

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

**TUESDAY, November 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, Community Development Director Mindy Gentry, City Clerk/HR Manager Janet Brown, and City Engineer Scott Alman.

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

3. **CONSENT CALENDAR**

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

- (a) Approved the minutes of the City Council’s regular meeting of November 7, 2017.
- (b) Approved Financial Demands and Obligations of the City.
- (c) Confirmed the Mayoral reappointment of Peggie Howell to the Board of Trustees for the Contra Costa Mosquito and Vector Control District as Clayton’s representative for the term of January 1, 2018 to January 1, 2020.
- (d) Approved a City letter opposing the proposed elimination of state and local tax deductions (SALT) being discussed and contained in Congressional Tax Reform Plans.
- (e) Denied a liability claim filed against the City by Ms. Raina Dennis regarding the death of her daughter, Maria Gaglione, and authorized the City Clerk to send the Notice of Rejection.
- (f) Denied a liability claim filed against the City by Mr. Michael Gaglione regarding the death of his daughter, Maria Gaglione, and authorized the City Clerk to send the Notice of Rejection.
- (g) Approved the City Council cancellation of its regularly scheduled Council meetings of December 19, 2017 and January 2, 2018.

4. **RECOGNITIONS AND PRESENTATIONS**

- (a) Proclamation declaring November 2017 as “Homeless Awareness Month”.

Mayor Diaz deferred this item to later in the meeting as the recipient for the Proclamation had not yet arrived.

## 5. REPORTS

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

Councilmember Shuey indicated no report.

Vice Mayor Haydon attended the Clayton Historical Society Fundraiser art event, the Clayton-Concord Veterans of Foreign Wars Post 1525 Veterans' Day Ceremony, and the Clayton Library Foundation Board meeting.

Councilmember Catalano indicated no report.

Councilmember Pierce attended several Metropolitan Transportation Committee meetings, several Association Bay Area Governments meetings, a meeting of TRANSPAC, a Contra Costa Transportation Authority meeting, hosted on behalf of Association Bay Area Governments a Bay Area Trail Golf Tournament at Oakhurst Country Club, a Bay Area Regional Collaborative meeting, and was a panelist at the 40<sup>th</sup> Annual Real Estate and Economics Symposium at the Berkeley Fisher Center.

Mayor Diaz attended the Clayton-Concord Veterans of Foreign Wars Post 1525 Veterans' Day Ceremony at Willow Pass Park, a Contra Costa Water District Board meeting, a County Connection Board meeting, the Clayton Business and Community Association General Membership meeting, assisted the Clayton Business and Community Association with its annual downtown holiday decorations, and attended the first 2018 Art and Wine Festival Committee meeting of the Clayton Business and Community Association.

- (e) Other – None.

## 6. PUBLIC COMMENT ON NON - AGENDA ITEMS

Pete Marshall, new Battalion Chief II B Shift at Station 11 in Clayton, Contra Costa County Fire Protection District, provided a background of his 30 years of experience with Contra Costa Fire. Chief Marshall advised there have not been any significant incidents in this area to report. In the future, he wishes to bring the local fire crew to introduce them to the City Council and advised he will keep in contact with the City Council if anything comes up of interest. Chief Marshall advised a new Fire Station 16 will be opening soon in Lafayette.

Councilmember Pierce inquired about a sign she saw on Clayton Road in Concord near the BART station; she noticed a sign "Contra Costa Fire and Rescue" on the old Big 5 building and wondered why it was there? Chief Marshall advised he was unaware of the sign and will get back to Councilmember Pierce.

Vice Mayor Haydon inquired on the rotation of staff at the Clayton Fire Station and how often that occurs? Chief Marshall advised there is a bid process because employees want to work out of that desired station; there is a commitment of at least one (1) year in the bid process. Generally, personnel stay at one (1) station their entire career.

Mayor Diaz expressed his public appreciation to Fire Chief Jeff Carman for his leadership at the Contra Costa County Fire Protection District and for arranging the new fire command vehicle present at the recent CBCA Rib-Cook Off for the public to see. Mayor Diaz noted he always enjoys attending the fire academy graduation and inquired on when the next one will occur? Chief Marshall advised he will have to get back to Mayor Diaz regarding the next academy graduation's exact date, which may be in about two (2) months. Mayor Diaz noted the Clayton community enjoys seeing Fire Engine 11 coming by, "serving the citizens of Clayton."

7. **PUBLIC HEARINGS** – None.

8. **ACTION ITEMS**

- (a) Consider the Second Reading and Adoption of Ordinance No. 479 amending Title 17 - Zoning of the Clayton Municipal Code for continuation of the local prohibition of outdoor cannabis cultivation for personal use, and to prohibit all commercial cannabis activities within the city except for cannabis deliveries originating outside of the city.  
(Community Development Director)

Mindy Gentry, Community Development Director, presented the report noting this item was introduced at the City Council meeting of November 7th with the purpose to continue prohibition of outdoor cannabis cultivation for personal use and prohibit all commercial cannabis activities except for deliveries originating outside of the City limits. No changes were made to the Ordinance at its introduction/first reading, and staff proposes no new changes.

Mayor Diaz opened the matter for public comments; no comments were offered.

**It was moved by Councilmember Pierce, seconded by Vice Mayor Haydon, to have the City Clerk read Ordinance No. 479, by title and number only and waive further reading. (Passed; 5-0 vote).**

The City Clerk read Ordinance No. 479 by title and number only.

**It was moved by Councilmember Pierce, seconded by Vice Mayor Haydon, to adopt Ordinance No. 479 with the finding its adoption is not a project under CEQA and it will not have a significant adverse effect on the environment and therefore is categorically and statutorily exempt under CEQA. (Passed; 5-0 vote).**

- (b) Consider the Second Reading and Adoption of Ordinance No. 480 amending Chapter 17.36.075 of the Clayton Municipal Code to allow six-foot high fences to be located within the required exterior side setback or at the public right-of-way line.  
(Community Development Director)

Mindy Gentry, Community Development Director, presented the report noting this item was also introduced at the City Council meeting of November 7 to allow the placement of six-foot high fences to be located within the required exterior side setback or at the public right-of-way line. No changes were made to the Ordinance at its introduction/first reading, and no new changes are proposed at this time.

Mayor Diaz opened the matter for public comments; no comments were offered.

**It was moved by Councilmember Catalano, seconded by Councilmember Shuey, to have the City Clerk read Ordinance No. 480, by title and number only and waive further reading. (Passed; 5-0 vote).**

The City Clerk read Ordinance No. 480 by title and number only.

**It was moved by Councilmember Catalano, seconded by Councilmember Pierce, to adopt Ordinance No. 480 with the finding its adoption is exempt from the California Environmental Quality Act, pursuant to CEQA Guidelines Section 15303, Class 3 Categorical Exemption for construction of new small facilities or structures. (Passed; 5-0 vote).**

**9. COUNCIL ITEMS**

None.

Mr. Napper informed the City Council meeting the annual selection of Mayor and Vice Mayor will occur at its next regular City Council in December.

**4. RECOGNITIONS AND PRESENTATIONS – continued**

Mayor Diaz read the Proclamation declaring the November 2017 as “Homeless Awareness Month” and indicated staff will send it to the requestor as no representative is present.

**10. CLOSED SESSION – None.**

**11. ADJOURNMENT– on call by Mayor Diaz, the City Council adjourned its meeting at 7:34 p.m.**

The next regularly scheduled meeting of the City Council will be December 5, 2017.

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Respectfully submitted,



Janet Brown, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL



Jim Diaz, Mayor

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