

MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

TUESDAY, March 3, 2015

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

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

3. **CONSENT CALENDAR**

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

- (a) Approved the minutes of the regular meeting of February 17, 2015.
- (b) Approved Financial Demands and Obligations of the City.
- (c) Approved the dissolution of the City Council Fire Services Ad-hoc Committee.
- (d) Adopted Resolution No. 05-2015 approving a multi-year Amended and Restated Agreement between the City of Clayton and All Out Sports league (AOSL) for the continued provision of community recreation and enrichment programs at the Clayton Community Gymnasium.
- (e) Adopted Resolution No. 06-2015 reaffirming and implementing the provisions of Section 414(h) (2) of the Internal Revenue Code to tax defer employee retirement contributions to CalPERS.

4. **RECOGNITIONS AND PRESENTATIONS**

- (a) A Proclamation declaring March 2015 as “Prescription Drug Awareness Month” in the City of Clayton.

Mayor Shuey read a Proclamation declaring March 2015 as “Prescription Drug Awareness Month” in the City of Clayton. No recipient from the requesting organization was present at the meeting to receive the Proclamation and staff was instructed to mail the Proclamation to them.

- (b) A Proclamation declaring Thursday, March 5, 2015 as “Kayla Elwy Day” in the City of Clayton in recognition of her achievement of the Girl Scout Gold Award.

Mayor Shuey read a Proclamation declaring March 5, 2015 as “Kayla Elwy Day” in the City of Clayton. During a slideshow presentation of Kayla’s Girl Scout Gold Award Project, she thanked her grandparents, mother, father and uncle for attending the meeting this evening and assisting her along the way. Ms. Elwy’s Gold Award project involved bringing music to senior citizens of the community. She will be attending a UC college in the fall studying communications and wishes to pursue a career in broadcast journalism. Mayor Shuey noted Kayla requested March 5th as her day as it is her eighteenth birthday.

5. **REPORTS**

- (a) Planning Commission – Vice Chair Dave Bruzzone reported that at its meeting of January 27, 2015 the Commission returned to full complement by the City Council’s appointment of new Commissioner Peter Hellmann. The Commission reviewed the proposed City of Clayton 2014 Housing Element Annual Progress Report and recommended its approval to the City Council.
- (b) Trails and Landscaping Committee – No meeting held.
- (c) City Manager/Staff – No Report.

ConFire Battalion Chief Keith Cormier provided an update on the re-opening of Clayton Fire Station No.11 noting there have not been any glitches, Fire Station No. 11 are staff happy and ready to serve, and “bidding” is underway by District employees to obtain this desirable station assignment.

Mayor Shuey added the Clayton community is happier and feels safer now that Clayton Fire Station No. 11 re-opened; he thanked Contra Costa Fire Protection for its efforts in the station’s re-opening.

Councilmember Haydon asked what is the staffing requirement at Clayton Fire Station No. 11? Battalion Chief Cormier advised Fire Station No. 11 is staffed with nine personnel, three people on each of the A, B and C shifts; each shift includes the positions of Captain, Engineer and Firefighter, of which one is a Paramedic.

Mayor Shuey asked if the station is fully staffed at this point? Battalion Chief Cormier advised it is not; shifts are being fully covered through some overtime at this point.

Councilmember Diaz added he is aware of a second Fire Academy and asked if there is another fire academy in place after the completion of the current academy? Battalion Chief Cormier advised there is an academy in place and soon there will be entry level employment opportunities available to fill any vacant positions within the Contra Costa Fire Protection District. In the past, a large number of applications were received, typically over one thousand for just a few available positions.

- (d) City Council - Reports from Council liaisons to Regional Committees, Commissions and Boards.

Councilmember Haydon provided a brief summary of this attendance at the last East Contra Costa Habitat Conservancy meeting, and he attended the Clayton Business & Community Association general membership meeting.

Councilmember Pierce attended several meetings of the Association of Bay Area Governments, Metropolitan Transportation Commission and the Contra Costa Transportation Authority. She was also speaker at the Bay Area Council Institute on Housing and hosted the Association of Bay Area Governments Administrative Committee dinner at Moresi's Chophouse located in Clayton, with transportation provided by the County Connection Shuttle. Councilmember Pierce also wrote an article in the latest *Western City Magazine* "The Future of SB 375 Implementation and Regional Planning".

Councilmember Diaz attended meetings for CBCA's Annual Rib Cook-off, the Clayton Community Library Foundation, the Central Costa County Connection Board (CCCTA), and the Clayton Business and Community Association general membership meeting. He also met with Clayton Police Chief Thorsen regarding prospective use of body cameras in the Clayton Police Department. Councilmember Diaz also attended the League of California Cities, East Bay Division meeting and was a judge at the 15th Annual Chili Cook-off event held at the Clayton Club.

Vice Mayor Geller attended the general membership meeting of the Clayton Business and Community Association and was a judge at the 15th Annual Chili Cook-Off event at the Clayton Club.

Mayor Shuey noted he attended several meetings on behalf of the City.

- (e) Other – None.

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

Mr. David Sorensen advised the City Council that his two sons are working toward their Boy Scout Eagle Scout Projects and are seeking any project ideas from the City they could work on to help improve the Clayton community.

7. **PUBLIC HEARINGS** – None.

8. ACTION ITEMS

- (a) Consider the Second Reading and Adoption of proposed City-initiated Ordinance No. 458 amending/updating various code sections, definitions, regulations, and permit procedures of the *Clayton Municipal Code* Chapters 5.04, 5.12, 17.04, 17.36, 17.60 and 17.70 relating to Mobile Vendors, including mobile food vendors and mobile retail vendors.

Community Development Director Charlie Mullen presented the staff report providing a brief background of the Introduction and First Reading of Ordinance No. 458; he noted no members of the public spoke on the proposed ordinance. Staff's review of the proposed City Ordinance was initiated by recent public inquires pertaining to the permitting of mobile vendors, particularly mobile food vendors. Staff determined updates are warranted to Chapters 5.04, 5.12, 10.36, 17.04, 17.36, 17.60, and 17.70 of titles 5, 10, and 17 in order to modernize and integrate the various code sections, definition, regulations, and permit procedures.

Councilmember Pierce inquired on the impact this Ordinance would have on existing ice cream truck vendors touring residential neighborhoods and if such vendors currently need a Clayton Business License? Community Development Director Mullen advised the proposed Ordinance is modifying the existing land use permitting procedure on mobile food vendors and mobile retail vendors but all businesses operating within Clayton city limits must have a current Clayton Business License. Mr. Mullen examined the active business license list in Clayton and currently there are not any permitted mobile food vendors in operation.

Councilmember Pierce inquired on proposed mobile vendor restriction of not stopping for more than 90 minutes and not returning to the same location on the same calendar day. Staff responded this condition would be for permanent land Use Permits, not temporary use permits associated with a community event. Council Member Pierce further inquired if, for example, Boy Scouts sell water from their wagons at events such as the City's 4th of July Parade, would they be under the same requirements as the proposed mobile vendor permitting process? Mr. Mullen advised an exception to the Use Permit requirement will apply when a mobile vendor is only part of a special event and obtains administrative approval of a Temporary Use Permit. The applicant is still required to comply with the requirements of Contra Costa Health Department.

City Manager Gary Napper noted by Council policy, enforcement of Municipal Code compliance is complaint driven. For example, a building permit is required on the installation or replacement of residential water heaters; most citizens are not aware of this but if the City is asked, the Code requirement is cited. Councilmember Pierce added at the time of purchase for a water heater, permits are usually required from the seller. Mr. Napper responded many commercial businesses comply with the requirement of a building permit, for example, Sears, due to case law; however, there remain many companies in operation that are not in compliance. Similar enforcement would occur on mobile food vendors.

Councilmember Haydon read the report at length and wanted clarification as possible concerns of authorized permitted operating hours for mobile vendors of dawn to 9:00 p.m. After speaking with City Staff prior to the meeting, reasoning for a start time of dawn is to accommodate construction project needs which typically set up earlier than 7:00 a.m. Vice Mayor Geller commented the City's Code indicates construction work time cannot occur before 7:00 a.m. Mayor Shuey added the "dawn" starting time would allow an opportunity for a mobile coffee vendor at the public park n' ride site (off Peacock Creek Drive); it probably would not be noisy or bother anyone, rather a convenience for those who use that site to carpool or commute.

Councilmember Haydon noted under the proposed Ordinance mobile vendors are not permitted to operate within 500 feet of another mobile vendor.

Councilmember Pierce added other cities are having food truck special events and this Ordinance may allow Clayton to experience such events in the future.

Mayor Shuey opened the item to receive public comments; no public comments were offered and Mayor Shuey then closed the Public Hearing.

It was moved by Councilmember Pierce, seconded by Councilmember Haydon, to have the City Clerk read Ordinance No. 458 by title and number only and waive further reading. (Passed; 5-0 vote).

The City Clerk read Ordinance No. 458 by title and number only.

It was moved by Councilmember Pierce, seconded by Councilmember Haydon, to adopt Ordinance No. 458 with findings the action does not constitute a project under CEQA. (Passed; 5-0 vote).

9. **COUNCIL ITEMS** – None.

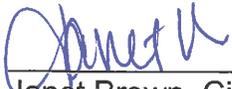
10. **CLOSED SESSION** – None.

11. **ADJOURNMENT**– on call by Mayor Shuey, the City Council meeting adjourned at 7:38 p.m.

The next regularly scheduled City Council meeting is March 17, 2015.

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Respectfully submitted,



Janet Brown, City Clerk

APPROVED BY CLAYTON CITY COUNCIL



David T. Shuey, Mayor

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