

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

**TUESDAY, May 2, 2023**

1. **CALL TO ORDER THE CITY COUNCIL** – The meeting was called to order at 7:00 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, Chief of Police Rich McEachin, Finance Director Angeline Loeffler, and City Clerk Janet Calderon.

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

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

4. **CONSENT CALENDAR**

Councilmember Tillman pulled items 4(d) and 4(i) for a separate discussion.

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

(a) Information Only – No action needed.  
2023 Concerts in The Grove calendar.

(b) Approved the minutes of the City Council’s regular meeting of April 18, 2023.  
(City Clerk)

(c) Approved the Financial Demands and Obligations of the City. (Finance Director)

(e) Adopted Resolution No. 22-2023 Ordering the Levying of a Special Tax for Fiscal Year 2023/24 Within the High Street Permanent Road Division for the Repayment of Funds Advanced for the Reconstruction of the Bridge and Future Maintenance Pursuant to the Streets and Highway Code, Article 3, Section 1173, et seq. (City Engineer)

(f) Adopted Resolution No. 23-2023 Confirming the Levy of Assessments for Fiscal Year 2023/24 Within the Lydia Lane Sewer Assessment District for the Repayment of Bonds Issued for the Construction of Municipal Sanitary Sewers. (City Engineer)

(g) adopted Resolution No. 24-2023 Confirming the Levying of Assessments for Fiscal Year 2023/24 Within the Oak Street Sewer Assessment District for the Repayment of Bonds Issued for the Construction of Municipal Sanitary Sewers. (City Engineer)

(h) Adopted Resolution No. 25-2023 Ordering the Levy of a Special Tax for Fiscal Year 2023/24 Within the Oak Street Permanent Road Division for the Repayment of Funds

Advanced for the Reconstruction of the Bridge and Future Maintenance Pursuant to the Streets and Highway Code, Article 3, Section 1173, et seq.(City Engineer)

- (j) Military Equipment Use Annual Report and Renewal of Ordinance No. 495, which adopted the Military Equipment Use Policy. (Chief of Police)
- (k) Adopted Resolution No. 26-2023 Terminating the Proclamation of Local Emergency for Storms. (Interim City Manager)

Item 4(d) pulled for a separate discussion

- (d) Rejection of Liability Claim Filed by Kathleen Pierce for the Alleged Property Damage. (City Clerk)

Councilmember Tillman requested clarifying information regarding the rejection of this claim.

City Attorney Subramanian advised the claimant alleged the catch basin was City owned, after some research it has been determined the catch basin is privately owned.

Item 4(i) pulled for a separate discussion

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

Councilmember Tillman provided suggested adding Finance Director to Section I, and suggested adding a time frame to Section B on page 7 of the red-line attachment.

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

**5. RECOGNITIONS AND PRESENTATIONS**

- (a) Information Only – No Action Requested.

- Law Day (May 1)
- Cinco De Mayo (May 5)
- Armed Services Day (May 15)
- Peace Officers' Memorial Day and Police Week (May 15)
- Asian Pacific Heritage Month (May)
- Jewish American Heritage Month (May)

## 6. REPORTS

- (a) Interim City Manager Ron Bernal provided a brief update regarding Climatec, announced the playground at Clayton Community Park should be completed by the end of next week, and announced the new City Manager Bret Prebula will begin on May 15, 2023.

## 7. PUBLIC HEARINGS – None.

## 8. ACTION ITEMS

- (a) Adopt updated City Council Guidelines and Procedures. (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.

Bassam Altwal expressed his concern with staff's inability to answer questions pertaining to this item.

Terri Denslow expressed her concern with the Mayor writing this staff report.

Mayor Wan closed public comment.

**It was moved by Mayor Wan, seconded by Vice Mayor Diaz, to Adopt the updated City Council Guidelines and Procedures as amended. (Passed 3-2; Cloven and Tillman; No).**

- (b) Status of City Council Future Agenda Item Requests. (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; no comments were offered.

Direction provided to staff.

- (c) Council Member Request - City Special Agreements. (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.

Bassam Altwal expressed concerns regarding past fee waivers for the Classic Car Show and DJ event taking place on City-owned property.

Frank Gavida addressed Councilmember Cloven and reminded him about the Do The Right Thing character traits.

Mayor Wan closed public comment.

Direction was provided to staff to move this item to the Budget and Audit Committee.

## **9. COUNCIL ITEMS**

Councilmember Tillman requested a future agenda item to include a calendar of reporting requirements for items such as stormwater reporting.

Councilmember Trupiano requested a future agenda item to include consideration of using Interns over the summer.

## **10. COUNCIL REPORTS**

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

Councilmember Trupiano attended the Clayton Concerts in The Grove Committee meeting, attended the City staff Walk N Lunch hosted by Municipal Pooling Authority (MPA), chaired the East Contra Costa County Habitat Conservancy meeting, and attended the Budget and Audit Committee meeting.

Vice Mayor Diaz attended the Clayton Concerts in The Grove Committee meeting, attended the County Connection Board meeting, attended the Clayton Cleans Up event, attended the CERT meeting with the Interim City Manager, attended the Clayton Business and Community Association BBQ Committee meeting, attended the Clayton Business and Community Association Art and Wine event, met with the Chief of Police and met with the Interim City Manager.

Councilmember Tillman attended the Mt Diablo Unified School district Anti Racist Anti Biased Committee meeting, attended the Opportunity Junction Gala, met with the Community Development Director, met with the Interim City Manager, hosted the vendor breakfast for the Clayton Business and Community Association Art and Wine Event, attended the Clayton Pride Committee meeting, attended the Strategic Safety Asset Management Plan meeting with Trails And Landscaping Committee, announced the upcoming Trails and Landscaping Committee meeting on May 8, and attended the Mt Diablo Unified School District Board meeting .

Councilmember Cloven attended the Clayton Business and Community Association dinner, attended the City staff Walk N Lunch hosted by Municipal Pooling Authority (MPA), hosted the Clayton Cleans Up event, attended the Contra Costa County Hazardous Materials Commission meeting, and attended the Clayton Business and Community Association Art and Wine event.

Mayor Wan attended the Budget and Audit Committee meeting, met with the Interim City Manager, attended the Clayton Cleans Up event, and met with the incoming City Manager.

**11. CLOSED SESSION**

(8:55 pm) Mayor Wan announced City Council Closed Session.

- (a) Conference with Labor Negotiator  
*Government Code Section 54957.6*

Instructions to City-designated labor negotiator: Interim City Manager

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

**12. RETURN TO OPEN SESSION**

Report out from Closed Session: Mayor Wan

(10:08 pm) Mayor Wan reported "No Reportable Action".

- 13. ADJOURNMENT** – on call by Mayor Wan, the City Council adjourned its meeting at 10:08 p.m.

# # # # #

Respectfully submitted,



\_\_\_\_\_  
Janet Calderon, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL

  
\_\_\_\_\_  
Jeff Wan, Mayor