

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

TUESDAY, August 20, 2013

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 6:03 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 Diaz, Geller, and Shuey. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, Community Development Director Charlie Mullen, and City Clerk Laci Jackson.
2. **CLOSED SESSION** On call by Mayor Pierce the Council adjourned into Closed Session for the following purpose:
 - (a) Conference with Labor Negotiator
Government Code Section 54957.6
Instructions to City-designated labor negotiator: City Manager.
 1. Employee Organization: Clayton Police Officers Association (CPOA).
 2. Employee Organization: Undesignated City Employees Unit.

7:25 p.m. Report out of Closed Session: Mayor Pierce stated the Closed Session will be continued at the end of the meeting.
3. **PLEDGE OF ALLEGIANCE** – led by Mayor Pierce.
4. **CONSENT CALENDAR**- It was moved by Councilmember Shuey, seconded by Vice Mayor Stratford, to approve the Consent Calendar (Passed; 5-0 vote).
 - (a) Approved the minutes of the regular meeting of July 30, 2013.
 - (b) Approved Financial Demands and Obligations of the City.
 - (c) Approved the City's response letter to Civil Grand Jury Report No. 1311, "Assessing Fiscal Risk- Who is Minding the Store?" and authorize the Mayor to sign the letter.
 - (d) Adopted Resolution 29-2013 authorizing the filing of an application for funding assigned to the Metropolitan Transportation Commission and committing necessary matching funds and stating the assurance to complete the FY 2014-15 Collector Street Rehabilitation Project (CIP No. 10425).
 - (e) Approved modifications to the Job Classification for the Finance Manager position.
5. **RECOGNITIONS AND PRESENTATIONS**
 - (a) Mayor Pierce presented a Certificate of Recognition to Emma Hall for planning and organizing the "Clayton Family Fair and Picnic" held on June 29, 2013. Mayor Pierce stated Emma did all of the work leading up to the event and drafted volunteers from other girl scout troops. She stated the event turned out very well.

6. REPORTS

- (a) Planning Commission- No meeting held.
- (b) Trails and Landscaping Committee – No meeting held.
- (c) The City Manager reported the City is recruiting for its Finance Manager upcoming vacancy and qualified candidates are encouraged to apply by October 18th.
- (d) City Council

Councilmember Geller attended two Concerts in The Grove and CBCA's Rib Cook-off.

Councilmember Diaz attended the two concerts, a funeral for a former police officer, and the National Night Out event in his neighborhood. He thanked the Police Chief and officers for their work on that event. He stated the next Thursday Concert will be held this week. He also attended the CBCA Rib Cook-off and is on the CBCA committee for Oktoberfest which will take place October 4-6.

Vice Mayor Stratford noted the "Do the Right Thing" trait for August-September is "Responsibility".

Mayor Pierce attended the Mayors' Conference, a Regional Planning Committee Conference, the National Night Out, and the Concerts in The Grove. She also noted she is working on the planning for the opening of the newest Caldecott Tunnel.

- (e) Other

7. PUBLIC COMMENTS

Herb Yonge, CERT member, stated CERT has been working on helping Clayton obtain status as a Heart Safe Community. He stated 10 CERT members are now trained to teach Hands-Only CPR. He stated CERT participated in the Clayton Family Fair and Picnic. He stated they trained people at two National Night Out events, and trained 27 Rotarians at its monthly meeting. He stated CERT also obtained one additional AED from County EMS and has four sessions planned for Hands-Only CPR and Emergency Preparedness training. He stated the City has reached its goal of being a Heart Safe Community and CERT will continue to contact local swim clubs, HOAs, and other Clayton organizations about receiving the training.

8. PUBLIC HEARINGS

- (a) Public Hearing to consider a request for a Development Plan Permit to establish Planned Development (PD) Zoning District standards for five (5) existing and developed residential properties located on a private driveway off east Marsh Creek Road (8106, 8114, 8118, 8130 and 8140 Marsh Creek Road) in the Marsh Creek Road Specific Plan area (DP-01-13; Matt Mazzei, Applicant).

The City Manager stated he has a conflict of interest on this item because he owns property within the 500 foot conflict radius. It is not a financial or economic interest in the subject property. He stated he must leave the room and noted due to the conflict has not participated in the development of the staff report.

The City Manager exited the meeting room.

The Community Development Director presented the staff report and stated there are five residential properties that would be subject to the proposed Planned Development (PD) standards. He stated the Planning Commission conducted a Public Hearing and provided direction to staff on the standards for residences and accessory structures. He stated on July 23rd the Commission reviewed the proposal, heard public testimony, and recommended the City Council approve the standards. He stated this establishes the minimum PD standards for setbacks and accessory structures, and other standards will fall back to Marsh Creek Road Specific Plan or Zoning Code. He noted the PD standards are consistent with residential planned developments in other parts of the City.

Mayor Pierce opened the Public Hearing at 7:45 p.m.; no public comments were provided; she closed the Public Hearing at 7:46 p.m.

It was moved by Vice Mayor Stratford, seconded by Councilmember Shuey, to adopt Resolution 30-2013 approving the Development Plan Permit and establishing Planned Development (PD) Zoning District standards, with CEQA Findings there is no possibility the proposal may have a significant effect on the environment (Passed; 5-0 vote).

9. ACTION ITEMS

The City Manager returned to the meeting room.

- (a) Consider the Second Reading and Adoption of Ordinance No. 448 amending Title 17 of the *Clayton Municipal Code* establishing Prohibited Uses and Activities, and specifically prohibiting medical marijuana dispensaries and certain cultivation activities (ZOA-02-13)

The Community Development Director presented the staff report and stated Ordinance No. 448 was introduced at the July 16th meeting. He stated the item is required to be considered at a regular City Council meeting and therefore could not be heard again until this meeting. He stated this Ordinance prohibits dispensaries and establishes local control and regulations. He stated this Ordinance is supported by recent court decisions as shown in communication with the District Attorney's office in a letter dated July 25, 2013.

Mayor Pierce asked for Public Comments.

Daniel Katzman, resident, stated he wishes to speak against this Ordinance. He stated by the 2016 state election, marijuana will be decriminalized. He stated as a medical marijuana patient he currently has plants well under fence height for visibility, and stated they are innocuous plants. He stated the plants are not visible from street and he maintains them outdoors when they do not have odor. He stated he would like to be able exercise his right to grow those plants and bring them inside when they bloom or create an odor. He stated he did not agree with the crime statistics regarding dispensaries presented in the staff report.

Mayor Pierce indicated she had six emails from residents stating they hoped the Council passes an Ordinance like this.

It was moved by Councilmember Shuey, seconded by Mayor Pierce, to have the City Clerk read Ordinance No. 448 by title and number only and waive further reading (Passed; 5-0 vote).

The City Clerk read Ordinance No. 448 by title and number only.

It was moved by Councilmember Shuey, seconded by Vice Mayor Stratford, to adopt Ordinance No. 448 with findings the action does not constitute a project under CEQA (Passed; 5-0 vote).

- (b) Consider actions related to the upcoming League of California Cities' 2013 Annual Conference in Sacramento.

1. Consideration of the designation of the City's Voting Delegate and Alternate to the League of California Cities 2013 Annual Conference to be held September 18 thru September 20, 2013 in Sacramento, CA.

2. Consideration of City Council position and voting instructions on the two (2) proposed General Resolutions at the 2013 Annual Conference of the League of CA Cities.

The City Manager noted report and discussion on this item could ensue if the Council was considering sending a voting delegate.

Mayor Pierce stated the cost is too high for this Conference even for a single day.

By consensus Councilmembers decided not to attend the Conference. Mayor Pierce suggested the Council send a letter to the League of California Cities the Conference is cost prohibitive and that is the reason this City is not attending.

No action taken.

10. **COUNCIL ITEMS** – None.

2. **CLOSED SESSION** On call by Mayor Pierce the Council adjourned back into Closed Session for the following purpose (8:03 p.m.):

- (a) Conference with Labor Negotiator
Government Code Section 54957.6
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1. Employee Organization: Clayton Police Officers Association (CPOA).

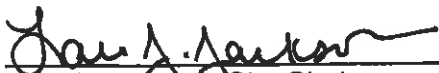
2. Employee Organization: Undesignated City Employees Unit.

8:33 p.m. Report out of Closed Session: Mayor Pierce announced the Council had received a report, discussed matters and gave the City Manager direction.

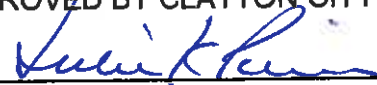
11. **ADJOURNMENT**– on call by Mayor Pierce the meeting adjourned at 8:34 p.m.

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Respectfully submitted,


Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL


Julie K. Pierce, Mayor