

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

TUESDAY, October 1, 2013

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 6:05 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, Police Chief Chris Thorsen, and City Clerk Laci Jackson.
2. **CLOSED SESSION** On call by Mayor Pierce the Council adjourned into Closed Session for the following purposes:
 - (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.
 - (b) *Government Code Section 54956.8*, Conference with Real Property Negotiator
 1. Real Properties: Oak Street Properties (APNs 119-050-008, 119-050-009, & 119-050-034). Instructions to City Negotiator (City Manager) concerning terms and conditions. Negotiating Party: Luckfield Real Estate Investment Fund, LLC
 2. Real Property: 1.67 acre vacant parcel off Main Street, Clayton (APN 118-560-010). Instructions to City Negotiator (City Manager) concerning terms and conditions. Negotiating Party: Luckfield Real Estate Investment Fund, LLC

7:12 p.m. Report out of Closed Session: Mayor Pierce reported the Council will continue their Closed Session 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 September 17, 2013.
 - (b) Approved Financial Demands and Obligations of the City.
 - (c) Approved the proposed schedule for the 2014 Saturday "Concerts in The Grove" series.
 - (d) Adopted Resolution No. 32-2013 approving a three (3) month Addendum No. 7 to the base Memorandum of Understanding with the Clayton Police Officers' Association (CPOA), effective October 1, 2013 through December 31, 2013.

5. RECOGNITIONS AND PRESENTATIONS

- (a) Mayor Pierce presented a Proclamation declaring October 2013 as "Sudden Cardiac Arrest Awareness Month" to CERT Corps Council member Herb Yonge and Police Chief Chris Thorsen. Chief Thorsen stated this hits everyone and stated survival can be increased by providing these skills. He noted October 28th the AAUW will be sponsoring a "Hands Only CPR" class at the Clayton Library at 7 p.m.
- (b) Certificates of Recognition to "Do The Right Thing" public school students chosen for exemplifying the character trait of "Responsibility".

Mayor Pierce and Mt. Diablo Elementary School teachers Mrs. Gilsson and Ms. Huaco recognized students Karleigh Cooper and Derek Townsend.

Mayor Pierce and Diablo View Middle School Principal Patti Banister recognized students Sophie Wheeler and Alyssa Jecker.

Mayor Pierce and Clayton Valley High School teachers Sayed Anwar and Amber Lineweaver recognized Clayton Valley Charter High School students Rachel Siver, Christi Kelley, Dominic Clement, and Maira Ahmed.

- (c) Presentation by Cal Fire Battalion Chief Mike Marcucci and Contra Costa County Fire Protection District representatives regarding the recent Morgan Fire.

Cal Fire Battalion Chief Marcucci presented a powerpoint presentation of the Morgan Fire and provided an update on the fire including the lessons learned. He stated next time they will embed a Public Information Officer providing information directly to Clayton officials.

Councilmember Shuey stated understanding social media is an important way to quickly provide information to citizens is very important.

Ben Smith, Contra Costa Fire Protection District, stated it is a miracle no structures were lost and he stated the boots on the ground deserve the credit for the fire being contained so quickly.

Mayor Pierce presented Cal Fire and the Contra Costa Fire Protection District with Certificates of Appreciation for their work on containing and extinguishing the Morgan Fire.

6. REPORTS

- (a) Planning Commission- Commissioner Keith Haydon stated it was impressive how the community responded to the fire by providing food and water to the firemen so quickly. Commissioner Haydon reported on the September 24th Planning Commission meeting. He stated the Commission approved a Site Plan Review for a one story addition on Atchinson Stage, and a two story addition on Mt. Washington Way. He stated the Commission also heard an informational presentation on the proposal for Skipolini's expansion and bocce ball courts.

- (b) Trails and Landscaping Committee – No meeting held.
- (c) The City Manager noted the annual Oktoberfest event is being held this weekend. He noted the carnival has arrived, will operate Friday evening, and presale tickets are available at merchants downtown. Lastly, he congratulated the City Clerk on her upcoming wedding this weekend, noting this is her last meeting as “Laci Jackson” (it will be “Kolc”).
- (d) City Council
 - Councilmember Geller attended the Homecoming parade and football game for Clayton Valley Charter High School.
 - Councilmember Shuey stated the Board of the Charter High School is appointing a new member after a recent resignation.
 - Councilmember Diaz stated the City hosted its final Thursday night concert of the year; he attended the CBCA meeting and the Contra Costa County Association of Realtors reception.
 - Vice Mayor Stratford stated the “Do the Right Thing” trait being focused on for October is “Respect.”
 - Mayor Pierce attended three ABAG meetings, a Transportation Authority meeting, and a Clayton Historical Society meeting. She also noted she was nominated for President of ABAG.
- (e) Other

7. PUBLIC COMMENTS

Bryan Blatter, resident, thanked the City of Clayton and the City Manager for being quick and responsive to emails concerning various issues he raised in the City.

8. PUBLIC HEARINGS

- (a) Public Hearing to consider the Introduction and First Reading of a proposed City-initiated Ordinance to amend portions of Title 17 – Zoning of the *Clayton Municipal Code* to establish a definition and regulations for cottage food operations as home-based businesses in Clayton, pursuant to new State law (AB 1616).

The Community Development Director presented the staff report for the Ordinance on cottage food operations in home based businesses. He stated this Ordinance is required because of AB 1616 and allows citizens to prepare and package certain foods for resale in their homes. He stated cottage food operations are supposed to register with a local enforcement agency and can only prepare food products as established on a non-hazardous foods list. Staff researched the new laws and drafted the Ordinance which complies with AB 1616. He stated this Ordinance places local control to the Planning Commission for approval. He noted there was no public testimony at Planning Commission meeting.

Mayor Pierce opened the Public Hearing at 8:18 p.m. and closed the Public Hearing at 8:19 p.m. No comments were presented.

It was moved by Vice Mayor Stratford, seconded by Councilmember Shuey, to have the City Clerk read Ordinance No. 450 by title and number only and waive further reading (Passed; 5-0 vote).

The City Clerk read Ordinance No. 450 by title and number only.

It was moved by Vice Mayor Stratford, seconded by Councilmember Shuey, to approve Ordinance No. 450 for Introduction with findings the action does not constitute a project under CEQA. (Passed; 5-0 vote).

9. ACTION ITEMS

- (a) Second Reading and Adoption of a proposed City-initiated Ordinance to amend Title 17 - Zoning of the *Clayton Municipal Code* by establishing regulations for emergency shelters (ZOA -04-13).

The Community Development Director stated this Ordinance was introduced at September 17th meeting. No public comments were provided or received.

It was moved by Vice Mayor Stratford, seconded by Councilmember Shuey, to have the City Clerk read Ordinance No. 449 by title and number only and waive further reading (Passed; 5-0 vote).

The City Clerk read Ordinance No. 449 by title and number only.

It was moved by Vice Mayor Stratford, seconded by Councilmember Shuey, to approve Ordinance No. 449 for Introduction with findings the action does not constitute a project under CEQA. (Passed; 5-0 vote).

10. COUNCIL ITEMS – None.

- 11. CLOSED SESSION** On call by Mayor Pierce the Council adjourned into Closed Session for the following purposes:

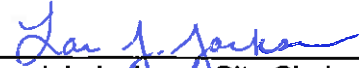
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9:20 p.m. Report out of Closed Session: Mayor Pierce reported the Council gave direction to its labor negotiator.

12. **ADJOURNMENT**– on call by Mayor Pierce the meeting adjourned at 9:21 p.m. in memory of the City Manager's father-in law D. Gary Schulthies, and the City Attorney's father Sundaram Subramanian, who each passed away separately on the evening of September 17th.

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Respectfully submitted,



Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL



Julie K. Pierce, Mayor