Second Quarter of Fiscal Year 2008-2009 ending December 31, 2008.

(d) Adopted Resolution 03-2008 adding the 2009 Arterial Overlay Project to the City's Capital Improvement Program (No. 10412), obligating \$25,000 in Gas Tax funds for the preliminary work and plan preparation, and authorizing the City Manager to advertise for bids and to award a construction contract to the lowest responsible bidder for the 2009 Arterial Overlay Project using the federal Economic Stimulus Fund allocation of \$550,000.

(e) Authorized notification to the Contra Costa County Auditor that the City of Clayton intends to remit the state-imposed theft of Clayton Redevelopment Agency local funds in the amount of \$404,570 for FY 2008-2009 to assist State Budget deficits.

5. **RECOGNITIONS AND PRESENTATIONS** - None

6. **REPORTS**

- (a) Planning Commission – Commissioner Johnson reported on the February 10<sup>th</sup> Planning Commission meeting. She stated the Commission reviewed the Snap Fitness Conditional Use Permit. Snap Fitness had requested to extend their hours of operation to be open as early as 4:00 a.m. instead of 5:00 a.m. and close as late as 12:00 midnight instead of 11:00 p.m. in response to customer requests.
- (b) Trails and Landscaping Committee – No meeting held to report.
- (c) The City Manager reported all cities are waiting to hear the outcome of the State Budget talks in Sacramento. He stated City money was not part of the solution in this round of State cuts. He stated the Council had just approved the re-submittal of \$404,570 as the Redevelopment Agencies contribution to the State deficit. The FY 08-09 take-away amounts to a total of \$4.9 million of Clayton taxpayer's money since 1991 the State has removed from our community. He then updated the Council on the status of the California Redevelopment Associations lawsuit. He stated the California Redevelopment Association lawsuit recently included every county auditor as part of their class action lawsuit against the State. He reminded the Council that cities which do not have Redevelopment Agencies were not forced to contribute to help close the State's budget gap. He concluded by saying redevelopment agencies are an economic engine that keep people employed; continual loss of this money at the local level has a negative impact.
- (d) City Council
- Councilmember Medrano attended Challenge Day at Diablo View Middle school and reported the program was well put together and successful.
- Vice Mayor Stratford attended the Mayors' Conference and Challenge Day.
- Councilmember Geller reported eight of the ten bands were booked for the Summer Concert Series and noted the date of the last concert has been changed to September 19<sup>th</sup>. He also stated CBCA was fast tracking the money for the event and equipment purchases. Lastly, he attended an orientation meeting with the City Attorney.
- Mayor Pierce attended an ABAG Regional Planning Committee meeting, a City Budget Sub-Committee meeting with Vice Mayor Stratford, and had a phone meeting with the Caltrans Traffic Control Devices Committee. Lastly she attended Challenge Day.
- (e) Other – None.

7. **PUBLIC COMMENT ON NON-AGENDA ITEMS**- None.

8. **PUBLIC HEARINGS**

- (a) Introduction and First Reading of Ordinance No. 421 amending Section 17.44.020 A. (Site Plan Review Permit Required) of the *Clayton Municipal Code* for the purpose of adding clarification that allowing administrative approval of specified minor additions to single-story single-family residences also applies to specified minor additions to multi-story single-family residences.

The Community Development Director presented the staff report and stated the Ordinance before the Council would streamline the administrative review process for minor additions to single-family residences. The Ordinance was amended from its previous form to include multi-story single family homes.

Mayor Pierce opened the Public Hearing at 7:46 p.m. No comments were received. Mayor Pierce closed the Public Hearing at 7:47 pm.

**It was moved by Vice Mayor Stratford, seconded by Councilmember Medrano to have the City Clerk read Ordinance No. 421 by title and number only and waive further reading (Passed; 4-0 vote).**

The City Clerk read Ordinance No. 421 by title and number only.

**It was moved by Vice Mayor Stratford, seconded by Councilmember Geller to approve Ordinance No. 421 for Introduction and First Reading (Passed; 4-0 vote).**

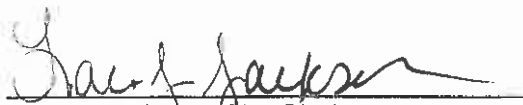
9. **ACTION ITEMS** –None.

10. **COUNCIL ITEMS**

Councilmember Medrano asked for a discussion of the use of the East Bay Regional Parks District Measure WW funds for lighting of the sports fields at Community Park.

11. **ADJOURNMENT**– On call by Mayor Pierce the meeting adjourned at 7:50 p.m.

Respectfully submitted,

  
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Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

  
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Julie K. Pierce, Mayor