

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

**TUESDAY, June 29, 2021**

1. **CALL TO ORDER THE CITY COUNCIL** – The meeting was called to order at 7:00 p.m. by Mayor Wolfe on a virtual web meeting and telephonically (877) 853-5257. Councilmembers present: Mayor Wolfe, Vice Mayor Cloven, and Councilmembers Diaz, Tillman, and Wan. Councilmembers absent: None. Staff present: City Manager Reina Schwartz, City Attorney Mala Subramanian, Interim Community Development Director Dana Ayers, Assistant to the City Manager Laura Hoffmeister, Finance Director Paul Rodrigues, and City Clerk/HR Manager Janet Calderon.

2. **MEETING PROTOCOL VIDEO** – City Clerk.

3. **PLEDGE OF ALLEGIANCE** – led by Councilmember Diaz.

4. **CONSENT CALENDAR**

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

- (a) Approved the minutes of the City Council's regular meeting of May 15, 2021. (City Clerk)
- (b) Approved the Financial Demands and Obligations of the City. (Finance)
- (c) Adopted Resolution No. 31-2021 ordering the levy and collection of special taxes and setting forth the special tax amount for Community Facilities District (CFD) 2006-1 (Downtown "The Grove" Park Maintenance) on the Fiscal Year 2021/22 Tax Assessment. (Assistant to the City Manager)
- (d) Adopted Resolution No. 32-2021 ordering the levy and collection of special taxes and setting forth the special tax amount for Community Facilities District (CFD) 2007-1 (City Wide Landscape Maintenance) on the Fiscal Year 2021/22 Tax Assessment). (Assistant to the City Manager)
- (e) Adopted Resolution No. 33-2021 Approving the Engineer's Report and Declare Intent to Levy and Collect Real Property Assessments for the Diablo Estates at Clayton Benefit Assessment District for Fiscal Year 2021/22 and Give Notice of a Public Hearing to be held on July 20, 2021 at 7:00PM at the City of Clayton City Hall on the Levy of the Proposed Assessments. (City Engineer)

- (f) Adopted Resolution No. 34-2021 of the City Council of the City of Clayton Appointing CalPERS Retired Annuitant Sandra Sato to the Position of Interim Finance Director and Approving an Employment Contract Pursuant to California Government Code Section 21221(h). (City Manager)
- (g) Adopted Resolution No. 35-2021 Approving a Three (3) Year Collective Bargaining Agreement with the Clayton Police Officers' Association (CPOA) – July 1, 2021 – June 30, 2024. (City Manager)
- (h) Adopted Resolution No. 36-2021 Approving the City of Clayton's List of Local Transportation Improvement Projects for Fiscal Year 2021/22 using Road Maintenance and Rehabilitation Account – Local Streets and Road Funds (RMRA-LSR; SB1). (City Engineer)

**5. RECOGNITIONS AND PRESENTATIONS – None.**

**6. REPORTS**

(a) City Manager/Staff

City Manager Reina Schwartz requested the City Council consider moving the Oakhurst Geological Hazard Abatement portion of the meeting prior to the Public Hearing this evening.

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

Vice Mayor Cloven attended the Clayton Business and Community Association General Membership meeting.

Councilmember Tillman attended the Clayton Business and Community Association General Membership meeting, met with the City Manager, met with the Police Chief, and called and emailed constituents.

Councilmember Wan toured the Cemex Quarry with Councilmember Diaz and called and emailed constituents.

Councilmember Diaz called and emailed constituents, went on the Cemex Quarry tour with Councilmember Wan, met with the City Manager, met with the Chief of Police, and spoke briefly about the relationship between the city and the Clayton Business and Community Association.

Mayor Wolfe attended the Clayton Business and Community Association General Membership meeting, a meeting of Association of Bay Area Governments, a meeting of the East Contra Costa Habitat Conservancy, called and emailed constituents, met with the City Manager, met with Vice Mayor Cloven, and met with Assemblymember Grayson regarding SB9 and SB10. Mayor Wolfe also announced the splash pad is closed due to the severe drought and infrastructure issues.

**It was moved by Vice Mayor Cloven, seconded by Councilmember Tillman, to rearrange the agenda to consider the Oakhurst Geological Hazard Abatement items prior to the Public Hearings this evening. (Passed 5-0).**

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

Frank Gavidia clarified some previous comments he made regarding the Clayton Business and Community Association.

Edward Miller clarified some comments made against him during the Planning Commission interview by a Councilmember.

Councilmember Jeff Wan responded to Mr. Miller's public comment.

Mayor Wolfe closed public comment.

**10. RECESS THE CITY COUNCIL MEETING – Mayor Wolfe**

(until after the conclusion of the Oakhurst Geological Hazard Abatement District meeting)

Mayor Wolfe announced the City Council will adjourn to a Oakhurst Geological Hazard Abatement District Meeting [7:24 p.m.].

**11. RECONVENE THE CITY COUNCIL MEETING – Mayor Wolfe**

Mayor Wolfe announced the City Council will reconvene the City Council meeting [7:40 p.m.].

**8. PUBLIC HEARINGS**

- (a) Public Hearing on the City of Clayton Budget for FY 2021/22, and the 5-year Capital Improvement Program (CIP) For Fiscal Years 2021/22 Through 2025/26. (Finance Director)

Finance Director Paul Rodrigues presented the report. City Manager Schwartz clarified that the Resolution being requested for adoption will be amended to reflect that the CIP will be adopted for FY2021/22 and not the Five-Year CIP as originally published.

Following questions by City Council, Mayor Wolfe opened the item to public comment; no comments were offered.

**It was moved by Councilmember Wan, seconded by Councilmember Tillman, adopt Resolution No. 37-2021 Adopting the Annual Budget for the City of Clayton for the 2021/22 Fiscal Year Commencing July 1, 2021 and Ending June 30, 2022, Adopting the FY2021/22 Appropriations Limit, and the Capital Improvement Program (CIP) for Fiscal Year 2021/22. (Passed 5-0).**

- (b) Oak Creek Canyon Project, Applicant's Appeal of the Planning Commission Recommendation of Denial. (Interim Community Development Director)

Vice Mayor Cloven disclosed he attended the Planning Commission meeting virtually when this item was initially presented and has had past conversations with Mr. Moita; details of the project were not discussed.

Councilmember Tillman disclosed overhearing a Planning Commission meeting that her spouse was listening to.

Councilmember Wan disclosed he has had conversation with both property owners regarding general matters.

Councilmember Diaz had no disclosures.

Mayor Wolfe disclosed a text conversation with former Mayor Catalano regarding continuance with no resolution.

Dana Ayers, Interim Community Development Director, presented the report.

Doug Chen and Louis Parsons from West Coast Home Builders provided a PowerPoint presentation.

Christina Bergland Attorney, Hanson Bridgett representing West Coast Home Builders clarified some information in the letter that was emailed prior to this evening's city council meeting.

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

Cheryl Morgan expressed concerns with the applicant and requested postponement of the City Council's decision this evening.

Jim Moita expressed concerns with the applicant and requested this item be continued to a later date.

Vince Moita expressed concerns regarding the width of the street and requested this item be brought back to the City Council on August 17, 2021.

Mayor Wolfe closed public comment.

Councilmember Wan suggested the developer include a paved path from the development toward Clayton Community Park.

City Attorney Mala Subramanian also clarified Condition 77 to indicate that the wording will be modified from "Warranty Bond" to "Performance Bond, Letter of Credit or Certificate of Deposit for full value of the work".

**It was moved by Councilmember Wan, seconded by Councilmember Diaz, to Amend Condition of Approval No. 77 modifying the Bond as recommended by the City Attorney, Amend Condition of Approval No. 105 Clarifying the Utility Easement, Amend Condition of Approval No. 129 extending the decomposed granite path from the west to Clayton Community Park; Adopt Resolution No. 38-2021 Adopting the Final Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Oak Creek Canyon Residential Project; Adopt Resolution No. 39-2021 Amending the General Plan Land Use Map for the Oak Creek Canyon Residential Project Located on Marsh Creek Road, North of the Intersection with**

**Diablo Parkway (GPA-02-18); Adopt Resolution No. 40-2021 Amending the Marsh Creek Road Specific Plan Land Use Map for the Oak Creek Canyon Residential Project Located on Marsh Creek Road, North of the Intersection with Diablo Parkway (SPA-01-18); Introduced Ordinance No. 493 Rezoning 9.03 Acres from R-10 District and PF District to PD District for the Oak Creek Canyon Residential Project Located on Marsh Creek Road, North of its Intersection with Diablo Parkway (ZOA-01-18); and Adopt Resolution No. 41-2021 Approving a Vesting Tentative Map, Development Plan Permit and Tree Removal Permit for the Oak Creek Canyon Residential Project Located on Marsh Creek Road, North of the Intersection with Diablo Parkway (MAP-01-16, DP-01-19, TRP-31-19). (Passed 5-0).**

## **9. ACTION ITEMS**

- (a) Consideration of a Resolution Authorizing an Appeal of Clayton's Regional Housing Needs Assessment Allocation. (City Manager)

City Manager Reina Schwartz presented the report.

Following questions by City Council, Mayor Wolfe opened the item to public comment; no comments were offered.

**It was moved by Vice Mayor Cloven, seconded by Councilmember Tillman, adopt Resolution No. 42-2021 Authorizing an Appeal of the City of Clayton's 6<sup>th</sup> Cycle Regional Housing Needs Assessment (RHNA) Allocation. (Passed 5-0).**

- (b) Adopt a Resolution of the City Council of the City of Clayton Adopting the City of Clayton's Salary Schedule Effective July 1, 2021 in Conformance with CalPERS Requirements to Provide a Publicly Available Salary Schedule. (City Manager)

Vice Mayor Cloven provided a brief background.

City Manager Reina Schwartz presented the report.

Following questions by City Council, Mayor Wolfe opened the item to public comment; no comments were offered.

**It was moved by Councilmember Wan, seconded by Councilmember Tillman, adopt Resolution No. 43-2021 Adopting the City of Clayton's Salary Schedule Effective July 1, 2021 in Conformance with CalPERS Requirements to Provide a Publicly Available Salary Schedule. (Passed 5-0).**

## **10. COUNCIL ITEMS**

Councilmember Diaz requested a microphone for Assistant to the City Manager Laura Hoffmeister as it is difficult to hear her via Zoom.

City Manager Reina Schwartz also announced the July 6, 2021 regular meeting of the City Council has been cancelled and noted Contra Costa County has banned fireworks throughout the county.

Councilmember Wan requested a future agenda item concerning a Ballot Measure for General Revenue, update to the Engineering portion of the City's website to include the Pavement Condition Index report, requested in-person City Council meetings to begin prior to September 30, 2021, and requested the city write letters of any concerns once the proposed reclamation plan is submitted to the County by Cemex Quarry.

11. **CLOSED SESSION** – None.

12. **ADJOURNMENT**– on call by Mayor Wolfe, the City Council adjourned its meeting at 10:33 p.m.

The next regularly scheduled meeting of the City Council will be July 20, 2021.

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Respectfully submitted,



Janet Calderon, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL



Carl Wolfe, Mayor

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