

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

TUESDAY, June 30, 2009

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 6:15 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 Geller, Medrano, and Shuey. 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** – Mayor Pierce announced the purposes for Closed Session and then adjourned into Closed Session at 6:15 p.m.

(a) *Government Code Section 54956.9(b)(1)*, Conference with Legal Counsel
Anticipated Litigation: Two (2) cases.

7:01 p.m.- Reports Out From Closed Session: Mayor Pierce reported the Council gave direction to Legal Counsel.

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

4. **CONSENT CALENDAR-** It was moved by Vice Mayor Stratford, seconded by Councilmember Shuey to approve the Consent Calendar as submitted (Passed; 5-0 vote).

(a) Approved the minutes of the regular meeting of June 16, 2009.

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

(c) Accepted the City Financial Investment Report for the 3rd Quarter of Fiscal Year 2008-2009, ending March 31, 2009.

(d) Adopted Joint Resolution 19-2009/ 01-2009 RDA of the Clayton City Council and the Clayton Redevelopment Agency authorizing the City Attorney/Redevelopment Agency General Counsel to cooperate with the League of California Cities, the California Redevelopment Association, other Cities and Counties in litigation challenging the constitutionality of any seizure by State Government of the City's Street Maintenance (Gas Tax) and Redevelopment Funds.

(e) Adopted Resolution 20-2009 approving a new Administering Agency-State Master Agreement No. 04-5386R and Program Supplement Agreement No. N006 as required to receive Federal funding for certain transportation projects.

5. **RECOGNITIONS AND PRESENTATIONS**

(a) Recognition of outgoing Planning Commissioners: Ed Hartley and Keith Haydon.

Mayor Pierce recognized Keith Haydon for his nearly 16 years of service to the Clayton Community as a Planning Commissioner. Mr. Haydon stated he enjoyed being involved serving on the Commission and liked being involved in the development in the City.

6. **REPORTS**

- (a) Planning Commission – Commissioner Bob Armstrong reported on the June 24th meeting of the Planning Commission. The Commission approved the Draft Housing Element and worked on modifications to the Sign Ordinance. He thanked Keith Haydon and Ed Hartley for their service on the Planning Commission and welcomed the new Commissioners, Dan Richardson and Ted Meriam.
- (b) Trails and Landscaping Committee – No meeting held to report.
- (c) The City Manager reported the 4th of July Parade is Saturday at 10am and volunteers were still needed for crowd control.
- (d) City Council

Vice Mayor Stratford ran with the Police Chief and a Police Services Aide in the reguibak torch run for Special Olympics.

Councilmember Geller attended the Concert in The Grove series which featured the Sun Kings. He stated there were more than 2,000 people in attendance. So far this concert season the City has collected nearly \$1,250 in attendee donations to help offset the cost of next year's series. He also asked that no pop-up tents be used by the public at the concerts.

Mayor Pierce attended the Concert in The Grove, a regional meeting on Toll Lanes, and the Eagle Scout Court of Honor for Justin Davis of Troop 262. She also reminded people to attend the Annual 4th of July Parade.

- (e) Other – None.

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

8. **PUBLIC HEARINGS**

- (a) Public Hearing on the proposed City of Clayton Budget for Fiscal Year 2009-2010 and the 5-Year Capital Improvement Project Budget (CIP) for Fiscal Years 2009-2014.

The City Manager presented the Budget and stated due to fiscal prudence of the City Council and staff the City has a \$4.6 million reserve fund which exceeds the funds need to operate the City for one year. He stated City staff understood the unusual fiscal constraints the City is under and willingly took a 4.3% reduction in compensation in turn saving the City approximately \$209,000. He stated that even after that action there was still a \$155,000 gap to fill and the Council has been asked to slide over gap funding in order to save services to the community. He stated the potential State budget impacts are still unknown but the state is discussing "borrowing" Prop. 1A, Prop. 42, and many other local funding sources. He stated if the Highway User Tax Prop. 42 monies are lost the City will not be able to fund its annual neighborhood street paving project. He concluded by stating the City is a long way from reaching its Gann taxation limit.

Mayor Pierce stated there was an article in the Contra Costa Times that reiterated Clayton's policy of not building things before they could fund them. She stated the next round of State take-aways could be extremely difficult and are going to affect real services to citizens.

Mayor Pierce opened the Public Hearing at 7:28 p.m. No Public Comments were received. Mayor Pierce closed the Public Hearing at 7:29 p.m.

It was moved by Councilmember Geller, seconded by Vice Mayor Stratford to adopt Resolution 21-2009 approving a City Budget for FY 2009-2010 and a 5-Year CIP for FY 2009-2014 (Passed; 5-0 vote).

- (b) Public Hearing for consideration of a Resolution approving the transmittal of the City of Clayton Draft 2009 Housing Element Update to the State of California Department of Housing and Community Development (HCD) for review and comment.

Community Development Director David Woltering gave a brief introduction and the City's consultant (Jennifer Gastulum, PMC) gave a presentation on the extended and new programs that were included in the document in response to the joint Study Session held with the Planning Commission in April.

Mayor Pierce asked to move back to item 5 (a) before opening the Public Hearing.

5. RECOGNITIONS AND PRESENTATIONS – cont'd

- (a) Recognition of outgoing Planning Commissioners: Ed Hartley and Keith Haydon.

Mayor Pierce recognized and thanked Ed Hartley for his five years of service to the City of Clayton as a Planning Commissioner. Mr. Hartley thanked staff for their work with the Commission and stated with the two new Commissioners the community would be well served.

8. (b) DRAFT HOUSING ELEMENT

Mayor Pierce opened the Public Hearing at 8:12 p.m. No Public Comments were offered. Mayor Pierce closed the Public Hearing at 8:13 p.m.

The City Council requested the following changes be made in the draft document:

- Update the Housing Element with 2009 ABAG Projections since the document relied on 2007 ABAG Projections.
- Add the school district fees to Table 32 and analysis of school district fees as well as modifying Page 75, Table 45 site C-1 to reflect the new owner of the property.
- Modify page 10 to remove the word "assisted" from the Diamond Terrace description.
- Reference the City's interest and communications with ABAG and other coalitions on AB 811- solar energy financing for homes.

The Council also inquired into what the specific boundaries of the Kirker Corridor area were in regards to allowing emergency shelters. The Consultant responded the area is shown on Appendix C of the vacant land map.

It was moved by Councilmember Geller, seconded by Councilmember Shuey to authorize staff to transmit the Draft Housing Element to HCD for its 60-day review and comment period with the amendments indicated above (Passed; 5-0 vote).

10. **ACTION ITEMS**

- (a) Consideration of report on research and findings to expand the usage of City well water for irrigation of City landscaping and plants within the Town Center and Clayton Community Library areas, and request for funds to rehabilitate and reactivate a City-owned well on High Street.

Maintenance Supervisor Johnston presented the staff report stating staff had researched the feasibility of renovating the existing well behind the Post Office in order to irrigate landscaping in the downtown area. The cost for upgrading the well with a 5,000 gallon above ground holding tank is \$26,393 but would allow the City to use less metered water from the Contra Costa Water District. He stated drilling a new well could cost over \$40,000 and was not a guarantee of more water. He stated the project would be funded from the CIP interest earnings and the ongoing maintenance would be between \$2,000 and \$3,000. He noted the Library well has also been upgraded and connected to provide well water for nearby Landscape District landscaping.

The Council discussed the option of obtaining a 10,000 gallon water storage tank.

Ted Meriam, Clayton resident thanked the City for coming up with creative solutions to the water crisis. He asked the Council to consider an educational campaign to show the citizens the historic nature of the wells, and stated he would like to have seen a return on investment chart in the staff report.

The Maintenance Supervisor stated the monetary savings will be helpful but it helps more to save pooled metered water for other areas of the City landscaping and turf.

It was moved by Vice Mayor Stratford, seconded by Councilmember Medrano to authorize staff to renovate and equip the existing City well located in the public right of way on High Street to provide un-metered irrigation water to The Grove Park and public landscape in the Town Center, and allocate \$26,393 from the Capital Improvement Project (CIP) Budget's interest earnings to fund the project (Passed; 5-0 vote).

- (b) Consideration and selection of material and cost option for replacement of the deteriorated deck wood on the Black Diamond Plaza Bridge.

Maintenance Supervisor Johnston presented the staff report considering options for re-decking of the Black Diamond Bridge. He stated Maintenance staff had looked at wood, TREX, and plastic lumber as options. He stated over the years the Maintenance staff has spent considerable time and money maintaining the wooden planks and that a more maintenance free option would be the plastic lumber. The money for the replacement decking would be taken from the Deferred Maintenance Account.

Vice Mayor Stratford asked how slippery is the proposed surface? The Maintenance Supervisor stated the company said it is not slippery and is used for marine decking in many projects.

Councilmember Shuey asked if someone from the company would be overseeing the installation of the product. The Maintenance Supervisor stated the company is out of Shingle Springs and would have representative available to the City.

Councilmember Shuey questioned the warranty period and what was covered under the warranty. The Maintenance Supervisor stated the warranty covered splitting, wear and fading for 50 years.

Councilmember Geller stated his concern was the limited amount of time plastic lumber had been in use; he stated TREX had been around longer.

The Assistant to the City Manager commented that as part of the City's recycling program the City is encouraged by state law (AB 939) to use recycled materials; this use of recycled plastic could help the City meet its requirements.

Candace Bass stated she had walked on a similar surface and stated it looked natural, attractive and was not slippery.

Mayor Pierce stated she believed plastic lumber is a great idea and is good way of being environmentally sensitive.

It was moved by Councilmember Shuey, seconded by Vice Mayor Stratford to authorize staff to use wood-grained plastic lumber (color-mink) as the replacement material to renovate the deck surface of the Black Diamond Plaza Bridge and approve the allocation of \$30,162 from the Deferred Maintenance Account to fund the maintenance project (Passed; 5-0 vote).

- (c) Council Member request for the City Council to consider and approve a City Alcohol Permit for the outdoor sale and consumption of alcoholic beverages on the private parking lot of Moresi's Chophouse (6115 Main Street) on the 4th of July starting at 8:00 a.m. to approximately 3:00 p.m.

Council Member Medrano stated his intent for placing this item on the agenda was to help generate additional income for the downtown businesses. He stated the existing restaurants are asking to use their property for additional space for alcohol sales in their parking lots. He stated he did not believe the additional sales would create any problems and that the City should be helping to make this work for the businesses.

The Assistant to the City Manager stated the past precedent for the 4th of July Parade was to not allow drinking in areas outside the boundaries of an owners original alcohol permit. She then explained the State of California's process for special event licensing for alcohol sales beyond a restaurant's or bar's site. She stated this was a policy decision as it would likely not be possible for businesses to process their applications with the State ABC in time for this year's 4th of July Parade.

The Council agreed the discussion was for establishment of future City policy.

Mayor Pierce stated the reason for no alcohol at this event was to keep it a family event as the event concludes before noon.

Vice Mayor Stratford noted he was open to expanding the food sales but preferred the alcohol sales remain in the permitted areas.

Councilmember Shuey stated it was important to look at the matter in light of the difficult economy. He stated he did not believe allowing additional outdoor alcohol sales would have huge impact on the event.

Councilmember Geller stated the downtown businesses could sell food if they wanted to make more money. He also stated in the past when alcohol was allowed the event had a different element and that he would like to see the downtown businesses serve more food during the event to make a profit.

Gregg Manning, Clayton resident, stated he was concerned with the negative impact on the event and felt it would change the character of the family-focused 4th of July Parade.

Mayor Pierce stated she did not want alcohol served in more locations for the 4th of July event but would be in favor of allowing more food sales.

The Council then discussed the process for obtaining special event alcohol permits outside of the 4th of July event.

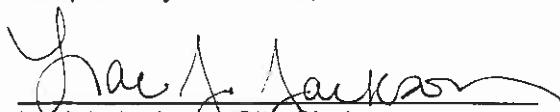
It was moved by Councilmember Medrano, seconded by Councilmember Shuey to allow the outdoor private sale and consumption of alcoholic beverages by Moresi's Chophouse and potentially other interested Town Center establishments before, during and after the City's 4th of July Parade (Failed; 2-3 vote Noes- Geller, Pierce, Stratford).

The City manager noted the outcome of this action is to affirm existing City Policy that no City Alcohol Permit will be issued by staff in the Town Center area during the 4th of July event.

11. **COUNCIL ITEMS**- None.

12. **ADJOURNMENT**- On call by Mayor Pierce the meeting adjourned at 9:50 p.m. in memory of Richard Sachtschale.

Respectfully submitted,



Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL



Julie K. Pierce, Mayor