

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

**TUESDAY, June 20, 2023**

1. **CALL TO ORDER THE CITY COUNCIL** – The meeting was called to order at 6:00 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, Tillman, and Trupiano. Councilmembers absent: None. Staff present: City Manager Bret Prebula, and City Clerk Janet Calderon.

2. **PLANNING COMMISSION VACANCY**

- (a) Candidates to be separately interviewed for two appointments with terms to expire on June 30, 2025.

The City Council separately interviewed three (3) candidates who had applied for appointment to the City Planning Commission:

Ed Miller  
Bretten Casagrande  
Joseph Banchemo

- (b) City Council discussion and determination of two citizen appointments to openings on the Clayton Planning Commission through June 30, 2025.  
(Mayor Wan)

Following discussion by the City Council, Mayor Wan opened the item to public comments.

Dan Richardson provided a brief background on the current Planning Commission and the collaboration they have developed. He expressed support of Ed Miller to be reappointed to the Planning Commission.

Mayor Wan closed public comment.

**It was moved by Mayor Wan, seconded by Vice Mayor Diaz, to approve Resolution No. 34-2023 appointing Mr. Joseph Banchemo and Mr. Bretten Casagrande to the office on the Clayton Planning Commission, with a term of office to expire June 30, 2025. (Passed; 3-2; No; Tillman and Cloven).**

- Short Recess -

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3. **CALL TO ORDER AND ROLL CALL** – The meeting was called to order at 7:00 p.m. by Mayor Wan and ‘Mayor for the Day’ Kate McSherry and Alex McSherry 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, Tillman and Trupiano. Councilmembers absent: None. Staff present: City Manager Bret Prebula, City Attorney Mala Subramanian, Chief of Police Rich McEachin, Community Development Director Dana Ayers, and City Clerk Janet Calderon.

4. **PLEDGE OF ALLEGIANCE** – Led by “Mayor for the Day” Kate McSherry and Alex McSherry.

Mayor Wan requested the Certificates be presented prior to public comment on non-agenda items.

## 7. **RECOGNITIONS AND PRESENTATIONS**

(a) Recognition: “Mayor for the Day”, Kate McSherry and Alex McSherry.

Mayor Wan presented certificates of recognition to “Mayor for the Day” Kate McSherry and Alex McSherry.

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

Ed Hartley attended the Coffee with the City Manager and was very impressed. He also expressed his concerns regarding fees and elimination of Master Agreements.

J Smyth expressed concern of a potential technical violation of the Brown Act that occurred at the previous City Council meeting.

Keith Haydon expressed concern of the formula used to determine the Master Fee Schedule and cost analysis of the fees.

Ed Miller expressed concern regarding taxes versus fees, and encouraged the City Council to review the market-based rates for city-owned facilities; street closures are not considered a city-owned facility.

Jan Hessler expressed support of her taxes be used to support city staff for permit processing.

Terri Denslow noted anonymous letters were received regarding the pride parade being a failed event, she also expressed concern regarding the Master Fee Schedule and requested more transparency.

Rebecca Nolen was hoping for more support from the City Council regarding the Pride Parade.

Scott Denslow expressed his concerns regarding the Master Fee Schedule and non-re-appointment of Ed Miller to the Planning Commission. He also would have liked to see full City Council support of the Pride Parade.

Rosy Straka expressed concern regarding the proposed Master Fee Schedule and noted the Pride Parade was a successful event.

Christine Muller thanked Councilmember Cloven and Tillman for their support of the Pride Parade and encouraged full support of the City Council next year. She also expressed concern regarding the Master Fee Schedule.

Mayor Wan closed public comment.

## **6. CONSENT CALENDAR**

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

- (a) Approved the minutes of the City Council’s regular meeting of June 6, 2023. (City Clerk)
- (b) Approved the Financial Demands and Obligations of the City. (Finance Director)
- (c) Adopted Ordinance No. 500 Amending Section 10.20 of the Clayton Municipal Code, Entitled “Speed Limits”. (City Engineer)
- (d) Approved Resolution No. 35-2023 Ordering the Levy and Collection of Special Taxes and Setting Forth the Special Tax Amount for Community Facilities District (CFD) 2007-1 (Citywide Landscape Maintenance Tax) on the Fiscal Year 2023/24 Special Tax Roll. (City Manager)
- (e) Approved Resolution No. 36-2023 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” Operation and Maintenance) on the Fiscal Year 2023/24 Special Tax Roll (City Manager)
- (f) Cancellation of August 1, 2023 City Council meeting. (City Manager)
- (g) Approved by Minute Order: 1) Amendment to the Professional Services Agreement with Precision Civil Engineering for Preparation of Pre-Reviewed Accessory Dwelling Unit (ADU) Plans and an ADU Guidebook, to Extend the Term of the Agreement to December 31, 2023 and Increase the Amount Paid for Services to \$65,000; and 2) Appropriation of an Additional \$10,500 in Reimbursable Funds from the Senate Bill 2 Planning Grants Program to the Project. (Community Development Director)

## **8. REPORTS**

- (a) City Manager Bret Prebula indicated “No Report.”

## 9. PUBLIC HEARINGS

- (a) Consider Adoption of Resolution No. 37-2023 Updating the City's Annual Sewer Service Charges. (William Tarbox, Director of Public Works, City of Concord)

William Tarbox, Director of Public Works, City of Concord presented the report.

Following discussion by the City Council, Mayor Wan opened the item to public comments, no comments were offered.

**It was moved by Councilmember Trupiano, seconded by Mayor Wan, to approve Resolution No. 37-2023 Approving and Imposing Annual Sewer Service Charges on Real Properties Within the City of Clayton Commencing Fiscal Year 2023-24 through Fiscal Year 2026-27. (Passed; 5-0).**

## 10. ACTION ITEMS

- (a) Adopted Resolution No. 38-2023 of the Fiscal Year 2023-24 Budget and Appropriations Limit. (City Manager)

City Manager Bret Prebula presented the report.

Following discussion by the City Council, Mayor Wan opened the item to public comments.

Keith Haydon wanted to ensure the budget reflects numbers as if the city has no vacancies and covers full benefits.

Ed Hartley inquired on impacts of future budgets including possible service reduction in Landscape Maintenance, and potential increased revenues.

Terri Denslow requested the City Council not include the \$36,000 supplemental to this years' budget and would like to see more transparency.

James Killoran suggested the City Council to consider a Budget Workshop to define City services and how they are funded.

Scott Denslow expressed concerns regarding revenue projections.

Mayor Wan closed public comment.

**It was moved by Mayor Wan, seconded by Councilmember Trupiano, to adopt Resolution No. 38-2023 Adopting the Annual Budget for the City of Clayton for the 2023/24 Fiscal Year Commencing July 1, 2023 and ending June 30, 2024, Adopting the FY 2023/24 Appropriations Limit (Passed; 4-1; Tillman, abstained).**

- (b) Adopted Resolution No. 39-2023 to Approve the City of Clayton FY 2023-2027 Capital Improvement Plan and related FY 2023/24 CIP appropriations. (City Engineer)

City Engineer Larry Theis presented the report.

Following discussion by the City Council, Mayor Wan opened the item to public comments, no comments were offered.

**It was moved by Vice Mayor Diaz, seconded by Councilmember Tillman, to adopt Resolution No. 39-2023 Adopting the 5-Year Capital Improvement Plan (CIP) for Fiscal Years 2022/23 through 2026/27 and Approval of the Appropriations to Fund the FY 2023/24 Portion of the Plan. (Passed; 5-0).**

- (c) Adopted Resolution No. 40-2023 Approving an Addendum to the Terms and Conditions of Employment for Clayton's Miscellaneous Employees and the Employment Agreement with Police Chief Richard McEachin. (City Manager)

City Manager Bret Prebula presented the report.

Following discussion by the City Council, Mayor Wan opened the item to public comments; no comments were offered.

**It was moved by Councilmember Cloven, seconded by Vice Mayor Diaz, to adopt Resolution No. 40-2023 Approving Addendum No. 2 to the Terms and Conditions of Employment for the City of Clayton's Undesignated Miscellaneous Employees Effective July 1, 2023 – June 30, 2025 and Approval of the Employment Agreement with Police Chief Richard McEachin. (Passed; 5-0).**

## 11. COUNCIL ITEMS

Councilmember Cloven requested a future agenda item to include a discussion regarding the structural deficit and consider a strategic plan to address the deficit.

Councilmember Trupiano requested a special meeting prior to August 15 to continue the discussion regarding the Master Fee Schedule.

Councilmember Tillman requested a future agenda item to have a conversation with Contra Costa Fire Protection regarding a vegetation management plan.

## 12. COUNCIL REPORTS

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

Councilmember Trupiano indicated "No Report."

Vice Mayor Diaz attended the County Connection Administration/Finance Committee meeting, attended the Concerts in The Grove, attended the Clayton Classic Car Show event, attended the County Connection Board meeting, attended the East Bay Regional Communications System meeting.

Councilmember Tillman attended the Anti-Biased Anti-Racist meeting with Mount Diablo Unified School District, met with the City Manager, received a Pride Proclamation from Contra Costa County Board of Supervisors, received the Clayton Pride Community Ally of the Year award, announced the upcoming Juneteenth Celebration at Todos Santos Park in Concord on June 25.

Councilmember Cloven spoke with constituents regarding the Master Fee Schedule, attended a meeting of TRANSPAC, and attended the Concert in The Grove.

Mayor Wan with the Mayor for the Day toured Fire Station 11 and Clayton Police Department, attended an Eagle Scout Court of Honor, and provided proclamations for three scouts, and announced the need for volunteers for the upcoming 4<sup>th</sup> of July Parade.

Councilmember Tillman announced the upcoming Concerts in The Grove this Saturday.

13. **ADJOURNMENT** - on call by Mayor Wan, the City Council adjourned its meeting at 10:34 p.m.

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Respectfully submitted,

  
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Janet Calderon, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL

  
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Jeff Wan, Mayor