

**MINUTES**  
**OF THE**  
**REGULAR MEETING**  
**CLAYTON CITY COUNCIL**  
**TUESDAY, APRIL 4, 2023**

1. **CALL TO ORDER THE CITY COUNCIL** – The meeting was called to order at 6:33 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, Gary Phillips Executive Vice President and Executive Recruiter from Murray and Associates, and City Clerk Janet Calderon.

2. **CLOSED SESSION**

(6:34 p.m.) Mayor Wan announced City Council Closed Session.

(a) Public Employment (Gov. Code 54957)  
Title: City Manager

Conference with Labor Negotiators (Gov. Code 54957.6)  
Agency designated representatives: Mayor Wan and Councilmember Tillman  
Unrepresented employee: City Manager

- Short Recess -

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## 7:00 P.M.

Report out from Closed Session:

(7:19 p.m.) Mayor Wan reported "No Reportable Action".

3. **RECALL TO ORDER THE CITY COUNCIL** – The meeting was called to order at 7:19 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, Chief of Police Rich McEachin, Maintenance Supervisor Jim Warburton, Finance Director Angeline Loeffler, City Engineer Larry Theis, and City Clerk Janet Calderon.

4. **PLEDGE OF ALLEGIANCE** – Led by Mayor Wan.

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

Pete Matheson requested the City Council consider reopening Clayton Cares Act Funding to local businesses.

Christine Muller expressed her dissatisfaction with the termination of the Clayton Business and Community Association contract.

Mayor Wan closed public comment.

**6. CONSENT CALENDAR**

Mayor Wan requested item 6(d) pulled for a separate discussion.

**It was moved by Councilmember Cloven and seconded by Councilmember Trupiano to approve the Consent Calendar items 6(a) – 4(c) and 4(e), as submitted. (Passed 5-0)**

- (a) Approved the minutes of the City Council’s special meeting of March 13, 2023 and City Council’s regular meeting of March 28, 2023. (City Clerk)
- (b) Approved the Financial Demands and Obligations of the City. (Finance Director)
- (c) Adopted Ordinance No. 499 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)
- (e) Approved National Opioid Litigation and Authorization to Participate in Additional Settlement Agreements Arising from the Litigation. (City Attorney)

Item 6(d) pulled for a separate discussion

- (d) Adoption of a Revised Investment Policy. (Finance Director)

Mayor Wan requested this item be tabled and brought back to a future meeting, as it does not reflect the Budget and Audit Committee direction provided to staff.

**7. RECOGNITIONS AND PRESENTATIONS**

- (a) Information Only – No Action Requested.
  - Autism Acceptance Month
  - Arab-American Heritage Month
  - Earth Day (April 22)
  - Armenian Genocide Remembrance Day (April 24)

## 8. REPORTS

- (a) Interim City Manager Ron Bernal announced the City is accepting applications for the Community Financial Sustainability Committee and the Facility Attendant position, the City is finalizing the City Manager recruitment, and advised he will be out of the office next week so Community Development Director Dana Ayers will be Acting City Manager.

## 9. PUBLIC HEARINGS

- (a) Adopt a Resolution authorizing the City to amend the Installation Agreement with Climatec to initiate Phase 2 of the Comprehensive Infrastructure Renewal and General Fund Savings Program and to find the amendment to be exempt from the California Environmental Quality Act (CEQA). (Interim City Manager)

Interim City Manager Ron Bernal introduced Bern Carter, Business Development Manager from Climatec, who provided the presentation.

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

Larry Love expressed support of this item and inquired if a solar component would be considered for Clayton businesses.

Ed Miller inquired if a Request For Proposals will go out to perform the work, and the expected time period for the City to be reimbursed.

Mayor Wan closed public comment.

**It was moved by Councilmember Trupiano, seconded by Mayor Wan, to Adopt Resolution No. 19-2023 Approving an Amendment to the Energy Services Agreement with Climatec LLC to Implement Certain Energy Conservation Measures Under California Government Code Section 4217.10 Et Seq., Authorize the City Manager to Execute the Amendment, Adopt Findings in Accordance with California Government Code Section 4217.12, and Find it Exempt from CEQA. (Passed 5-0)**

## 10. ACTION ITEMS

- (a) The Fiscal Year 2022-23 Mid-Year Budget Update. (Finance Director)

Finance Director Angeline Loeffler presented the report.

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

Noah Greenwood, the owner of Modern Boba and Sushi, requested funding for small businesses.

Larry Love requested the City Council consider additional funding for small businesses in Clayton.

Mayor Wan closed public comment.

The City Council thanked the Finance Director for the presentation.

- (b) Approve Funding Appropriation of American Rescue Plan Act (ARPA) Funds for Energy Cost Savings, Efficiency Measures, and Asset Replacement. (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.

Larry Love requested the City Council consider additional funding opportunities for Clayton small businesses.

Mayor Wan closed public comment.

Direction was provided to staff to provide a detailed analysis on Permit Management Software (Community Development Department and Finance Department), establishment of the GIS system, Ditch Witch vacuum trailer, F250 utility body trucks, Tattle Tale traffic signal lights, video surveillance system at City Hall, and a City Hall pool vehicle.

- (c) Annual Consideration of Canceling Any Regular City Council Meetings During the Summer of 2023. (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.

Roy Correa provided comments on the previous item requesting the City Council to consider prioritization and risk with the budget discussion.

Mayor Wan closed public comment.

**It was moved by Councilmember Cloven, seconded by Mayor Wan, to Cancel the July 4, 2023 and September 5, 2023 regularly scheduled City Council meetings. (Passed 5-0)**

## **11. COUNCIL ITEMS**

Councilmember Tillman requested future agenda items to include an update from the Trails and Landscaping Committee, an update from the Concerts in The Grove Committee, an update from the July 4 Parade Committee, a review of special agreements, and an amendment of the Clayton Municipal Code regarding mobile food vendors.

Councilmember Trupiano requested a future agenda item to include a presentation by the Mount Diablo Interpretive Association. She also announced the Concerts in The Grove will begin May 13 through September 16 every other weekend.

**12. COUNCIL REPORTS**

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

Councilmember Trupiano attended the League of California Cities East Bay Division meeting, attended the Budget and Audit Committee meeting, the Clayton Business and Community Association mixer, announced a new business Sip n Sweet, attended Clayton Theater Company production of Mousetrap, and announced an upcoming meeting of the Concerts in The Grove taking place on April 19, 2023.

Vice Mayor Diaz met with the Mayor, attended the Clayton Business and Community Association Art and Wine Committee meeting, met with the City Manager, and met with the Chief of Police.

Councilmember Tillman attended the Cal Cities Legislative Committee meeting, attended the Elected Women’s Luncheon, attended a Pride Committee meeting, met with the City Manager, attended the Clayton Business and Community Association mixer, attended the Clayton Business and Community Art and Wine committee meeting, and spoke with constituents.

Councilmember Cloven attended the Clayton Business and Community Association mixer, attended the Clayton Business and Community Association Art and Wine committee meeting, spoke with constituents, announced the upcoming Pride Parade taking place on June 4, and announced the upcoming Clayton Cleans Up event taking place April 22.

Mayor Wan attended a meeting with Climatec, attended the Budget and Audit committee meeting, had multiple Oakhurst Geological Hazard Abatement discussions and spoke with constituents.

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

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Respectfully submitted,



Janet Calderon, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL

  
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Jeff Wan, Mayor