

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

TUESDAY, May 7, 2019

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:00 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, Associate Andrew McCardle, Interim Community Development Director David Woltering, City Engineer Scott Alman, and City Clerk/HR Manager Janet Calderon.

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

3. **CONSENT CALENDAR**

Mayor Catalano noted she had received a Speaker's card regarding Item 3(a) and invited the individual forward at this time.

Ann Stanaway, 1553 Haviland Place, expressed her concern over "summary" minutes rather publishing abridged minutes relying on unstable "streaming" equipment to keep a legally defensible record of deliberations. Indicating there is equipment available providing real-time verbatim minutes, which is free and easy to use.

Mayor Catalano requested Item 3(a) be pulled from the Consent Calendar for separate discussion.

It was moved by Vice Mayor Pierce, seconded by Councilmember Diaz, to approve the Consent Calendar Items 3(b) – 3(d) as submitted. (Passed; 5-0 vote).

- (a) Approved the minutes of the City Council's regular meeting of April 16, 2019.
- (b) Approved the Financial Demands and Obligations of the City.
- (c) Adopted Resolution No. 14-2019 calling for the preparation of an Engineer's Report for the calculation of the annual real property assessments in FY 2019-20 for levy in the Diablo Estates at Clayton Benefit Assessment District (BAD).
- (d) Accepted the City's Investment Portfolio Report for the Third Quarter of FY 2018-19 ending March 31, 2019.

Consent Calendar Pulled

- 3(a) Approve the minutes of the regular meeting of April 16, 2019.

Vice Mayor Pierce requested this item come back as action summary minutes.

It was moved by Mayor Catalano, seconded by Vice Mayor Pierce, to continue Consent Calendar Item 3(a) to May 21, 2019. (Passed; 5-0 vote).

4. RECOGNITIONS AND PRESENTATIONS

- (a) Certificates of Recognition to public school students for exemplifying the "Do The Right Thing: character trait of "Integrity" during the months of March and April 2019.

Mayor Catalano and Mt. Diablo Elementary School Principal Linn Kissinger presented certificates to Joseph Descalzo and Skye Orr.

Mayor Catalano and Diablo View Middle School Principal Patti Bannister presented certificates to McKenzie MacPherson and Madison MacPherson.

Mayor Catalano and Clayton Valley Charter High School Director of Administrative Services Bill Morones presented a certificate to Cole Murphy.

Student Stefan Jones was not able to make the presentation this evening; Mr. Morones took the certificate to be given to Mr. Jones.

- (b) Kickoff of Clayton's Certified Farmers' Market for 2019

"Opening Day" is Saturday, May 11th

(9:00 am – 1:00 pm, each Saturday in the Main Street public and KinderCare's parking lots)

(Shawn Lipetzky, Regional Manager, Pacific Coast Farmers' Markey Association)

Shawn Lipetzky, Regional Manager, introduced John the Operations Manager to provide more information of the upcoming Clayton Certified Farmers' Market.

5. REPORTS

- (a) Planning Commission – No meeting held.

- (b) Trails and Landscaping Committee – No meeting held.

- (c) City Manager/Staff

Mr. Napper noted he received a calculation of population estimates by the Department of Finance for Contra Costa County; noting Clayton gained 22 residents. He advised this information will be posted to the City's website.

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

Councilmember Wan attended the Budget Sub-Committee meetings, the Clayton Cleans Up event, met with the Principals of Mt. Diablo Elementary School and Diablo View Middle School, and prepared a draft letter regarding the CASA Compact.

Vice Mayor Pierce attended the Contra Costa Local Agency Formation Commission (LAFCO) meeting, the Contra Costa Transportation Authority meeting, the Regional Housing Legislative Working Group meeting, in downtown Clayton there was a celebration of St. George's Day with our twinned City; in Buxworth, England, she listened to the SB50 and SB4 hearing on Legislative Action Day, the Clayton Business and Community Association Art and Wine Festival, the Association of Bay Area

Governments subcommittee Regional Planning Committee meeting, the Contra Costa County Transportation Authority Administrative and Projects Committee meeting, the Contra Costa County Mayors' Conference, and the Clayton Historical Society Annual Gardens Tour.

Councilmember Wolfe attended the Clayton Library Foundation meeting, Clayton Cleans Up event, the East Bay Habitat Conservancy meeting, met with City staff, responded to constituents by email and in person, and attended the Contra Costa County Mayors' Conference.

Councilmember Diaz attended the 30th Annual Valley Leadership Prayer Breakfast, the Clayton Cleans Up event, the Budget Sub-Committee meeting, the Clayton Business and Community Association General Membership meeting, the Clayton Business and Community Association Art and Wine Festival, then assisted in the re-write of the Professional License Examination for Security Professionals in the State of California, visited Regency Drive noting the congestion was light and the Police Department issued citations for vehicles parked in the Red Zone, and announced the upcoming first 2019 Concerts in the Grove.

Mayor Catalano attended the Clayton Business and Community Association Scholarship Committee candidate interviews, the Mt. Diablo Elementary School Field of Dreams opening ceremony recognizing contributions by Debra Gonzalez, Pat Middendorf and Michelle Hill, the Clayton Business and Community Association Annual Art & Wine Festival, the Contra Costa County Mayors' Conference, held Mayors' Office hours at Cup O' Joe's, and attended the Clayton Historical Society Annual Garden Tour.

- (e) Other – None.

6. PUBLIC COMMENT ON NON - AGENDA ITEMS

Ann Stanaway, 1553 Haviland Place, expressed her continued concerns of enforcement of unobstructed roadways making reference Section 13.208 of the California Fire Code, California Vehicle Code 22500, and City Municipal Code Sections 10.36.040 and 10.36.041.

Mr. Napper provided photos of the obstructed parking issues on Haviland Court, noting all the streets are too narrow to allow on-street parking. He also noted when the Westwood Subdivision driveways were built; at the time vehicles were smaller, than they are presently. Mr. Napper confirmed with the Fire Chief that emergency vehicles do not require space to turnaround, rather they back out.

7. PUBLIC HEARINGS

- (a) Public hearing to consider the adoption of City-initiated Urgency Ordinance No. 486, the Introduction/First Reading of City-initiated Ordinance No. 487, and adoption of a Resolution establishing local design regulations and standards for the installation of small cell wireless antenna (5G) in the public rights-of-way of Clayton.

Interim Community Development Director David Woltering presented the report. Mr. Woltering advised Best Best & Krieger Associate, Andrew McCardle was in attendance to answer any questions the City Council may have.

Following questions by the Council, Mayor Catalano opened the item to public comments.

Chris Vegas Verizon Wireless Community Development Representative noted there are some differences on this item and requested the City Council to defer action on this item to provide an opportunity for staff to meet with their legal counsel to discuss this item. He further noted as the ordinances are written Verizon would be unable to deploy 5G technology in Clayton.

Frank Gavidia expressed concern on the number of antennas needed and inquired if the provider would be paying rent to the City for the use of the public poles for installation of their equipment.

Mayor Catalano closed public comment.

It was moved by Mayor Catalano, seconded by Vice Mayor Pierce, to have the City Clerk read Ordinance No 486 by title and number only and waive further reading. (Passed; 5-0 vote).

The City Clerk read Ordinance No. 486 by title and number only.

It was moved by Vice Mayor Pierce, seconded by Mayor Catalano, to adopt Ordinance No. 486 with amendments finding its adoption will not result in a significant adverse environmental impact. (Passed; 5-0).

It was moved by Vice Mayor Pierce, seconded by Councilmember Wan, to adopt Resolution No. 15-2019 Establishing Design and Development Standards for Wireless Facilities in the Public Right-of-Way, as Authorized by Section 12.05.050 of the City Municipal Code. (Passed; 5-0).

It was moved by Mayor Catalano, seconded by Vice Mayor Pierce, to have the City Clerk read Ordinance No 487 by title and number only and waive further reading. (Passed; 5-0 vote).

The City Clerk read Ordinance No. 487 by title and number only.

It was moved by Vice Mayor Pierce, seconded by Councilmember Wan, to adopt Ordinance No. 487 with amendments finding its adoption will not result in a significant adverse environmental impact. (Passed; 5-0).

8. ACTION ITEMS

- (a) Council Member Wan request to discuss traffic and pedestrian safety around Mt. Diablo Elementary School and Diablo View Middle School in Clayton.

Councilmember Wan presented the report and invited Principal Linn Kissinger to provide feedback.

Principal Linn Kissinger advised she and Principal Patti Bannister spoke and thought increasing safety information around the school and at the Elementary School adding the Street Smarts program to their assembly programs throughout the school year could help in reminding the students about safety.

Following questions by the Council, Mayor Catalano opened the item to public comment.

Laney Klein King advised safety around the school has been a long standing concern of hers prior to her son being struck by a vehicle on March 22. She noted for many years when she walked her son to school they always crossed with the Crossing Guard Linn, noting her son knew the correct way to cross the street, however that morning he crossed at a short cut as he thought he was late for school. Ms. King is very thankful for the community and the assistance provided to her son that morning. A few years ago her neighbor witnessed a child hit on a motor scooter and previously two sisters were hit in the same area. Although there is a "No Pedestrian Crossing" sign at the Four Oaks and Mitchell Canyon intersection, children continue to cross there with their bikes and scooters. She wonders if there needs to be additional deterrence at that intersection or a formal crossing in that location. Ms. King had contacted the Mt Diablo Unified School District Board and was referred to a Board member who is very passionate about safe routes to school whom referred her to a parent from Ygnacio Elementary who has been looking to reinstate a crossing guard program in Concord. That parent shared with her a ninety-five page report prepared by the Concord Police Department that she shared with Councilmember Wan. She suggested a safe route to school map drafted specifically for Clayton, and sidewalk installation along Pine Hollow may limit pedestrians cutting through Verna Way.

Chuck Delou he had a few ideas at the intersection of Four Oaks and Mitchell Canyon currently there is one "No Pedestrian Crossing" sign on the left, there is not a sign to the right. It appears that the sign was knocked down and wondered if that sign would be replaced. Mr. Delou advised if the missing sign is re-installed there is little room for pedestrians as there is another pole with a "Stop" sign. He also noted there are a number of places that need to be pruned to increase visibilty including Pine Hollow, Verna Way, Four Oaks, Mt. Zion and Mitchell Canyon. He felt it would be helpful at Pine Hollow, Mitchell Canyon and Mt. Zion to have an all way stop. At Four Oaks it may be too difficult to replace the missing sign and suggested a small construction project by creating a curb with a sidewalk connection. There is a sign on Mitchell Canyon that says "Narrow Road Yield to Oncoming Traffic" as you approach Pine Hollow, he is unsure why it is there. At Four Oaks if there are ques at certain times of the day where people are trying to circle through that intersection it might be helpful to paint a "Keep Clear" message in the intersection.

Amy Scott has witnessed the traffic, safety education does not help the children if they are using there scooters and bikes, there are no sidewalks available on Mitchell Canyon and Pine Hollow. She also noted the signage is poor, she suggested speed bumps may help and more signage.

Wendy Laughlin, 227 Stranahan Circle, advised parents are frustrated with the traffic; she thinks a light up crosswalk may help. She has seen Vice Principal Bruno try to assist with the school traffic, however it is not enough.

Janice Hester expressed her concern with Quarry Trucks suggesting they have an alternative route. She also remembered some years ago Clayton Valley Charter High School junior or senior students had extra credit to do a safety patrol that helps the crossing guard with whistles and signs.

Jamie Meyer a substitute teacher at Diablo View added there is concern of all the walkers at the Middle School, suggesting a diagonal crosswalk that stops all traffic and a "slow down" sign with a light.

Chris Chreston added enforcement is needed, suggesting a “No Right Turn” on Mitchell Canyon to Pine Hollow in the morning, and “No Left Turn” on Pine Hollow to Mitchell Canyon in the afternoon may help with the traffic.

Mayor Catalano closed public comment.

City Engineer Scott Alman added there are items that need to be addressed at the Pine Hollow and Mitchell Canyon Road intersection and the intersection at Diablo View Middle School. He noted these items are included in the Capital Improvement Project Budget for 2019-2020 for enhancements. He also noted additional funding sources may be needed to help pay for improvements.

City Council provided direction to staff.

- (b) Continued City Council consideration on the formation of a City position letter regarding the “CASA Compact” (Committee to House the Bay Area – February 2019) involving various objectives and resultant state legislation introduced to address the region’s housing affordability crisis.

Councilmember Wan presented the report.

Following questions by the Council, Mayor Catalano opened the item to public comment.

It was moved by Vice Mayor Pierce, seconded by Councilmember Wan to approve the City position letter regarding CASA Compact as amended. (Passed 5-0 vote).

- (c) Council Member Diaz request to consider the establishment City Council Policy on elected officials receiving text or email communications from members of the public on agenda items during City Council meetings.

Councilmember Diaz presented the report.

Following questions by the Council, Mayor Catalano opened the item to public comment; no comments were provided.

City Council provided direction to staff.

9. COUNCIL ITEMS – None.

10. CLOSED SESSION

Mayor Catalano announced the City Council will adjourn into Closed Session for the following noticed items (10:39 p.m.):

- (a) Conference with Labor Negotiator
Government Code Section 54957.6
Instructions to City-designated labor negotiator: City Manager

- 1. Employee Organization: Miscellaneous City Employees (Undesignated Group)

Report out of Closed Session (11:26 p.m.)

Mayor Catalano reported the City Council received information from and provided policy directions to its labor negotiator. There is no public action to report.

11. **RETURN TO OPEN SESSION**

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

The next regularly scheduled meeting of the City Council will be May 21, 2019.

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Respectfully submitted,



Janet Calderon, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL



Tuija Catalano, Mayor

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