

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

**TUESDAY, July 21, 2009**

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 6:17 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 and Councilmember Medrano. Councilmembers Absent: Councilmembers Geller and Shuey. Staff present: City Manager Gary Napper, City Attorney Dan Adams, Community Development Director David Woltering, City Engineer Rick Angrisani and City Clerk Laci Jackson.

2. **CLOSED SESSION** – Mayor Pierce announced the following purposes for Closed Session and then adjourned into Closed Session at 6:17 p.m.

(a) *Government Code Section 54956.9, Conference with Legal Counsel*  
*Pending Litigation: City of Clayton v. McNabb Construction, Inc.*  
*Case No. C-08-02670, Superior Court of CA, Contra Costa County*

(b) *Government Code Section 54956.8, Conference with Real Property Negotiator*  
*Real Properties: APNs 119-050-008, 009 & 034 (1005 & 1007 Oak Street)*  
*Instructions to City Negotiator (City Manager) concerning price, terms & conditions*  
*Negotiating Party: Uzoma Nwakuiche, LLB*

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

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

4. **CONSENT CALENDAR-** It was moved by Vice Mayor Stratford, seconded by Councilmember Medrano to approve the Consent Calendar as submitted (Passed; 3-0 vote).

(a) Approved the minutes of the regular meeting of June 30, 2009.

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

(c) Adopted Resolution 22-2009 ordering the annual levy of a Special Tax within the High Street Permanent Road Division (Fund 217) for FY 2009-2010.

(d) Adopted Resolution 23-2009 ordering the annual levy of a Special Tax within the Oak Street Permanent Road Division (Fund 218) for FY 2009-2010.

(e) Adopted Resolution 24-2009 authorizing the levy of annual assessments for the Middle School Community Facilities District (1990-1R, Series 1997; Fund No. 420) for the 2009-2010 Tax Year.

(f) Adopted Resolution 25-2009 authorizing the levy of annual assessments for the Clayton Station Community Facilities District (1990-2R; Fund No. 421) for the 2009-2010 Tax Year.

- (g) Adopted Resolution 26-2009 authorizing the levy of annual assessments for the Lydia Lane Sewer Assessment District in FY 2009-2010.
- (h) Adopted Resolution 27-2009 authorizing the levy of annual assessments for the Oak Street Sewer Assessment District in FY 2009- 2010.
- (i) Adopted Resolution 28-2009 authorizing the levy of annual assessments for CFD 2007-1 (Landscape Maintenance District; Fund No. 210) in FY 2009-2010.
- (j) Adopted Resolution 29-2009 authorizing the levy of annual assessments for CFD 2006-1 (Downtown Park O & M; Fund No. 211) in FY 2009-2010.
- (k) Approved appointment of City's Representative and Alternate to County Library Commission.
- (l) Adopted Resolution 30-2009 approving a multi-year Agreement with the City of Concord for their provision of telephone and voice mail hardware and software services and related maintenance to the City's telephone system.
- (m) Adopted Resolution 31-2009 approving a multi-year Agreement with the City of Concord for its continued provision of public safety dispatch services, temporary holding and detention services, and law enforcement information/technology services to the Clayton Police Department.

5. **RECOGNITIONS AND PRESENTATIONS** – None.

6. **REPORTS**

- (a) Planning Commission – Commissioner Sandy Johnson reported on the July 14<sup>th</sup> meeting of the Planning Commission. The Commission welcomed Dan Richardson, and then held a study session to discuss updating the building height restrictions in the Clayton Municipal Code. The Commission also discussed the Sphere of Influence issue in regards to the LAFCO's Municipal Services Review of Clayton
- (b) Trails and Landscaping Committee – No meeting held to report.
- (c) The City Manager reported the next Concert in The Grove features a country music artist. He reported the State Budget will likely "borrow" more funds from the City of Clayton in order to cover the State's deficit. He stated the expected State Budget also includes taking money from redevelopment agencies. He concluded by stating the State of California's budget solution seemed more like a Ponzi scheme. Mayor Pierce added that some Democrats are committed to voting no on the budget deal if it continues to take money from local government.
- (d) City Council  
  
Vice Mayor Stratford attended the Mayors' Conference in Brentwood and stated the 4<sup>th</sup> of July Parade was fantastic and thanked Mayor Pierce for all of her work on the event. He also attended the East Bay Habitat Conservancy meeting, met with the City auditors, and attended the League of California Cities East Bay Division meeting.  
  
Mayor Pierce thanked the City Clerk, the Assistant to the City Manager and Sandy Johnson for their work on the 4<sup>th</sup> of July Parade. She attended multiple transportation meetings in Sacramento.
- (e) Other – None.

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

8. **PUBLIC HEARINGS**

- a) Public Hearing on the proposed levy of annual assessments on real property in the Street Lighting Assessment District for FY 2009-2010, pursuant to Streets and Highways Code 18070 and Government Code 54954.6.

The City Engineer stated the levy amounts have not been increased since 1996. He stated residents were mailed notices and there was only one written response to the notice asserting inequity between the assessment for duplex units and single-family dwelling.

Mayor Pierce opened the Public Hearing at 7:30 p.m. No Public Comments were offered. Mayor Pierce closed the Public Hearing at 7:31 p.m.

**It was moved by Vice Mayor Stratford, seconded by Councilmember Medrano to adopt the Resolution setting the annual street lighting assessments for FY 2009-2010 (Passed; 3-0 vote).**

- b) Public Hearing on a proposed amendment of Section 15.08.030.B (City Review and Approval of Sign Permits) of the *Clayton Municipal Code* to allow for administrative review and approval of specified minor signs (ZOA 01-09; Ordinance No. 422).

The Community Development Director presented the staff report and stated the Ordinance streamlines the process for business owners wishing to replace signs. The changes to the Municipal Code affect primarily new occupants of buildings with existing signage. He stated the Ordinance allows staff to issue sign permits administratively so long as the new signs conform in size, number, and location to the existing signage. The Planning Commission will continue to review larger scale changes and new signs.

Mayor Pierce asked if approved Master Sign plans would still be in effect. The Community Development Director approved Master Sign plan areas such as the Clayton Station, continue to be in effect and minor sign changes requesting in conformance with the approved Master Sign Plans could then be approved administratively.

The Community Development Director clarified that the new signs would need to be in the same location and be the same size in order to be reviewed at the staff level. He stated as the Code stands now almost all commercial signs must be reviewed by the Planning Commission.

**It was moved by Vice Mayor Stratford, seconded by Councilmember Medrano to have the City Clerk read Ordinance No. 422 by title and number only and waive further reading (Passed; 3-0 vote).**

The City Clerk read Ordinance No. 422 by title and number only.

**It was moved by Vice Mayor Stratford, seconded by Councilmember Medrano to adopt a motion approving Ordinance No. 422 for Introduction and First Reading (Passed; 3-0 vote).**


10. **ACTION ITEMS** – None.

11. **COUNCIL ITEMS**

Vice Mayor Stratford stated the City's Auditors had suggested the Council establish an audit committee. The City Manager stated the Council Budget Sub-Committee's name altered to include the "audit committee".

12. **ADJOURNMENT**– On call by Mayor Pierce the meeting adjourned at 7:40 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