

MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL
TUESDAY, March 15, 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 Councilmembers Haydon, Pierce, and Shuey. Councilmembers absent: None. Staff present: City Manager Gary Napper, 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 Councilmember Pierce, to approve the Consent Calendar as submitted. (Passed; 5-0 vote).

- (a) Information Only – No Action Requested.
 - 1. Memo outlining added expenses for full-time lighting of the pedestrian tunnel under Clayton Road.
- (b) Approved the minutes of the City Council's joint special meeting of February 29, 2016 and its regular meeting of March 1, 2016.
- (c) Approved Financial Demands and Obligations of the City.
- (d) Approved with regret the resignation of Alyse Smith from the citizens advisory Trails and Landscaping Committee.
- (e) Adopted a Resolution No. 14-2016 appointing Dane Horton and Carol Herington to the citizens advisory Trails and Landscaping Committee for the terms of office to expire December 31, 2017.

4. **RECOGNITIONS AND PRESENTATIONS** – None.

5. **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.

Vice Mayor Diaz attended the Contra Costa County Mayors' Conference hosted by Lafayette, conducted interviews with two citizens to serve on the Trails and Landscaping Committee, attended the Clayton Business and Community Association's event security meeting for its upcoming Annual Art and Wine Festival, and attended a meeting of retired agents of the Federal Bureau of Investigation.

Councilmember Pierce attended multiple Contra Costa Transportation Authority expenditure meetings, a joint meeting of the Associated Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) regarding the possible merger, a meeting of the East Bay Leadership Council, and a TRANSPAC meeting.

Councilmember Shuey invited the community to attend Clayton Valley Little League's Opening Day Ceremony and the Majors Baseball and Softball Jamboree taking place on Saturday, March 19, 2016 at Clayton Community Park.

Councilmember Haydon attended the Contra Costa County Mayors' Conference hosted by Lafayette, an organizational committee meeting of Clayton Business and Community Association regarding its Annual Art and Wine Festival taking place on April 30th and May 1st, 2016, conducted interviews with two citizens to serve on the Trails and Landscaping Committee and is working with Councilmember Shuey regarding the Ballot Measure argument for continuation of the Trails and Landscaping Committee parcel tax.

Mayor Geller attended the Contra Costa County Mayors' Conference hosted in Lafayette.

Councilmember Pierce added she was also in attendance at a small gathering celebrating Bob Hoyer's 95th birthday which occurred over the weekend; he is Clayton's first Mayor.

(e) Other – None.

6. **PUBLIC COMMENT ON NON - AGENDA ITEMS** – None.

7. **PUBLIC HEARINGS** – None.

8. **ACTION ITEMS**

(a) Consider the Second Reading and Adoption of City-initiated Ordinance No. 461 amending Title 17 Zoning of the *Clayton Municipal Code* establishing the prohibition of cannabis testing laboratories facilities within the city of Clayton.

Community Development Director Mindy Gentry presented the staff report providing a brief background advising the changes requested by City Council at its last meeting of March 1st, 2016 have been incorporated into the Ordinance presented this evening. Those revisions involved the elimination of any prohibition or regulation of medical cannabis delivery services within the city.

Mayor Geller opened the item to receive public comments; no public comments were offered.

It was moved by Councilmember Pierce, seconded by Councilmember Haydon, to have the City Clerk read Ordinance No. 461, by title and number only and waive further reading. (Passed; 5-0 vote).

The City Clerk read amended Ordinance No. 461 by title and number only.

It was moved by Councilmember Pierce, seconded by Councilmember Haydon, to adopt Ordinance No. 461 with findings its adoption is not considered a project under CEQA nor will it have a significant adverse effect on the environment and is therefore exempt under CEQA. (Passed; 5-0 vote).

- (b) Consider a Resolution expressing the City's interest in a regional partnership with other Contra Costa cities and the County for uniform taxi cab regulations, inspections, and licensing.

City Manager Napper presented the staff report noting the *Clayton Municipal Code* has a section governing the regulation of taxicab drivers and vehicles within the city that was last updated in 2005. There is also a California Government Code Section which requires local governments to regulate taxicab services for public safety purposes. Currently, taxicab businesses within the county must undergo a process in each city they wish to operate including an application process, operator permits, fingerprinting and background checks, and regular vehicle inspections. As one can imagine, this can be an onerous, expensive and duplicative process for each taxicab operator to undertake, which has resulted in few taxicab operator abiding by each city's licensing and approval process.

For public safety purposes, the public expects each taxicab driver and vehicle used is inspected annually and obtains the proper local permits. However, as noted, many taxicab operators ignore each city's regulations and generally operate without local permits. In Clayton, a taxicab operator must obtain a City business license annually if they conduct business in town, which is defined as picking up a paying passenger. Presently, there are no taxicab operators licensed in the city of Clayton and yet they are conducting regular business in town.

Recently, the Public Managers Association of Contra Costa County, in cooperation with local public safety officials, has been evaluating ways to obtain taxicab compliances with driver licensing and vehicle inspections, and has determined for public safety priority it would be beneficial to address this matter on a regional countywide level. The proposal is to eliminate individual city licensing, driver background checks and annual vehicle inspections in favor of one countywide permit and license that is good to operate in any of the 19 cities in the county as well as in county unincorporated areas. This process will be more efficient for taxicab businesses and obtain greater permit compliance for the public safety good. He added ride-sharing alternatives such as Uber, Lyft, and Sidecar are not subject to these regulations as they are presently considered a Technology Network Transportation Center facilitating ridesharing of passengers, not passengers paying via a taximeter by miles and time. Limousine and shuttle services are also not regulated by local taxicab ordinances.

The recommendation to the City Council is if it would like to authorize its City Manager to explore the potential formation of a regional Joint Powers Agreement or a Memorandum of Understanding with a suitable host public agency for the regulation of taxi cab services throughout Contra Costa County by a singular permit and license. He noted the attached Resolution will not lock the Clayton City Council into any formal agreement or obligation at this time.

Mayor Geller opened the item to receive public comments; no public comments were offered.

Vice Mayor Diaz commented the potential county approach seems significantly better to regulate the taxicabs. He further noted many taxicabs line up routinely in downtown Clayton waiting for the local bar to close to offer rides; do the City Manager's comments tonight indicate none of those operators are licensed to conduct business in our town? The City Manager replied currently, no taxicab operator holds a City business license to conduct business in town; however, the City has elected not to pursue these operators since it is highly likely doing so would result in their cessation of offering rides from this establishment in contrast to paying Clayton's fees to obtain local licensing. A greater public safety good is served by allowing them to provide such need, but it is an excellent example of how much better a regional licensing approach would be.

Mayor Geller inquired if the potential county-wide approach would require the use of a windshield sticker to demonstrate annual compliance? Mr. Napper responded the City's existing Municipal Code utilizes that procedure and he imagines a similar one would be incorporated into the potential countywide taxicab permit and licensing regulations.

It was moved by Vice Mayor Diaz, seconded by Councilmember Pierce, to adopt Resolution No. 15-2016 authorizing the City Manager to pursue the potential formation of a regional Joint Powers Authority (hereinafter "JPA") or MOU for the regulation of taxicab services within Contra Costa County. (Passed; 5-0 vote).

9. **COUNCIL ITEMS** - None.

10. **CLOSED SESSION**

Mayor Geller announced the City Council would adjourn into a closed session to discuss the subject matter listed below (7:19 p.m.):

- (a) *Government Code Section 54956.8*, Conference with Real Property Negotiator
Real Properties: 6005 Main Street (APNs 119-011-002-1; 118-560-010-1; 118-370-041-6).
Instructions to City Negotiators: Mayor Geller, Council Member Pierce, City Manager Napper, and Ed Del Beccaro, Managing Director, Transwestern, regarding price and terms of payment.
Negotiating Party: Pacific Union Land Company (Joshua Reed, Director of Real Estate)

7:37 p.m. Report out from Closed Session

Mayor Geller reported the City Council received information from its negotiators regarding this matter and no reportable action was taken.

11. **ADJOURNMENT**— on call by Mayor Geller, the City Council adjourned its meeting at 7:37 p.m.

The next regularly scheduled meeting of the City Council will be April 5, 2016.

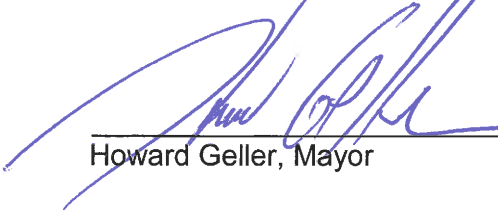
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Respectfully submitted,



Janet Brown, City Clerk

APPROVED BY CLAYTON CITY COUNCIL



Howard Geller, Mayor

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