

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

TUESDAY, March 21, 2023

1. **CALL TO ORDER THE CITY COUNCIL** – The meeting was called to order at 7:02 p.m. by Mayor Wan held via a hybrid meeting format live in-person and Zoom videoconference and broadcast from Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, California. Councilmembers present: Mayor Wan, Vice Mayor Diaz, and Councilmembers Cloven and Trupiano. Councilmembers absent: None. Staff present: Interim City Manager Ron Bernal, City Attorney Mala Subramanian, Community Development Director Dana Ayers, City Engineer Larry Theis, and City Clerk Janet Calderon.

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

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

James Killoran provided feedback on the suggestion of a potential Cannabis Dispensary in Clayton and requested the City Council disclose any Conflicts of Interest regarding this item.

Gary Barton expressed his disappointment regarding the Clayton Business and Community Association master agreement

Carl Wolfe assured the Art and Wine Festival is still taking place on April 29 and April 30 in downtown Clayton and will be negotiating a fee structure with the City in the future.

Rosy Straka expressed her dissatisfaction with the City not caring about its citizens concerns.

Frank Gavidia expressed his concern of accusations made about former Councilmember Joe Medrano.

Scott Denslow provided a brief summary of the organizational assessment, and highlighted City accomplishments in 2021-2022.

Terri Denslow noted a conflict of interest exists for City Council, suggested terminating all master agreements, and provided a brief summary of the organizational assessment.

Roy Correa indicated normal business practice is to negotiate contracts as needed.

Lisa Browlett submitted comments to the City Clerk to be entered into the record. “Based on MRG Consultants’ analysis of the City of Clayton’s staffing, compared to neighboring cities, it clearly shows Clayton is understaffed. My question is, did the MRG Consultants also provide an analysis on whether the understaffed City of Clayton employees are getting their lunch/ meal breaks?”

Mayor Wan closed public comment.

4. CONSENT CALENDAR

Mayor Wan pulled item 4(d) for separate discussion.

Vice Mayor Diaz pulled item 4(f) for separate discussion.

Mayor Wan opened public comment.

Glenn Miller expressed his concerns regarding item 4(d) in watching the fund for this item, maintenance is not being performed, however the fund balance is zero.

Mayor Wan closed public comment.

It was moved by Councilmember Cloven, seconded by Councilmember Trupiano, to approve the Consent Calendar items 4(a) – 4(c) and 4(e), as submitted. (Passed 5-0).

- (a) Approved the minutes of the City Council's regular meeting of March 7, 2023.
(City Clerk)
- (b) Approved the Financial Demands and Obligations of the City. (Finance)
- (c) Adopted Resolution No. 14-2023 Acceptance of the 2022 General Plan Implementation and Housing Element Annual Progress Report. (Community Development Director)
- (e) Adopted Resolution No. 15-2023 of the City Council of the City of Clayton Amending a Professional Services Agreement with GovInvest for Financial Consulting Services in the Amount of \$49,900 for a Total Not-To-Exceed Amount of \$115,775.
(Finance Director)

Item 4(d) pulled for a separate discussion

- (d) Adopted Resolution No. 16-2023 Establishing 2023/2024 Equivalent Ruoff Unit (ERU) Assessment Rate for Federal and State Mandated National Pollution Discharge Elimination System (NPDES) Program (Storm Water Pollution Prevention).
(City Engineer)

Mayor Wan requested City Engineer Larry Theis to provide a brief presentation on this item.

5. RECOGNITIONS AND PRESENTATIONS

- (a) Certificates of Recognition to public school students for exemplifying the "Do the Right Thing" character trait of "Self-Discipline" during the months of January and February 2023.
(Councilmember Cloven)

Councilmember Cloven and Mt. Diablo Elementary School Principal Katie Sanchez presented certificates to Luca Carone and Maliyah Hill.

Councilmember Cloven and Diablo View Middle School Principal Peter Fong presented certificates to Ethan Ruff and Kenley Kick.

Item 4(f) pulled for a separate discussion

- (f) Request to purchase 2016 Zero electric police motorcycle. (Police Chief)

Vice Mayor Diaz requested a future item providing a traffic enforcement plan.

It was moved by Councilmember Cloven, seconded by Councilmember Trupiano, to approve the Consent Calendar items 4(d) and 4(f), as submitted. (Passed 5-0).

6. REPORTS

- (a) Interim City Manager Ron Bernal indicated "No Report".

7. PUBLIC HEARINGS

- (a) Adopt a Resolution Approving Endeavor Hall Clayton Non-Profit Rental Fees. (Interim City Manager)

Interim City Manager Ron Bernal presented the report.

Following questions and comments by the City Council, Mayor Wan opened the public comment.

Janet Easton expressed concern on additional work for staff for Clayton non-profit rentals, insurance requirements and suggested the Kitchen could potential be a separate rental. She also inquired on who receives the fees for rental of the Mount Diablo Elementary School Field and Parking Lot.

Glenn Miller would like to continue Clayton resident and non-Clayton resident rates.

Pat Middendorf clarified Endeavor Hall rental rates does not include set-up or clean-up, and non-profits do not provide a deposit for Endeavor Hall rentals

Carl Wolfe is hopeful the City Council will vote in favor of this item.

Mayor Wan closed public comment.

It was moved by Mayor Wan, seconded by Councilmember Tillman, to Adopt Resolution No. 17-2023 Amending Endeavor Hall Non-Profit Rental Fees and Updating the City Master Fee Schedule for City User Benefit, Regulatory and Rental Fees, as amended. (Passed; 5-0 No)

- (b) Introduce and Waive First Reading of an Ordinance to Amend Clayton Municipal Code Chapter 17.47, Sections 17.04.083 and 17.44.030, and Schedule

17.37.030A Pertaining to Accessory Dwelling Units and Junior Accessory Dwelling Units (ZOA-02-2022), and Finding that Such Amendment is Exempt from CEQA Pursuant to Public Resources Code Section 21080.17.
(Community Development Director)

Community Development Director Dana Ayers presented the report.

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

**It was moved by Councilmember Cloven, seconded by Mayor Wan, to Waive First Reading and Introduce an Ordinance Amending Clayton Municipal Code Chapter 17.47, Sections 17.04.083 and 17.44.030, and Schedule 17.37.030A Pertaining to Accessory Dwelling Units and Junior Accessory Dwelling Units (ZOA-02-2022), and Finding that Such Amendment is Exempt from CEQA Pursuant to Public Resources Code Section 21080.17.
(Passed; 5-0)**

8. ACTION ITEMS

- (a) Adopt a Resolution Authorizing the City to Apply for Energy Efficiency Loan from the California Energy Commission to Implement Energy Efficiency Measures, if Approved and Finding that the Activities funded by the Loan are Categorically Exempt from CEQA pursuant to Class 1 (14 CCR § 15301) and Class 3 (14 CCR §15303) Categorical Exemptions of the State CEQA Guidelines. (Interim City Manager)

Interim City Manager Ron Bernal presented the report.

Following questions and comments by the City Council, Mayor Wan opened the public comment.

Mayor Wan closed public comment.

It was moved by Mayor Wan, seconded by Councilmember Cloven, to Adopt Resolution No. 18-2023 Authorizing the City to Apply for Energy Efficiency Loan from California Energy Commission to Implement Energy Efficiency Measures, if Approved. (Passed; 5-0)

9. COUNCIL ITEMS

Councilmember Trupiano requested a future agenda item to include a policy on posting community events on the city's website and requested the Mount Diablo Interpretive Association to provide the City Council a presentation at its April 18 meeting.

Vice Mayor Diaz requested a future agenda item to include establishment of an ad-hoc committee for the purpose of Public Safety Services District funding source for the Police Department.

Councilmember Cloven requested a future agenda item to include the addition of a future item to the City Council Agenda discussed in public prior to being placed on the agenda.

Councilmember Tillman requested a future agenda item to include consideration of a play structure at Stranahan park and consideration of use fees for other entities such as sports teams.

9. COUNCIL REPORTS

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

Councilmember Cloven attended the Transportation Partnership and Cooperation for Central Contra Costa (TRANSPAC) meeting, spoke with constituents, and announced the upcoming Clayton Cleans Up event taking place April 22.

Councilmember Tillman attended the Network of Care Crab Feed, attended the Clayton City Council Goal Setting session, was a guest speaker at the Clayton Valley Woman's Club, participated in the City Manager Interviews, and attended the Cal Cities Community Services Policy Committee meeting.

Councilmember Trupiano attended the Transportation Partnership and Cooperation for Central Contra Costa (TRANSPAC) meeting, attended the Energy Services and infrastructure renewal ad-hoc committee meeting, attended the Clayton City Council Special meeting of March 11, attended the Clayton City Council Goal Setting session, and attended the Clayton Community Library Foundation meeting.

Vice Mayor Diaz attended the Clayton Historical Society Bob Hoyer Birthday celebration, attended the Morgan Territory Association meeting, attended the Clayton City Council Special meeting on March 11, attended the Clayton City Council Goal Setting session, attended the Clayton Business and Community Association ad-hoc committee meeting, attended the County Connection meeting, and attended the Clayton City Council special meeting March 21.

Mayor Wan attended several Clayton City Council meetings, attended the Clayton Business and Community ad-hoc committee meeting, and a meeting with Climatec.

- 11. RECESS THE CITY COUNCIL MEETING – Mayor Wan**
(until after the conclusion of the Oakhurst Geological Hazard Abatement District meeting)

(9:14 pm) Mayor Wan recessed the City Council meeting.

- 12. RECONVENE THE CITY COUNCIL MEETING – Mayor Wan**

(11:25 pm) Mayor Wan reconvened the City Council meeting.

- 13. CLOSED SESSION**

(11:26 pm) Mayor Wan announced City Council Closed Session.

- (a) Conference with Real Property Negotiators
(Gov. Code section 54956.8)

Property: 278 Stranahan Circle, Clayton, Ca 94517

Agency Negotiators: Ron Bernal, Interim City Manager and Dana Ayers, Community Development Director

Negotiating Party: Bonny Slatkin
Under Negotiation: Price and terms of payment

Report out from Closed Session:
(11:41 pm) Mayor Wan reported "No Reportable Action".

14. **ADJOURNMENT** - on call by Mayor Wan, the City Council adjourned its meeting at 11:41 p.m.

#

Respectfully submitted,



Janet Calderon, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL



Jeff Wan, Mayor