

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

TUESDAY, January 15, 2019

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 4:45 p.m. by Mayor Catalano in Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Catalano, Vice Mayor Pierce and Councilmembers Diaz (arrived at 4:48 p.m.), Wan and Wolfe. Councilmembers absent: None. Staff present: City Manager Gary Napper, Community Development Director Mindy Gentry, and City Clerk/HR Manager Janet Calderon.

2. **COUNCIL INTERVIEW OF PLANNING COMMISSION APPLICANTS**

The City Council separately interviewed five (5) candidates who had applied for appointment to the City Planning Commission:

James Porter
Ann Stanaway
Karen Amos
Terri Denslow
Frank Gavidia

RECESS: The City Council took a short recess from 6:56 – 7:04 p.m.

7:00 P.M. REGULAR PUBLIC MEETING

3. **RECALL TO ORDER THE CITY COUNCIL** – The meeting was recalled to order at 7:04 p.m. by Mayor Catalano in Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Catalano, Vice Mayor Pierce and Councilmembers Diaz, Wan and Wolfe. Councilmembers absent: None. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, Community Development Director Mindy Gentry, Assistant to the City Manager Laura Hoffmeister, Finance Manager Kevin Mizuno, City Engineer Scott Alman, Police Chief Elise Warren, and City Clerk/HR Manager Janet Calderon.

4. **PLEDGE OF ALLEGIANCE** – led by Mayor Catalano.

5. **CONSENT CALENDAR**

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

- (a) Approved the minutes of the regular meeting of December 18, 2018.
- (b) Approved Financial Demands and Obligations of the City.

- (c) Received the FY 2017-18 Annual Trails and Landscaping Committee Report (TLC) Annual Report regarding voter-approved Measures B (2007) and H (2016).
- (d) Adopted Resolution No. 01-2019 reappointing Ted Sudderth, Doris Ward, and Williams Wiggins to the Trails and Landscaping Citizens' Advisory Committee for the terms of office to expire December 31, 2020.

6. RECOGNITIONS AND PRESENTATIONS – None.

7. 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 Wan indicated “No Report”.

Vice Mayor Pierce attended several meetings of the Metropolitan Transportation Commission, the Regional Planning Committee of Association of Bay Area Governments, and the Contra Costa County Mayors Conference in Richmond.

Councilmember Wolfe attended the Clayton Business and Community Association BBQ Committee meeting, the Contra Costa Water District Operations and Engineering meeting, met with a group in Peacock Creek regarding Hazardous Preparedness, and the Clayton Business and Community Association Oktoberfest Committee.

Councilmember Diaz attended two Contra Costa Water District Board meetings, was appointed by the President of the League of California Cities as a member of the environmental policy committee, assisted the Clayton Business and Community Association with the removal of the Christmas decorations in the downtown, met with the Contra Costa County Realignment and Justice group, and he provided an interview with KPIX Channel 5 John Ramos regarding the parking on Regency Drive.

Mayor Catalano attended the Contra Costa County Mayors' Conference in Richmond and was appointed by the League of California Cities as a member of the Transportation and Public Works policy committee. Mayor Catalano also announced she will be holding some office hours with the first one Saturday at Cup O' Joe's from 9:00 am to 11:00 am and the second one on Friday, January 25 at City Hall in the Mayors' Office from 3:00 pm to 5:00 pm.

- (e) Other – None.

8. PUBLIC COMMENT ON NON - AGENDA ITEMS

Marci Longchamps, 3001 Coyote Circle, expressed her continued concerns of the park near her home and does not want to be treated any differently than any other area of Clayton. Although she resides in Multi-Density condominiums further away from the downtown area, she is still a citizen of Clayton. In her opinion, the Parolee Housing Ordinance should have never happened as she feels the City did not do their due diligence and came up with a plan that eliminated most areas of Clayton, however making one huge mistake by not including the park on Coyote Circle. This summer she was told by Councilmember Diaz that there was to be a discussion about the park within thirty days after the Parolee Housing Ordinance was approved and in effect. To date, that discussion has not occurred and has not been an item on the agenda. Ms. Longchamps feels that every child in Clayton should be protected from any convicted felon that may locate to a Parolee home. Please do not continue to throw us under the bus based solely on our address.

9. PUBLIC HEARINGS – None.

10. ACTION ITEMS

- (a) Consider the Second Reading and Adoption of Ordinance No. 484 amending Clayton Municipal Code Section 17.92 (Inclusionary Housing Requirements) for the purpose of incorporating rental housing projects into this local housing requirement.

Community Development Director Mindy Gentry presented the staff report adding the three revisions requested by the City Council at its last meeting have been incorporated into the proposed Ordinance.

Councilmember Wan requested clarification on Section 17.90.020.C if both conditions must be met to qualify.

City Manager Napper advised a correction can be made to clarify.

Mayor Catalano opened the item for Public Comment; no comments were offered. Mayor Catalano then closed the Public Comment.

Councilmember Pierce thanked staff for incorporating the revisions into the proposed ordinance.

Councilmember Wan added by placing inclusionary housing on non-owner occupied units encourages developers to take advantage of the density law; by passing this ordinance he feels the council encourages rental units. Councilmember Wan continues to be opposed to the ordinance.

Mayor Catalano added previously the City were unable to include rental units into the inclusionary housing requirement, if the Council sets policy to prefer a particular occupancy type

It was moved by Vice Mayor Pierce, seconded by Councilmember Wan, to have the City Clerk read Ordinance No. 484, by title and number only and waive further reading. (Passed; 5-0 vote).

The City Clerk read Ordinance No. 484 by title and number only.

It was moved by Vice Mayor Pierce, seconded by Councilmember Wolfe, to adopt Ordinance No. 484 to amend the Clayton Municipal Code Chapter 17.92 (Inclusionary Housing Requirements) for the purpose of including rental housing projects into this local housing requirement as allowed for by AB1505 with the finding the approval of the Ordinance will not result in a significant adverse environmental impact as these changes were considered as part of the November 18, 2018 City Council adoptions of the initial study negative declaration for the 2015-2023 housing element ZOA 02-18. (Passed 4-1 vote; Wan, no).

- (b) Consider a petition request by Regency and Rialto Drive neighborhood residents for an on-street parking program by City permit only to alleviate their street parking issues associated with hikers and users of Mt. Diablo State Park and Clayton Community Park.

Police Chief Elise Warren provided a background of this neighborhood concern and provided three options for Council consideration of 1.) Installation of a 6-foot high chain link fence prohibiting access to the state park; 2.) Institute residential parking permits for this neighborhood; 3.) Do nothing as this is a public street. Chief Warren also provided a possible fourth option which is likely not feasible by constructing a parking lot, however the grade is pretty steep in that location, adding additional costs to its construction, and not provide relief of the quality of life the residents of Regency and Rialto Drive are seeking.

Councilmember Diaz inquired on the number of citations issued on Regency and Rialto Drive since installation of "Respect the Neighborhood" signs. Chief Warren advised thirty-five (35) parking violation citations were issued, and have not received any calls for service regarding vandalism, littering or any other calls.

Councilmember Wan inquired if the parking citations on Regency and Rialto Drive are greater than other areas in the City? Chief Warren advised since the Police Department has been focusing on that area, the number of citations have increased substantially.

Mayor Catalano inquired if the citations were made due to increased patrol of the area, or compliant driven? Chief Warren advised she directed the officers to increase their patrol of the area during weekends and holidays.

Mayor Catalano asked if the size and placement of "Respect the Neighborhood" signs are regulated. City Manager Napper advised the idea of the design was to first respect the neighborhood by obeying the laws and not littering; its purpose to serve as a reminder to those using the area to be courteous. Smaller signs were posted on the Street Light Poles at various intervals, to convey a message in the area to stay within the legal confines in parking their vehicle. These signs are not traffic regulatory signs.

Councilmember Diaz added it is difficult to read the signs, in his opinion they do not stand out enough suggesting a different color combination could be used to draw more attention to them.

Mayor Catalano opened Public Comment.

Jeff Weiner, thanked the Police Department for the signage and increased patrol in the neighborhood, however feels the city should find a way to allow residential only parking

with a limited amount of parking available to hikers. Mr. Weiner advised when he purchased his home, he knew the park was there and used the Mitchell Canyon entrance to access the park as it has official markers and restrooms. At one time there was a metal gate secured with a padlock on Regency Drive that has since been removed. He thanked Save Mount Diablo in changing the meeting location of an upcoming hike to the official entrance on Mitchell Canyon. He is a supporter of Save Mount Diablo and has seen the good work they have done to protect open space. Mr. Weiner noted other communities that have had these types' problems have gone to resident only parking and would like to see Clayton provide the same type of parking restriction.

Jeff Weiner spoke on behalf of neighbor Maggie Eraclio,"has resided in her home since 1997, at that time 85%-90% of the hikers were Clayton residents and she enjoyed meeting them. Approximately 6 years ago websites started advertising our street as a free parking area to access Mt. Diablo, resulting in an increased number of hikers that speed down our street; block our driveways; leave trash; and let their children run all over our yards. Residents of our neighborhood with young children are unable to have birthday parties at their homes on the weekends during the day due to the increased parking by the hikers. The only solution she sees is for Mt. Diablo State Park have a ranger at Regency Gate and charge a fee."

Nancy Topp, Peacock Creek, as a regular user of Regency and Mitchell Canyon entrances to access Mt. Diablo State Park, she objects to a fence and resident parking permit options; as they impede access to Mt. Diablo State park. Clayton would be meeting the needs of a few citizens at the expense of other residents in Clayton and nearby areas. With residential parking permits Clayton will be setting precedence to other locations in Clayton by limiting access to our common areas. What will Clayton do about all the people who will alternatively park at Clayton Community Park and Diablo View Middle School? How will Clayton control the incumbency to those facilities? It is not the nature of Sierra Club members and other hiking groups to destroy areas; for others that do so, it is a sign of our times that people have not been properly educated to be considerate of others. In her neighborhood adjacent to East Bay Regional Park and numerous Clayton trails she also encounters rude visitors, debris and encroachment. This is a societal problem that needs a societal solution. Are there better alternatives than residential parking permits? Has it been considered to construct a parking lot in open space below Regency? Has Clayton considered specialized trash service in the area to accommodate the people that come there? Since the results of the Respect the Neighborhood signs have been posted has yielded a positive response that is a good indication education may be the solution to our issues resident prioritizing a long term easement to Mt. Diablo State Park. She hopes we can all work together to maintain full access to all our State park locations as well as ease the burden of the residents that live nearby.

Karen Shackleten, the last thing she wants to see as a Mt. Diablo Volunteer is a fence erected; as the problem will jump over to Mountaire Parkway. She knows within the park, the volunteers are more than willing to go on the internet and change some of the upcoming hike announcements to direct hikers away from Regency Drive.

Rick Lewis, 170 Regency Drive, the sellers of his home was honest about the Regency Gate access; in the first few years parking and trash was not an issue. In recent years the Regency Gate access has become more popular creating the parking and trash problems, with weekends being more of a battle. Mr. Lewis finds Social Media the cause of the problem in this area as hiking websites promote free parking and the beautiful trail on Regency Drive. Mr. Lewis does not think the installation of a fence is the solution.

Shirley Weiner, read a letter from her neighbor Dr. Mark Montijo, *"Outlined his concerns for weekend and holiday parking on Regency Drive, noting there are four official entrances to the State Park and their parking fees, each location allows the park to collect fees and enforce official park hours from 8:00 am to Sunset. Nowhere on the official website for the park does it mention Regency Gate. However, there are multiple websites that direct interested parties to enter the park on Regency Drive, emphasizing the free parking. Over the past few years this has caused a dramatic rise in vehicles parked in our neighborhood which is simply not sustainable. In addition to the personal inconvenience with zero parking on the street on weekends and holidays for our family and guests, we have experienced hikers changing clothes standing in the street in their underwear, a wreath stolen from our front door, vehicles blocking our driveway, additional trash, and the scent of Marijuana up and down the street. In addition to causing problems for Clayton residents, the park is losing income and the ability to monitor people entering and leaving."*

Shirley Weiner, the safety of her children and grandchildren is her number one concern, when her grandchildren visit they are unable to do some of the same activities their fathers did; like ride a bike or play ball in the street because of all the speeding cars and distracted drivers. In a few weeks her son is having a 4 year old birthday party for her grandson, as she has never had the enjoyment of attending any of his birthday parties because they reside out of state, she is planning on having some her of sons friends and small children over on Sunday for a party, she is praying for rain, even with a house full of small children. She is concerned they will not have a place to park within a reasonable distance of her home. She hopes the Council will do the right thing for our young neighbors who cannot have parties without juggling parking spots and for our older neighbors who are afraid of being hit while backing out of their driveway.

Judy Moon, in the last two to three years the parking and speeding in the neighborhood has gotten worse. Ms. Moon recommended painting the curbs in the areas of vacant lots and post signs for hiker parking. She also suggested installation of speed bumps as the speeding up and down the street has been terrible.

Lori Briegleb, uses both the Regency Gate and the Mitchell Canyon trail head. She does not want Regency Gate fenced off and suggested a temporary solution for weekend and holidays permits for the local residents with signage directing hikers where they can park. She suggested the Clayton Business and Community Association to reach out to those who come from out of town and encourage to shop and eat local while they are in Clayton.

Theresa Ruscitti, located to Clayton for the use of its trails and Public Park. She is not in favor of a fence and suggested permit parking in front of the houses may help; however the problem would shift to Mountaire Parkway.

Jennifer Roe, opposed installation of the fence and residential permit parking. She pointed out many stakeholders would be affected by the City Councils decision on this matter, not just the residents on Regency and Rialto Drive. She also asked the City Council to consider the less robust hikers and walkers, including elderly, families with small children and individuals with physical limitations the necessity to seek out easier trails to Donner Canyon which is a long stretch with a gentle grade making it a very walkable trail. If this group must start at Mitchell Canyon then they effectively have been barred from walking Donner Canyon because the added distance and challenge. In recent years she has been a regular volunteer at the Mitchell Canyon visitors' center, the parking lot at Mitchell Canyon gets full on many popular weekends during the year. It is not true that Mitchell Canyon has ample parking all of the time but if there is data on traffic patterns then it needs to be shared if not data, then further study is needed to make an informed decision. The least restrictive option in this matter is to enlarge

signage and other police efforts yielding in positive results. Build on what has started, add the speed bumps get the word out on Social Media, educate park visitors and continue with strict law enforcement.

Daniel Walsh, representing one of his neighbors *"who have two young children who are concerned about the vehicles speeding up and down the public street. Regency Gate is an official trail head and doesn't feel a fence would be beneficial. There are a lot of people going out of their way in being disrespectful to the residents and if you leave your home when you come back it is very difficult to find parking."* Mr. Walsh added there needs to be a solution that benefits everyone; perhaps one designated parking spot in front of each home for the residents.

Katherine Bengel, 139 Regency Drive, thinks the gate would be the solution to recent problems and feels the parking permit would add additional costs to the residents which she doesn't think is right, and would like to see Social Media direct hikers to other entrances of the State park.

Dan Walsh, has seen a lot of hostility on Claycord about this issue clarifying that none of the residents on Regency suggested the installation of a gate and blocking access. The residents are here to come up with a solution perhaps some limited parking for the residents. His driveway has been encroached and a hiker drove underneath his son's car, then left to go on a hike. The hikers have parked in red zones blocking fire hydrants, several times almost hit while backing out of their driveway, hikers do not pay attention while looking for parking spots, and trash is left behind, blocking sidewalks, having picnics, and lounging around. He also remarked on the trail head being accessible to those with physical limitations, anyone with those limitations would not be able to walk down to the trail.

Beth Walsh, added a newer neighbor has witnessed cars hitting other cars; she had a situation where she thought it was hikers parked in front of her house only to find out the occupants were stalking their house, stole mail and took off the moment she came down. This neighbor worked for Concord Police Department for twelve years and took calls for service for Clayton prior to residing here. Now that she resides here she foresees this particular call for service in this area increase. She located here to raise her young children. Ms. Walsh added personally the grade at Regency Gate is her most least favorite park of hiking Mt. Diablo and thinks anyone with physical limitations would also have difficulty in using the Regency Gate for access to Mt. Diablo.

Eric Rehn, 176 Regency Drive, owner of the property where hikers are directed to on Social Media websites, as the last house on the street he gets most of the problems from the State park entrance over the years it has turned into a year round problem with people wanting to avoid the park entrance fee. It has taken away the quiet enjoyment of our properties that we are entitled to. The park has become a bad neighbor to those who reside along it. Regency Gate can no longer support park visitors and no ADA access there. There is not enough space for cars to turn around, resulting in drivers using his driveway to turn around causing excessive wear and damage. There is no waste or recycling facilities, no sanitary facilities. Nonresidents ignore parking regulations and block driveway access; they also ignore the speed limit and no control over people bringing dogs into the park, which are prohibited, no changing facility. Moving to permit parking will lower property values in the area and that is not acceptable, the only long term solution is to close Regency Gate. As property owners we now have to legally disclose the parking issue. Almost every day he is impacted by this problem.

Dan Katzman, Kelok Way, before locating to Clayton he used to drive out to Regency Drive and begin some of his hikes there because it is a better trail head. Mr. Katzman is

not in favor of the fence and suggested speed bumps, painting the edge of the driveways red to encourage people to not block the driveway, and signage directing people where to park. He also suggested outreach to the hiking groups to encourage parking elsewhere.

Juan Pablo Galvan, East Bay Manager for Save Mount Diablo, in 1971 there was just one park on the mountain less than 7,000 acres, today there are more than fifty parks around Mt. Diablo that total more than 10,000 acres. He acknowledged the neighbors' concerns pointing out it is not a year round problem during the winter and spring impacts weekends and holidays, it can be a significant issue. He also thought the signage was a good first step in addressing the problem. He advised a recent post by Save Mount Diablo for a hike to start at Regency has been updated to meet at Mitchell Canyon and will continue to do so for all of their hikes meeting in Clayton. Mr. Galvan has spoken to volunteers who have reached out to websites and bloggers to ask they also shift the meeting place to Mitchell Canyon. One of the fundamental pillars to improve the State park experience is to expand access to State parks.

Terri Denslow, located to Dana Hills to be close to the mountain and Regency to hike the trails to the waterfall. She has experienced driving around for thirty to forty minutes to locate parking to access Regency Gate. She suggested adding a day pass permit for hikers at a higher cost than it is to park on Mitchell Canyon, as soon as they violate that and receive tickets, the word will get out on Social Media to not park there. Ms. Denslow finds it bothersome to block off access at Regency Gate.

Raymond Grimmond, 79 Regency Drive, indicated the problem will expand beyond Regency and Rialto if residential permit parking is granted. Mr. Grimmond inquired if the State Park has looked into other access points near Marsh Creek Road or other areas that could still access the waterfalls.

Rusty Perkins, most of his concerns has been covered, with the exception of the blatant disrespect from the people hanging out in front of his house. He said people will spend the night there, sit on his lawn having a picnic, and take all the lemons from his wife's lemon tree. His children's windows are in front of his house and sometimes there are people urinating on the lemon tree. Mr. Perkins has a Respect the Neighborhood signs in front of his home and these things are still happening. He hopes the City Council can find a solution to these problems.

Michelle Huynh, 313 Mountaire Parkway, indicated the problem is working its way into Dana Hills and has experienced a lot of what the residents on Regency Drive have experienced. She is no longer able to let her son play in front of the house or in the driveway because of these problems. She is not in favor of closing of access and hopes there is a solution that pleases everyone.

Anthony Orantes, 33 Rialto Drive, feels the public has a right to access Mt. Diablo State Park, he thinks part of the problem is the population increase in the Bay area, and the internet has given access to everyone. He also thinks there is an opportunity for Clayton, liking the parking permit idea, not necessarily charging for parking, giving power back to the residents if people park illegally in front of their house to have action taken care of for them. He feels blocking off access to the entry is a disservice to mankind and would block someone from having a life experience. He feels like funding could be made for an additional parking lot by charging for Regency access parking and in the future maybe installs bathrooms.

Mayor Catalano closed public comments.

Vice Mayor Pierce asked Superintendent Goering for his input on improvements to address the Regency Drive concerns?

Superintendent Goering advised this has been a recent issue that has gotten worse over the last few years because of Social Media and many parks throughout California. He is interested in moving the hikers to the Mitchell Canyon entrance where the day use area is located with proper facilities, and continue to work with the City for some short-term and long-term solutions. He suggested a short-term solution by having volunteers educate the public on what they are doing, although they typically do not have trash cans at trailheads because of lack of their staff, there could potentially be a trash can installed out there maintained by volunteers. In regards to social media sites, Google is a State parks partner and actually have trails in our State park; he is confident they can contact Google and get cooperation from them in removing that site. If residents can provide the social media sites to them, their staff can contact them to request removal as a location to access Mt. Diablo State park. At the Mitchell Canyon day use lot, there is potential for expanding the parking. Mr. Goering indicated there is some Prop 68 funding available that is used for State park access.

Mayor Catalano inquired on the capacity of the Mitchell Canyon day use lot and how often is it utilized? Mr. Goering advised currently they are gravel piles, if those were not there the capacity would be approximately 200 vehicles, if an additional lot were added it should accommodate another hundred vehicles. On the busy weekends the lot gets close to capacity, rarely to maximum capacity.

Councilmember Wan inquired on the additional distance for a hiker by using the Mitchell Canyon entrance. Mr. Goering advised it is approximately one additional mile of hiking to the waterfall.

Vice Mayor Pierce requested Superintendent Goering to be sure Google is contacted to update the location of the entrance to Mitchell Canyon.

Councilmember Diaz thanked the residents for coming out regarding this on-going issue. He thinks painting the curbs red may help solve the issue of blocked driveways and improved signage to get attention. He also acknowledged the public offenses are a crime and encouraged contacting Law Enforcement to assist.

Councilmember Wolfe expressed concerns of relocating the problem suggesting a pilot program of 1 hour parking on a short term basis, during a certain time period with residents having a complimentary permit expanding the suggestion to Mountaire Parkway and the possible installation of a speed bump on Regency to reduce speeding. He is not in favor of a fence and wants what is fair for the community.

Councilmember Wan doesn't feel this is an enforcement problem, or about littering or blocking driveways, or better signage it's clearly a quality of life issue with action needed. The vehicle code allows for permit parking if we choose and should consider, however this may push the congestion to other parts of the City and that will have a negative impact. He suggested proposing designated areas as permit parking during certain hours of the day and day of the week; by also providing residents guest passes.

Councilmember Wolfe inquired on the revenue to the City on citations issued regarding parking enforcement? Chief Warren advised is it very little maybe a few dollars.

Vice Mayor Pierce added there really is no good solution to this issue. Currently, Regency and Rialto are currently affected by this issue with nearby areas slowly becoming affected as well. She thinks other areas that have sports fields and public pools deal with these issues all the time with no good solution. Vice Mayor Pierce feels

removing this location from Social Media sites will help and thinks most people are considerate and may feel it is worth the effort to go to another entrance or park further away. She is not convinced permitted parking works unless there is a designated parking spot in front of each residence and cannot guarantee a spot will be available because you have a parking permit. If people are blocking a driveway law enforcement personnel are able to enforce the vehicle code. She is hopeful the partnerships with Save Mount Diablo and the State park will be able to help Clayton steer visitors to the Mitchell Canyon entrance. She does not support the idea of speed bumps as that is a steep hill, and the Fire Department has indicated speed bumps increase their time to respond to calls of service an additional five to ten minutes. She is also not in favor of a fence as it moves the problem to another street. Vice Mayor Pierce thinks reaching out to Social Media sites and more visible signage may help.

Mayor Catalano she visited the Regency Drive a few different times over the weekend and counted parking spots along the street, and driveways. She feels the issues are if there is adequate parking and if people are behaving badly; by leaving trash behind and blocking driveways; she doesn't know that a parking program would be the solution to those issues. Mayor Catalano when developments are built there is no way to determine that there will be enough parking for the future needs. She thought about the parking program and is concerned about the administrative effort needed to issue parking permits and pushing the problem to another area. She is not in favor of a fence, or construction of a parking lot, however would like to explore signage options. Mayor Catalano would like to work with the stakeholders on a solution including Save Mount Diablo and the State Park.

Councilmember Wan is also concerned of pushing the problem somewhere else, and there is no way to enforce the content on the internet. He feels painting the driveway wingtips red eliminates parking from the residents as well and doesn't guarantee designated spots for the neighbors. Councilmember Wan recommended direction to staff to come up with ideas that could work for the Council to determine a best solution.

Councilmember Wolfe added this is a complicated issue and is interested in a pilot program to have staff explore.

City Manager Napper advised the City Council needs to provide staff some perimeters, based on his past experience on the traffic commission in Glendora permit parking starts as a small circle and expands and doesn't know what the radius would be. Staff acknowledged there is a problem and speeding is not limited to this area, for safety reasons the addition of speed humps and bumps would not be an advisable action. Although other cities have permit programs, Clayton does not have the staff to enforce in a timely manner at all times. He suggested the Council may want to appoint a subcommittee to work with staff and other stakeholders on this issue.

Mr. Weiner would like to see resident permit parking without a striped designated parking spot in front of each residence.

Ms. Roe believes the residential permit parking program will create a ripple effect limiting City assets in those areas by creating super citizens to those residents excluding other residents from these assets.

City Manager Napper in areas that areas that are in front or close to homes, placing signs to not park in these areas and designate parking in other areas. Staff can work with the signage. If a pilot program is being proposed staff needs perimeters to explore options.

Councilmember Wan would like to participate on a subcommittee to work with stakeholders on a solution. He also suggested a day permit could be obtained

City Attorney Subramanian doesn't think the Vehicle Code would allow preferential day passes to only the residents of the City.

Councilmember Wolfe also volunteered to be on the subcommittee.

Mayor Catalano inquired on next steps for the subcommittee.

City Manager Napper envisioned the subcommittee inviting key members including Save Mount Diablo, the State park, Mr. Wiener as the neighborhood representative and any other stakeholders they may not be in full agreement of a parking permit program.

- (c) Review and discussion of new State legislation for 2019 requiring mandatory actions and/or local implementations by the City.

City Manager Gary Napper advised from the staff level there are many items the City Council deals with is not necessarily of our own doing, we are arms of the State and in essence we have to follow State laws. Staff thought this would be an effective way to bring those items to the City Council at the beginning of the year, so they can have an idea of what to expect. Clayton is a General Law City under the guidelines, regulations and laws of the California Government Code, controlled by State Legislation signed by the Governor.

City Manager Napper had each City staff department head summarize State Legislation going into effect in 2019 in each department with a Power Point presentation.

No action was taken.

- (d) City Council discussion and determination of citizen appointments to one vacated term of office on the City Planning Commission (term expires June 30, 2020).

Mayor Catalano indicated earlier this evening the City Council interviewed five candidates James Porter, Ann Stanaway, Karen Amos, Terri Denslow and Frank Gavidia, who had applied for the one vacant position on the City Planning Commission. Mayor Catalano explained the voting process, indicating whichever candidate receives three votes will be appointed.

Mayor Catalano opened matter for public comments; no comments were offered.

Councilmember Diaz nominated Frank Gavidia for appointment to the Planning Commission.

Councilmember Wan also nominated Frank Gavidia for appointment to the Planning Commission.

Vice Mayor Pierce expressed support for two candidates, James Porter and Karen Amos, having a difficult time in choosing one.

Mayor Catalano also expressed support for both James Porter and Karen Amos.

Councilmember Wolfe expressed his support of Frank Gavidia and James Porter.

Mayor Catalano asked if there were any other nominations, there were none.

Councilmember Wolfe asked the City Attorney if there is any conflict in the geographical area in which the candidates reside that could affect them if appointed to the Planning Commission.

City Attorney Mala Subramanian advised the conflict of interest area is a 500' circle, in addition if there would be any impacts on their property exceeding the 500' circle; they may have to recuse themselves from that item.

Councilmember Wan added Mr. Gavidia has participated in the community demonstrating a commitment to the City, although Mr. Porter presented well, he felt Mr. Gavidia has demonstrated commitment to the City by his participation.

Mayor Catalano felt Mr. Porter's experience as a construction litigation attorney would be helpful to the current commission.

Vice Mayor Pierce also preferred Mr. Porter for his calm demeanor and construction litigation experience.

Mayor Catalano seconded the nomination of Mr. James Porter.

Councilmember Diaz added Mr. Gavidia provides a valuable connection to the entire community. Councilmember Diaz advised there are still vacancies needing to be filled on the Trails and Landscaping Committee.

Councilmember Wolfe advised the Planning Commission is a diverse group; voting for Mr. Gavidia to be appointed to the Planning Commission.

It was moved by Councilmember Wan, seconded by Councilmember Diaz, to approve Resolution No. 02-2019 appointing Mr. Frank Gavidia to the office on the Clayton Planning Commission, with a term of office to expire June 30, 2020. (Passed 4-1 vote; Catalano, no).

- (e) City Council discussion to determine the date, time and location for the City Council's annual Goals and Objectives Setting Session with its City Manager.

Vice Mayor Pierce suggested Tuesday, January 29 at 5:30 p.m. City Council Members reviewed their calendars and discussed options and availability.

Mayor Catalano opened the item to public comment; no comments were offered.

Mayor Catalano closed public comments.

It was moved by Vice Mayor Pierce, seconded by Councilmember Wolfe, to call a City Council special meeting for Tuesday, January 29, at 5:30 p.m. in the 3rd Floor Conference Room at City Hall for this purpose. (Passed; 5-0 vote).

11. COUNCIL ITEMS - None.

12. CLOSED SESSION – None.

13. **ADJOURNMENT**– on call by Mayor Catalano, the City Council adjourned its meeting at 11:25 p.m.

The next regularly scheduled meeting of the City Council will be February 5, 2019.

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Respectfully submitted,



Janet Calderon, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL



Tuija Catalano, Mayor

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