

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

TUESDAY, November 17, 2020

6:00 P.M.

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 6:00 p.m. by Mayor Pierce on a virtual web meeting and telephonically (877) 853-5257. Councilmembers present: Mayor Pierce, Vice Mayor Wan, and Councilmembers Catalano, and Wolfe. Councilmembers absent: Councilmember Diaz. Staff present: City Attorney Mala Subramanian, and City Clerk/HR Manager Janet Calderon.

2. **CLOSED SESSION**

A. Public Employment/Appointment
Government Code section 54957
Title: City Manager

B. Conference with Labor Negotiator
Government Code section 54957.6
Agency Designated Representatives: Mayor Pierce and Vice Mayor Wan
Unrepresented Employee: City Manager

C. Conference with Legal Counsel – Existing Litigation
Government Code section 54956.9(d)(1)
Aman Pohyar vs. City of Clayton
Contra Costa Superior Court - Case No. C20-02167

- Short Recess -

* * * * *

7:00 P.M.

3. **RECALL TO ORDER THE CITY COUNCIL** – The meeting was recalled to order at 7:01 p.m. by Mayor Pierce on a virtual web meeting and telephonically (877) 853-5257. Councilmembers present: Mayor Pierce, Vice Mayor Wan, and Councilmembers Catalano, Diaz, and Wolfe. Councilmembers absent: None. Staff present: Interim City Manager Fran Robustelli, Finance Director Paul Rodrigues, Community Development Director Matthew Feske, Assistant to the City Manager Laura Hoffmeister, City Attorney Mala Subramanian, and City Clerk/HR Manager Janet Calderon.

REPORT OUT OF CLOSED SESSION

Mayor Pierce reported there was no reportable action.

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

5. CONSENT CALENDAR

Mayor Pierce recused herself from item 5(f).

Vice Mayor Wan asked questions on items 5(d), 5(e), and 5(g).

By consensus, the City Council pulled item 5(d); directing staff to resubmit this item at the December 1 City Council meeting.

By consensus of the City Council, item 5(e) was amended only to approve the competitive procurement procedures completed by another public agency.

Vice Mayor Wan expressed concern of the investment return being less than 25%. Finance Director Paul Rodrigues clarified the City is \$3,000.00 over the projected budget.

It was moved by Vice Mayor Wan, seconded by Councilmember Diaz, to approve the Consent Calendar items 5(a) – 5(c), 5(e) as amended, and 5(g) and 5(h) as submitted. (Passed 5-0; vote).

It was moved by Vice Mayor Wan, seconded by Councilmember Diaz, to approve Consent Calendar item 5(f) as submitted. (Passed 4-0; vote).

- (a) Approved the minutes of the City Council's regular meeting of October 20, 2020 and City Council Special Meetings of October 22, 2020, October 23, 2020, October 27, 2020 and November 2, 2020. (City Clerk)
- (b) Approved the Financial Demands and Obligations of the City. (Finance)
- (c) Approved the denial of a liability claim filed against the City by Ms. Jessica Raska and authorize the City Clerk to send the Notice of Rejection. (City Clerk)
- (d) Award of Contract to Emergency Planning Consultants to provide professional services in preparing a Hazard Mitigation Plan. (City Engineer/Community Development Director)
- (e) Adopted Resolution No. 54-2020 amending the Purchasing Guidelines Policy to allow the use of other municipal agencies procurement processes for purposes of acceptance of contracts for the same types of services (City Manager)
- (f) Adopted Resolution No. 55-2020 Approving Amendment No. 1 to the Lease Agreement with the Clayton Historical Society for use of City owned property for the Clayton Museum and Garden Plaza Located at 6101 Main Street. (Assistant to the City Manager)
- (g) First Quarter Ending September 30, 2020 FY 2020-21 Investment Portfolio Report and Annual Review of City Investment Policy. (Finance Director)
- (h) Approved Proposed Schedule for Calendar Year 2021 Saturday "Concerts in The Grove" Series, Provided County/State Health Regulations Will Allow. (City Clerk)

6. RECOGNITIONS AND PRESENTATIONS

- (a) A Proclamation in Appreciation of Frances "Fran" Robustelli for her term as interim City Manager.

Mayor Pierce read the Proclamation.

Interim City Manager Fran Robustelli thanked the City Council for the opportunity.

Councilmember Diaz thanked Fran for her service to the Clayton community.

- (b) Proclamations honoring Robert “Bob” Hoyer and Richard “Dick” Ellis for receiving the title “President Emeritus” and being bestowed with the “Clayton Historical Society Stewardship Award” at the Clayton Historical Society Annual Meeting on November 12, 2020.

Mayor Pierce read the Proclamations.

Councilmember Diaz said a few words about Dick Ellis and Bob Hoyer.

- (c) A Proclamation honoring Rory Richmond with the Clayton Historical Society’s “Special Recognition” award at their meeting on November 12, 2020.

Mayor Pierce read the Proclamation.

Councilmember Wolfe, Councilmember Catalano and Councilmember Diaz noted Rory Richmond’s many contributions to the Clayton community.

- (d) A Proclamation declaring November 30 – December 6, 2020 as “United Against Hate Week”.

Mayor Pierce read the Proclamation and thanked Councilmember Catalano for bringing this item to her attention.

Vice Mayor Wan suggested an edit to the first Whereas.

7. REPORTS

- (a) Planning Commission – Chair AJ Chippero stated at the Commission’s meeting of November 10, 2020, they continued the Public Hearing to December 22 for the Oak Creek Development. The Planning Commission cancelled its November 23 meeting and the Planning Commission meeting, their December 8 meeting will include a Public Hearing on the Diablo Meadows project. Mr. Chippero also thanked Fran Robustelli, Julie Pierce and Tuija Catalano for their service to the Clayton community and congratulated Councilmember Diaz on his re-election to the Clayton City Council.

- (b) Trails and Landscaping Committee – No meeting held.

- (c) City Manager/Staff

Interim City Manager Fran Robustelli reminded the community that Contra Costa County is back to the purple tier noting most indoor capacities have been reduced and non-essential businesses are closed. She encouraged interested parties to visit the Contra Costa County Health Department website for more specific information to what is restricted.

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

Vice Mayor Wan attended the Closed Session meetings of the City Council, emailed/called constituents, and attended a meeting of a local elected group forming regarding response to RHNA requirements.

Councilmember Wolfe emailed/called constituents, met with the Interim City Manager, attended the virtual Cal Matters Mayors Conference, attended the Closed Session meetings of the City Council, met with the Neighborhood Watch Captain of Peacock Creek, and attended the Public Safety ad-hoc committee meeting regarding Kelok/Keller Ridge and recent hit and run incident. He further noted the Police Chief is researching ideas brought up during the Public Safety ad-hoc committee meeting. He also noted the flags downtown are the responsibility of the City and will be replaced with new flags by Memorial Day.

Councilmember Diaz attended the Closed Session meetings of the City Council, the virtual Contra Costa County Mayors' Conference, noted November 10 was the 245th Anniversary of the Marine Corps, met with the Interim City Manager and Police Chief, and observed the Public Safety ad-hoc committee meeting.

Councilmember Catalano attended the Closed Session meetings of the City Council, and attended the Public Safety ad-hoc committee meeting.

Mayor Pierce attended a few virtual Contra Costa Transportation Authority meetings, several virtual Association of Bay Area Governments meetings, the Closed Session meetings of the City Council, the Administration of Projects Committee meeting of the Contra Costa Transportation Authority, the Contra Costa County Mayors' Conference, and a virtual meeting of Transportation Partnership and Cooperation of Central Contra Costa (TRANSPAC).

8. PUBLIC COMMENT ON NON - AGENDA ITEMS

Pete Laurence expressed his support of the recognitions for Bob Hoyer and Dick Ellis to the Clayton community. He also thanked Mayor Julie Pierce for her hard work and service to the Clayton community and the region. He additionally thanked Councilmember Tuija Catalano for her service to the Clayton community.

Mayor Pierce closed public comment.

9. PUBLIC HEARINGS – None.

10. ACTION ITEMS

- (a) Formation of Ad Hoc Committee to Review June 30, 2020 Draft Financial Statements.
(Finance Director)

Finance Director Paul Rodrigues presented the report.

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

It was moved by Mayor Pierce, seconded by Councilmember Catalano, to appoint Vice Mayor Jeff Wan and Councilmember Carl Wolfe to an Ad Hoc Committee to Meet and Review the Annual June 30, 2020 Draft Financial Statements. (Passed 5-0; vote).

- (b) Adopt a Resolution approving the City Master Fee Schedule for FY 2020-21 regarding certain fees for user-benefit municipal services and rental of City facilities. (Finance Director)

Finance Director Paul Rodrigues presented the report.

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

It was moved by Councilmember Catalano, seconded by Councilmember Wolfe, to Adopt Resolution No. 56-2020, Amending the City Master Fee Schedule for Certain User-Benefit, Regulatory, and Rental City Services and Activities. (Passed 5-0; vote).

- (c) Consideration of Adopting a Resolution Establishing a City of Clayton Legislative Policy (Assistant to the City Manager)

Assistant to the City Manager Laura Hoffmeister presented the report.

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

Councilmember Catalano recommended an update to Resolution in the 4th whereas clause to include “staffs ability to serve Clayton residents”; on the policy document Exhibit “A” to acknowledge it is not the intent of the City opine on every Legislation and it is essentially the intent of this policy to advocate on matters that are of importance to Clayton and its residents, and position papers to be used only when they are constructive and effective.

It was moved by Councilmember Diaz, seconded by Councilmember Catalano, to Adopt Resolution No. 57-2020, Approving a Legislative Policy for the City of Clayton. (Passed 5-0; vote).

- (d) Authorize the Mayor to Execute the City Manager Employment Agreement. (City Attorney)

Mayor Pierce presented the report.

Mayor Pierce opened the item to public comment; no comments were offered.

It was moved by Councilmember Catalano, seconded by Councilmember Wolfe, to authorize the Mayor to Execute the City Manager Employment Agreement with Reina Schwartz. (Passed 5-0; vote).

Mayor Pierce opened the item to public comment; no comments were offered

11. **COUNCIL ITEMS**

Mayor Pierce congratulated Leticia “Holly” Tillman, Peter Cloven, and Jim Diaz to their election to the Clayton City Council. She also thanked Councilmember Tuija Catalano for her service to the Clayton community.

12. **ADJOURNMENT**– on call by Mayor Pierce, the City Council adjourned its meeting at 8:34 p.m.

The next regularly scheduled meeting of the City Council will be December 1, 2020.

#

Respectfully submitted,



Janet Calderon, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL



Julie Pierce, Mayor

#