

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

TUESDAY, October 7, 2014

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:03 p.m. by Mayor Stratford in Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Stratford, Vice Mayor Shuey and Councilmembers Diaz and Pierce. Councilmembers absent: Councilmember Geller. Staff present: City Manager Gary Napper, City Engineer Rick Angrisani, Assistant City Attorney Christopher Diaz, and City Clerk Janet Brown.

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

3. **CONSENT CALENDAR**

It was moved by Councilmember Pierce, seconded by Vice Mayor Shuey, to approve the Consent Calendar as amended on Item 3(a). (Passed; 4-0 vote).

- (a) Approved the minutes of the regular meeting of September 16, 2014, as amended.
- (b) Approved Financial Demands and Obligations of the City.
- (c) Adopted Resolution No. 40-2014 approving a 2-year Memorandum of Agreement with the Clayton Undesignated Miscellaneous Employees Group effective the Fiscal Years of 2014-2015 and 2015-2016.
- (d) Approved the appointment of Ronald Tervelt as the City of Clayton's representative to the Contra Costa County Advisory Council on Aging.

4. **RECOGNITIONS AND PRESENTATIONS**

- (a) A Proclamation declaring October 2014 as "Domestic Violence Awareness Month" in the City of Clayton.

Mayor Stratford remarked no recipient is present at the meeting to receive the "Domestic Violence Awareness Month" Proclamation and requested it be mailed out after the meeting.

Mayor Stratford announced another Proclamation was received after the agenda was posted to declare October 2014 as "Rett Syndrome Awareness Month". Mayor Stratford read this Proclamation in its entirety to better inform the community about Rett Syndrome. Both Proclamations were requested of the City Clerk to be mailed after the meeting.

- (b) Certificates of Recognition to public school students selected for exemplifying the "Do The Right Thing" character trait of "Responsibility".

Mayor Stratford and Mt. Diablo Elementary School Teacher Mrs. Huaco recognized students Elena Carcamo and Joseph Shelton.

Mayor Stratford and Clayton Valley Charter High School, Director of Administrative Services Neil McChesney recognized students Adrian Lopez, Naame Kelete and Matthew Salvetti.

5. REPORTS

- (a) Planning Commission – Commissioner Keith Haydon reported the Planning Commission held a meeting on September 23rd. He noted there was a Public Hearing on the environmental analysis report Initial Study/Mitigated Negative Declaration regarding the Silver Oaks Estates Planned Development prepared by JR Peterson & Associates. Commissioner Haydon mentioned this is the largest proposed project in the City of Clayton consisting of 52 Townhomes and 7 Single Family Dwellings. He mentioned there were 80 citizens in attendance at the meeting with 22 providing public comments on the proposed Silver Oaks Estates project. The community has concerns regarding the length of the study to digest in such a short time period, traffic, site corridor views and the number of proposed homes. The Planning Commission therefore extended the public comment period on the environmental analysis report from 45 to 60 days for written comments only to now conclude on November 20th, 2014.

Council Candidate Haydon also added he read the staff reports on the City Council agenda presented tonight and agrees with the staff recommendations on the state-required Sewer System Management Plan and Ordinance No. 456 Clayton Municipal Code updating Chapter 13.06 and 13.08.

- (b) Trails and Landscaping Committee – No meeting held.
- (c) City Manager/Staff – No reports.
- (d) City Council - Reports from Council liaisons to Regional Committees, Commissions and Boards.

Councilmember Diaz attended the swearing in of new Clayton Police Sergeant Jason Shaw; and he attended the Contra Costa County Realtors Association event and provided handicap transportation services at the Clayton Business and Community Association's 11th annual Oktoberfest.

Councilmember Pierce attended the Associated Bay Area Governments bi-monthly meeting, Contra Costa Transportation Authority meeting, Contra Costa County Realtors Association event, Clayton Business and Community Association's Oktoberfest, Regional Committee Board meeting and led the Bay, Delta and Water Conference on the fresh water flows to the estuary on the Delta.

Vice Mayor Shuey attended the Contra Costa County Realtors event; and mentioned Clayton Valley Charter High School Governing Board is holding a meeting on October 8th regarding its re-authorization conversion document and encourages the public to review the document and voices their concerns. Vice Mayor Shuey agrees with the proposed CVCHS changes.

Councilmember Pierce added this is the fifth meeting of the Clayton Valley Charter High School Board to consider the changes to its re-authorization conversion.

Mayor Stratford asked when is the re-authorization conversation agreement scheduled to go to the Contra Costa County Board of Education? Vice Mayor Shuey advised it is scheduled to go this week. Councilmember Pierce added the Clayton Valley Charter High School Governing Board has until the end of October to submit the conversion agreement.

Mayor Stratford announced the “Do The Right Thing” monthly character trait “Respect” has started and students will be recognized at the November 4, 2014 regular City Council meeting. He also mentioned he was able to tour the interim East Contra Costa Habitat Conservancy tour that took place in East Contra Costa County, and was impressed by the accumulation of open space lands that has occurred generally benefiting the Clayton Valley communities.

Councilmember Pierce noted her attendance at the 80th Anniversary of the East Bay Regional Parks District and mentioned the Contra Costa Habitat Conservancy received an award at the event.

Mayor Stratford added the efforts of the Contra Costa Habitat Conservancy will open up additional trails and is great for future generations.

- (e) Other – Council Candidate Shuey requested “Vote for Shuey” in the November 4th Election.

6. **PUBLIC COMMENT ON NON-AGENDA ITEMS** – None.

7. **PUBLIC HEARINGS** – None.

8. **ACTION ITEMS**

- (a) Consider a Resolution No. 41-2014 adopting a state-required Sewer System Management Plan (SSMP) for Clayton’s municipal sewer system
(City Engineer)

City Engineer Rick Angrisani presented the staff report and noted prior to City’s incorporation in 1964, sanitary sewer collection and treatment was provided by the City of Concord. After incorporation the Clayton City Council entered into an agreement with the City of Concord for continued treatment of sewage and maintenance of the municipal sanitary sewer collection system. Though the agreement has been updated several times, the City of Clayton retains its ownership rights.

In 2006, Water Quality Order No. 2006-0003 established Statewide General Waste Discharge Requirements for all publically owned or operated sanitary sewer systems within the State of California. It became required for owners of such systems to report Sanitary Sewer Overflows to the State Water Resources Control Board and develop a system-specific Sewer System Management Plan. The City of Concord took on responsibility for Sanitary Sewer Overflow reports on behalf of the City of Clayton; however, it has since been determined the state regulations have changed which now require the City of Clayton to re-evaluate the operation and maintenance of the sanitary sewer pipelines within its jurisdiction. Part of this state requirement is for the City to prepare its own Sewer System Management Plan (SSMP) separate from Concord’s.

A contract for the preparation of the required plan was awarded to Humphrey Consulting at the Council’s April 1, 2014 meeting. Staff reviewed the attached draft Plan and has determined it complies with state requirements. Sewer maintenance and treatment funds for the sanitary sewer system are assessed and levied by Concord through one’s real property tax bills. Since a regulatory state agency imposed the requirement of the SSMP, after discussions the City of Concord agreed to pay for it using Clayton and Concord sewer assessment revenues in a not-to-exceed budget of \$45,375 to assist the City of Clayton with the new state requirement.

Mayor Stratford opened the floor to receive public comments on the Sewer System Management Plan (SSMP); no public comments were offered.

It was moved by Councilmember Pierce, seconded by Councilmember Diaz, to approve Resolution No. 41-2014 adopting the Sewer System Management Plan for the City of Clayton. (Passed; 4-0 vote).

- (b) Consider the Introduction and First Reading of a proposed City-initiated Ordinance No. 456 amending Chapter 13.06 and Chapter 13.08 of the *Clayton Municipal Code* adopting by reference Concord Municipal Code Chapter 1305 and Central Contra Costa Sanitary District Code Title 10 concerning municipal sewer services and regulations.
(City Engineer)

City Engineer Rick Angrisani presented the staff report and noted during preparation of the Sewer System Management Plan, staff and the City Attorney's office reviewed the Clayton Municipal Code chapters 13.06 and 13.08, "Source Control" and "Sewerage" and found these existing chapters to be extremely outdated. The Assistant City Attorney prepared the attached Ordinance which brings the Clayton Municipal Code up to date with regard to its municipal sewer system and obligations.

Mayor Stratford opened the floor to receive public comments on the amendment of Clayton Municipal Code Chapters 13.06 and 13.08 by reference of Concord Municipal Code Chapter 1305 and Central Contra Costa Sanitary District Code Title 10 regarding Sewer Services and Regulations; no public comments were offered.

It was moved by Councilmember Pierce, seconded by Councilmember Diaz, to approve a motion to have the City Clerk read Ordinance No. 456 by title and number only and waive further reading. (Passed; 4-0 vote).

The City Clerk read Ordinance No. 456 by title and number only.

It was moved by Councilmember Pierce, seconded by Councilmember Diaz, to approve Ordinance No. 456 for Introduction with findings the action does not constitute a project under CEQA and set Tuesday, November 4, 2014 at 7:00 pm in Hoyer Hall at the Clayton Community Library as the date, time and location for a noticed Public Hearing on Ordinance No. 456. (Passed; 4-0 vote).

9. **COUNCIL ITEMS** – None.

10. **CLOSED SESSION** – Mayor Stratford announced the following purpose for the City Council to meet in Closed Session:

- (a) *Government Code Section 54956.9(d) (4)* – Conference with Legal Counsel.
Anticipated Litigation: 1 Potential Case.

Report out from Closed Session (8:00 pm)

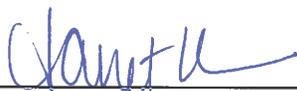
Mayor Stratford reported the City Council received information and gave direction to its legal counsel and staff.

11. ADJOURNMENT– on call by Mayor Stratford, the City Council meeting adjourned at 8:01 p.m.

The next regularly-scheduled City Council meeting is October 21, 2014.

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Respectfully submitted,



Janet Brown, City Clerk

APPROVED BY CLAYTON CITY COUNCIL



Hank Stratford, Mayor

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