

MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

TUESDAY, May 17, 2016

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:00 p.m. by Mayor Geller in Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Geller, Vice Mayor Diaz and Councilmember Haydon. Councilmembers absent: Councilmember Pierce and Shuey. Staff present: Assistant to the City Manager Laura Hoffmeister, City Attorney Mala Subramanian, Community Development Director Mindy Gentry, and City Clerk/HR Manager Janet Brown.

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

3. **CONSENT CALENDAR**

It was moved by Councilmember Haydon, seconded by Vice Mayor Diaz, to approve the Consent Calendar as submitted. (Passed; 3-0 vote).

- (a) Approved the minutes of the City Council's regular meeting of May 3, 2016.
- (b) Approved the Financial Demands and Obligations of the City.
- (c) Adopted Resolution No. 23-2016 finding and declaring that a continuing local emergency condition remains arising from significant damage to a portion of the Cardinet Trail while undertaking the City Council previously-authorized emergency repairs on the Cardinet Trail.
- (d) Adopted Resolution No. 24-2016 approving the Engineer's Report and declaring intent to levy and collect real property tax assessments for the Diablo Estates at Clayton Benefit Assessment District (BAD) in FY 2016-17, and setting July 19, 2016 at or about 7:00 p.m. as the date and time for a noticed Public Hearing on the proposed fiscal year tax assessment levies.
- (e) Adopted Resolution No. 25-2016 approving the City's biennial Growth Management Program Compliance Checklist for calendar years 2014 & 2015 per Ballot Measure J of the Contra Costa Transportation Authority (CCTA), and authorize staff to file the Compliance Checklist in order to be eligible to receive the City's allocation of Local Street Maintenance and Improvement (LSM) Funds for Fiscal Years 2015-16 and 2016-17.

4. **RECOGNITIONS AND PRESENTATIONS**

- (a) Recognition to Clayton Museum Curator Mary Spryer in appreciation for her valued civic services to the Clayton community.

Mayor Geller presented Clayton Museum Curator Mary Spryer with a plaque in appreciation of her services to the Clayton community. Mr. Geller advised that volunteerism is very important and Clayton is very lucky to have many volunteers.

Ms. Spryer thanked the City Council for the plaque and advised the Clayton Community is filled with dedicated volunteers and appreciates their service to the community.

5. REPORTS

- (a) Planning Commission – Commissioner Sandy Johnson summarized the Commission’s meeting of May 10, 2016. She noted its agenda included a Site Plan Review Permit at 1470 Lydia Lane to allow construction of a detached garage measuring approximately 1,152 square feet in area and 15 feet in height. The Planning Commission conditionally approved the Site Plan Review Permit located at 1470 Lydia Lane.

The City Staff also reported to the Commission that City Staff is reviewing the administrative draft of the mitigated Negative declaration for a 6 lot residential subdivision project off Verna Way.

- (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.

Vice Mayor Diaz attended the Contra Costa County Mayors’ Conference hosted by the City of Pleasant Hill and the monthly meeting of Retired Federal Bureau of Investigation (FBI) agents.

Councilmember Haydon attended Contra Costa County Mayors’ Conference hosted by the City of Pleasant Hill and the City of Clayton Budget Subcommittee meeting

Mayor Geller attended the Contra Costa County Mayors’ Conference hosted by the City of Pleasant Hill and the City of Clayton Budget Subcommittee meeting.

Mayor Geller also announced the upcoming 2016 Saturday Concert in The Grove series occurring this weekend featuring “Larry Lynch and the Mob”; advising “The Retromaniac” concert was rained out and has been rescheduled to July 9th. Mr. Geller also reminded the community of the upcoming Certified Clayton Farmers Market and that there will be a Rib Judging class occurring tomorrow to certify judges in this year’s Rib-Cook Off with the standards of the Kansas City BBQ Society Certification.

Assistant to the City Manager added the VFW will hold its 25th Annual Memorial Day Observance at the Veterans’ Memorial Flagpole Monument at Oak and Main Streets in downtown Clayton on Monday, May 30th at 10:00 a.m. noting it is the 150th anniversary of Memorial Day.

Mayor Geller also added the VFW event is shared with the City of Concord and is featuring a flight of the Huey Helicopter, “Ladies First” a *cappella* choir from Concord High School and Diablo View Middle School band performance.

- (e) Other – None.

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

Cindy Gilmore, 1874 Eagle Peak Avenue, continued her opposition of the machines placed at two public parks. The machines emit a high-pitched noise described as painful which is typically audible to people younger than age 25. This was the City's response to vandalism at the park. Apparently this decision was made by the City Manager without the vote of the entire City Council. Later the machines were set to 24/7 operation again at the lone decision of the City Manager. Due to public complaints there were set back to night time only, but they have not been removed. I continue to oppose these machines and call for their removal because there is an issue of unfair age discrimination and the City Council and City Manager jumped to the conclusion that vandalism was always or usually committed by teenagers they have effectively blocked teenagers from using the parks. Apparently there is a lack of belief, that Ms. Gilmore cannot hear the sound so she cannot say that it is just in certain places or if it is in whole park. Mothers and teenagers are reporting they can hear the noise outside of the designated areas and it is important to believe mothers and children do not have a reason to lie to say "they want to go home and leave the park". Also, Ms. Gilmore feels that there can be a negative impact on the restaurants that surround the park. Since the noise machines target young ears; younger than 25 years old it is safe to assume that some people under the age of 25 patronize the business around the park. It is inaccurate to say the park is closed after dark as there is parking around the park which is used for people to go to the surrounding restaurants. It is reasonable that Ms. Gilmore may use the sidewalk near the park. If a young couple in their early twenties just had dinner at a restaurant near the park it is reasonable that they may take a walk after dinner or even sit in the gazebo and talk. Therefore, Ms. Gilmore asks at a minimum that the hours of the noise machine to be used limited to hours after the restaurants have closed or perhaps after midnight. Ms. Gilmore advised that Ms. Reeve did some research that there might be some harm; a response was given by that it might be speculative and not proved. Ms. Gilmore feels that they do not need to prove that the machines are harmful and they might be harmful and would like the City to prove they are safe. Ms. Gilmore is sympathetic to the vandalism and suggested brainstorming for other solutions to the vandalism.

Sara Reeve, 1170 Easley Drive, expressed her continued opposition to the negative method how Clayton targets young people with one word "Discrimination". Using extreme discomfort to all young people, assuming they will all misbehave? Not creating a long-term solution and moving the perceived problems elsewhere. The Mosquito MK4 has been documented with symptoms such as discomfort, dizziness, nausea and migraine. In 2010 an investigation of the council in Europe found that the mosquito MK4 transmitter was degrading and discriminatory against young people. The transmitters should be banned as it violates legislation prohibiting torture. She asked the City Council to reconsider its support of the City Manager and his decision to purchase and use the mosquito MK4. It is your duty to inform the public of your actions against Clayton's young people. Ms. Reeve quoted California Government Code Section 11120: "It is the public policy of this state that public agencies exist to aid in the conduct of the people's business and the proceedings of public agencies be conducted openly so that the public may remain informed. In enacting this article the Legislature finds and declares that it is the intent of the law that actions of state agencies be taken openly and that their deliberation be conducted openly. The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created." Ms. Reeve urged the City Council to either take down the transmitters or please make them public including signs in the park with warnings and a list of its side effects.

7. **PUBLIC HEARINGS**

- (a) Consider the Introduction and First Reading of a proposed City-initiated Ordinance No. 462 extending the existing time extension waiver of certain on-site parking relief in Clayton Town Center area for an additional three years through June 30, 2019.

Community Development Director Mindy Gentry presented the staff report noting the parking waiver was established in 2007 with three year extensions granted in 2010 and 2013. Since its adoption, two entitled projects have taken advantage of the parking waiver; Creekside Terrace project with a waiver of seven parking spaces and the Skipolini Family Bocce Ball Courts with a waiver of 20 parking spaces. Based on recent developer inquiries for Town Center properties, a turnaround could possibly be on the horizon. Approval of the parking waiver would show continued effort and support as well as the provision of an impetus to precipitate and propel future commercial development in the Town Center. Ms. Gentry also indicated that is a minor wording change adding the verbiage to the first paragraph Section 17.37.030(c) to clarify it is the first paragraph and subsection one through four.

Councilmember Haydon would like the extension granted with the intention that it can stimulate business growth in the Clayton Town center.

Mayor Geller opened the Public Hearing for public comments; no comments were offered. Mayor Geller closed the public hearing.

It was moved by Councilmember Haydon, seconded by Vice Mayor Diaz, to have the City Clerk read Ordinance No. 462, as amended, by title and number only omitting reference to deliveries, and waive further reading. (Passed; 3-0 vote).

The City Clerk read amended Ordinance No. 462 by title and number only.

It was moved by Councilmember Haydon, seconded by Vice Mayor Diaz, to approve Ordinance No. 462 as revised for Introduction, with findings the action does not constitute a project under CEQA. (Passed; 3-0 vote).

8. **ACTION ITEMS** – None.

9. **COUNCIL ITEMS** – None.

Councilmember Haydon advised that he will not be at the next regular City Council meeting of Tuesday, June 7th.

10. **CLOSED SESSION** – None.

11. **ADJOURNMENT**– on call by Mayor Geller, the City Council adjourned its meeting at 7:27 p.m.

The next regularly scheduled meeting of the City Council will be June 7, 2016.

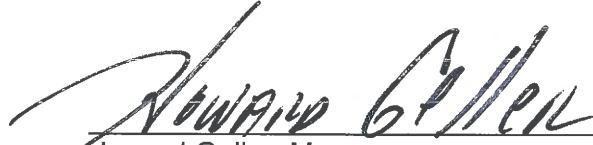
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Respectfully submitted,



Janet Brown, City Clerk

APPROVED BY CLAYTON CITY COUNCIL



Howard Geller, Mayor

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