

MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

TUESDAY, March 21, 2017

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:00 p.m. by Mayor Diaz in Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Diaz, Vice Mayor Haydon and Councilmembers Catalano, Pierce and Shuey. Councilmembers absent: None. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, Finance Manager Kevin Mizuno, Community Development Director Mindy Gentry, and City Clerk/HR Manager Janet Brown.

2. **PLEDGE OF ALLEGIANCE** – led by Mayor Diaz.

3. **CONSENT CALENDAR**

Vice Mayor Haydon requested Item 3(d) be pulled from the Consent Calendar for separate discussion.

It was moved by Vice Mayor Haydon, seconded by Councilmember Shuey, to approve the Consent Calendar Items (a) – (c). (Passed; 5-0 vote).

- (a) Approved the minutes of the City Council’s special joint meeting of March 6, 2017 and its regular meeting of March 7, 2017.
- (b) Approved Financial Demands and Obligations of the City.
- (c) Rejection of liability claim filed against the City by Lamont R. Becton for alleged vehicle damages occurring in the county area of Contra Costa.

Consent Calendar Item 3 (d) - Pulled

- (d) Accept with regret the voluntary resignation of Merle Hufford as the appointed City Treasurer of Clayton for nearly twenty (20) years, and authorized staff to advertise the Council-appointed position for interest citizen applicants.

Vice Mayor Haydon wished to note Mr. Hufford’s long service to the City of Clayton as an esteemed volunteer; he will be greatly missed. Vice Mayor Haydon expressed great appreciation for his service as City Treasurer and wanted to make certain the City would honor him at a future meeting.

Mayor Diaz added that most people may not realize the Clayton City Treasurer is a non-compensated position. Mr. Hufford brought considerable experience and skills from his employment with Chevron to our Finance Department and did a great job.

City Manager Gary Napper advised Mr. Hufford will be recognized at an appropriate time at a near future meeting and City staff will be in communication with him to make the arrangements to attend a City Council meeting for proper recognition and appreciation.

**It was moved by Vice Mayor Haydon, seconded by Councilmember Shuey, to approve Consent Calendar Item 3 (d), with regrets.
(Passed; 5-0 vote).**

4. RECOGNITIONS AND PRESENTATIONS

- (a) Certificate of Commendation to the City for its proper U.S. Flag etiquette by the Thomas Jefferson Chapter, California Society, of the National Society of the Sons of the American Revolution.

Mr. Derek Brown, representing the Thomas Jefferson Chapter, California Society Sons of the American Revolution, State Society Vice President North and Director of Youth Activities, provided a brief history of the Sons of the American Revolution. It is a civic society which perpetuates the memory of those who, by their services or sacrifices during the American Revolutionary War, achieved the independence of the American people and it now supports all programs for the research and preservation of historic material. Mr. Brown advised in 1987 the flag certificate of commendation was authorized for presentation to individuals, companies and agencies which fly the United States Flag correctly and for patriotic purposes only, not for advertisement notice or promotion. Following the Chapter's field review, the City of Clayton has demonstrated over time and at many locations such as City Hall, the Library, the downtown park, and the downtown Veterans Memorial, its commitment to fly the American flag with proper lighting and protocols. Mr. Brown then presented Mayor Diaz with a Certificate of Commendation of Exemplary Patriotism in the display of the Flag of the United States.

Mayor Diaz indicated the City is honored to receive this recognition. Council Member Shuey noted there is another flag pole to be included at Clayton Community Park since the long broken flag halyard has now been repaired. City Manager Napper also thanked Mr. Brown for the recognition noting the City did not have advance knowledge of any entity surveying whether we are properly flying of the United States Flag and on behalf of the City organization, he added his appreciation for this acknowledgement.

- (b) 2016 Certificate of Achievement for Excellence in Financial Reporting (CAFR) to the City of Clayton.

Mayor Diaz presented Finance Manager Kevin Mizuno the 2016 Certificate of Achievement for Excellence in Financial Reporting for its Comprehensive Annual Financial Report for the Fiscal Year ended June 30, 2016, noting this recognition is not given lightly and is a national award.

Mr. Mizuno thanked the City staff and the City Manager who, during the review process, encouraged him prior to the start of this year's financial audit to submit an application to the Government Finance Officers Association for this consideration.

Councilmember Pierce thanked Mr. Mizuno for bringing this honor to the City of Clayton. Vice Mayor Haydon added that as a part of his role on the Clayton Budget Sub-Committee, when the Council Sub-Committee met with the independent auditors they really praised Clayton and its Finance Manager for its financial accuracy, ease of understanding, and clarity of the audit report.

5. **REPORTS**

- (a) Planning Commission – No meeting held.
- (b) Trails and Landscaping Committee – No meeting held.
- (c) City Manager/Staff - City Manager Napper expressed his thanks to Mr. Mizuno for providing financial books that staff can rely on.
- (d) City Council - Reports from Council liaisons to Regional Committees, Commissions and Boards.

Vice Mayor Haydon attended the dedication of a memorial plaque at Berean Christian School for Ben Tollefson, a local soldier who gave the ultimate sacrifice a few years ago; he noted the Clayton Business and Community Association made a contribution to the costs.

Councilmember Shuey did not attend any meetings and thanked the Council for its understanding as he has been in trial with a successful outcome.

Councilmember Catalano attended the Clayton Business and Community Association's Art and Wine Committee meeting and announced the annual event takes place this year on April 29th and 30th. She also noted they are still looking for volunteers to fill 250 spots.

Councilmember Pierce attended the Metropolitan Transportation Commission Board meeting, and the Transportation Partnership and Cooperation (TRANSPAC) Central Contra Costa meeting; with the Metropolitan Transportation Commission she went to Washington, D. C. to visit various legislators seeking transportation funds. She also attended the Contra Costa Transportation Authority's preliminary budget meeting, and the Association of Bay Area Governments' (ABAG) Board meeting.

Mayor Diaz attended the retirement dinner of Walnut Creek Councilmember and former Mayor Bob Simmons, the dedication of a memorial plaque at Berean Christian School for Ben Tollefson, a local soldier who gave the ultimate sacrifice a few years ago, a County Connection Board meeting, the Boy Scouts Muir District Annual Awards dinner, and the Clayton Business and Community Association's 8th Annual BBQ committee meeting.

- (e) Other – None.

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

Sonja Wilkins, representing Clayton Valley Village, advised back in April 2013 she attended a City Council meeting providing background information about The Village Movement. She stated the program is geared toward "aging in place" principles and provides volunteer services to help others do so, including social activities and health education. She announced Clayton Valley Village will officially open on May 1st with an event taking place at Endeavor Hall and she invited the City Council to attend. Ms. Wilkins suggested the City issue a Proclamation declaring May 1, 2017 as "Clayton Valley Village Day." She advised there are three (3) villages operating in Contra Costa County located in Clayton, Walnut Creek and Lamorinda; there are twenty five (25) in the Bay Area, and fifty (50) in California. Ms. Wilkins noted a formal invitation will follow.

7. PUBLIC HEARINGS

- (a) Consider the Introduction and First Reading of Ordinance No. 474 amending Chapters 15.02, 15.03, 15.04, 15.05, and 15.80 of the *Clayton Municipal Code* to implement the 2016 California Building Standards Code with local changes, additions, and deletions, as allowed by state law. (ZOA-09-16).

Community Development Director Mindy Gentry presented the staff report noting this item is to consider the City's adoption of the statewide 2016 Building Standards Code, with amendments and changes to address local conditions. The 2016 Building Standards Code replaces the 2013 Building and Standards Code with new minimum construction standards in California. Ms. Gentry advised on November 15, 2016 the Contra Costa County Board of Supervisors adopted the 2016 California Building Standards Code; under contract with the County's Building Inspection Division, that public agency provides the City with building permit and inspection services. Contra Costa County therefore requires each jurisdiction served by this division to adopt the same modified code for consistency in application. Staff incorporated many of the proposed changes with the exceptions of electrical vehicle charging stations and construction waste regulations. The EV legislation outlined two different timelines for local implementation based on population; the City of Clayton has until September 2017 to take action on EV charging stations. On the second exception, the City currently retains its own Construction Demolition and Debris Recycling Program and wishes to continue to do so. By enactment of this Ordinance, implementation of the appropriate changes will bring Clayton compliant with state law.

Ms. Gentry highlighted the more substantive changes including: more restrictive standards for a building foundation to better withstand seismic forces; installation of hard-wired smoke detectors in existing flat roof buildings; prohibits a structure's braced wall panels to use gypsum wallboard or Portland Cement Plaster due to their poor performance during recent California seismic events; and increasing the diversion rate for construction waste from fifty percent (50%) to sixty-five percent (65%).

Ms. Gentry concluded her report noting this Ordinance is not subject to CEQA, pursuant to CEQA guidelines, because this activity can be seen with certainty that it will not have a significant effect or physical change to the environment.

Vice Mayor Haydon inquired about the electric vehicle charging stations and when we need to be in compliance. Ms. Gentry advised due to the passage of AB 1236 the City has until September 2017 to enact a local ordinance addressing vehicle charging stations; until that time, the City defaults to the requirements of the 2016 California Green Building Standards as it pertains to electrical vehicle charging stations.

Mayor Diaz opened the Public Hearing to receive public comment; no public comments were offered, and Mayor Diaz then closed the Public Hearing.

It was moved by Councilmember Shuey, seconded by Councilmember Pierce, to have the City Clerk read Ordinance No. 474, by title and number only and waive further reading. (Passed; 5-0 vote).

The City Clerk read Ordinance No. 474 by title and number only.

It was moved by Councilmember Shuey, seconded by Vice Mayor Haydon, to approve for introduction Ordinance No. 474 amending Chapters 15.02, 15.03, 15.04, 15.05, and 15.80 of the Clayton Municipal Code (ZOA-09-16) and adopting by reference the 2016 edition of the California Building Standards Code, including the

2016 California Building Code (Incorporating and Amending the 2015 International Building Code); the 2016 California Residential Code (Incorporating and Amending the 2015 International Residential Code); the 2016 California Green Building Standards Code; the 2016 California Existing Building Code; the 2016 California Electrical Code (Incorporating and amending the 2014 National Electrical Code); the 2016 California Plumbing Code (Incorporating and Amending the 2015 Uniform Plumbing Code); and the 2016 California Mechanical Code (Incorporating and Amending the 2015 Uniform Mechanical Code), together with changes, additions, and deletions thereto (ZOA-09-16), with the finding the action does not constitute a project under CEQA. (Passed; 5-0 vote).

8. ACTION ITEMS

- (a) Consider the adoption of Resolution approving the City's 2016 Annual Report on its Housing Element progress and policies.

Ms. Gentry presented the staff report noting this involves the City's Annual Housing Element Report (APR) required by the State in order to track and monitor a local public agency's housing needs and goals, including the jurisdiction's progress to address its Regional Housing Needs Allocation, by income level, the status of programs in the Housing Element, and efforts to remove government constraints. The City's 2016 APR reflects one second unit, classified as a low-income unit, was issued a building permit for construction during the reporting period. This unit was classified as low-income because the occupant of the second unit was the previous owner of the property, yet sold the property to a family member who now occupies the second unit on a fixed income.

Ms. Gentry further advised the City has increased the minimum density within Multifamily High Density land use designation from 15.1 to 20 units per acre; adopted an inclusionary housing program allowing employee housing for six or fewer residences; and an ordinance allowing transitional and supportive housing within the City's Limited Commercial zoning district subject only to the requirement of other residential uses in the district. The City has nearly completed all of its requirements contained in its 2015-2023 Housing Element cycle based on City Council's actions in 2015 and 2016. Ms. Gentry noted there is one remaining task requiring feedback on the establishment of a green building program beyond the CalGreen Tier 1 standards.

Mayor Diaz opened the floor to receive public comment; no public comments were offered.

It was moved by Councilmember Pierce, seconded by Vice Mayor Haydon, to adopt Resolution No. 08-2017 approving the City of Clayton 2016 Housing Element Annual Progress Report. (Passed; 5-0 vote).

Councilmember Pierce commented there are loads of housing bills now circulating in the State Legislature, and the Association of Bay Area Governments is hosting a legislative workshop in Sacramento to hear from several delegations and representatives regarding some of the several housing bills. She inquired whether the City should have some local discussion on some of these bills, in particular the accessory dwelling unit legislation, how such residential units can be added, counted and encouraged in our community without visual changes to the outside of the home or property.

9. **COUNCIL ITEMS** – None.

10. **CLOSED SESSION** – None.

11. **ADJOURNMENT**– on call by Mayor Diaz, the City Council adjourned its meeting at 7:37 p.m.

The next regularly scheduled meeting of the City Council will be April 4, 2017.

#

Respectfully submitted,



Janet Brown, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL


Jim Diaz, Mayor

#