

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

TUESDAY, February 16, 2021

7:00 P.M. REGULAR PUBLIC MEETING

1. **CALL TO ORDER THE CITY COUNCIL** – The meeting was called to order at 7:00 p.m. by Mayor Wolfe on a virtual web meeting and telephonically (877) 853-5257. Councilmembers present: Mayor Wolfe, Vice Mayor Cloven, and Councilmembers Diaz, Tillman, and Wan. Councilmembers absent: None. Staff present: City Manager Reina Schwartz, Community Development Director Matthew Feske, City Attorney Martin de los Angeles and City Clerk/HR Manager Janet Calderon.

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

3. **CONSENT CALENDAR**

Councilmember Wan pulled item 3(c) for a separate discussion.

It was moved by Councilmember Diaz, seconded by Vice Mayor Cloven, to approve the Consent Calendar items 3(a), 3(b), and 3(d) as submitted. (Passed 5-0).

- (a) Approve the minutes of the City Council’s regular meeting of February 2, 2021. (City Clerk)
- (b) Approve the Financial Demands and Obligations of the City. (Finance)
- (d) An Ordinance Amending Chapter 17.78.040.D Floor Area of the Clayton Municipal Code and to Rezone the Diablo Meadows Residential Subdivision From R-15 to Planned Development and Amend the City Zoning Map. (Community Development Director)

Consent Calendar Item Pulled

3(c) Approve the denial of a liability claim filed against the City by Ms. Maryam Maheri and authorize the City Clerk to send the Notice of Rejection. (City Clerk)

Councilmember Wan inquired on the basis of the rejection of the claim. City Manager Reina Schwartz advised this claim was denied based on public entity immunity under Government Code Section 835; public agencies in general are immune from liability from a situation like this, unless the City knew or should have known about the dangerous condition. Councilmembers asked further questions about the specific claim as well as the general principles of governmental immunity.

It was moved by Vice Mayor Cloven, seconded by Mayor Wolfe, to approve Consent Calendar Item 3(c). (Passed; 3-1-1 vote; Tillman, Abstain; Wan, No).

4. RECOGNITIONS AND PRESENTATIONS – None.

5. REPORTS

- (a) Planning Commission – Vice Chair Terri Denslow stated that the Commission’s meeting of February 9, 2021 included review of numerous meeting minutes resulting in several corrections to the November 10, 2020 and December 8, 2020 minutes. The Commission also reviewed the concept of potential parking permits in the Stranahan neighborhood, this item was tabled to the following meeting. It was also requested that minutes come back in a timely manner and the Planning Commission rotate on who will provide a verbal report to the City Council.

Councilmember Diaz asked if the Community Development Director is working closely with the Commissioners on proper process on policy matters and inquired on why Planning Commission minutes are taking so long for approval.

- (b) Trails and Landscaping Committee – Chair Justin Cesarin stated that the Committee’s meeting of February 8, 2021 included background and overview of the district by staff, the Committee selected its Chair Justin Cesarin and Vice Chair Bill Wiggins, reviewed and accepted the Landscape Maintenance District Staff Activity Report for November 1, 2020 to January 31, 2021 and status report of Landscape Maintenance District projects. The Committee considered three action items; review the Landscape Maintenance District Draft Budget for FY 2019/20, mid-year review of FY2020/21 Landscape Maintenance District Budget, and selected three members to prepare as an Ad-hoc committee to draft FY 2018/19 and FY2019/20 Annual Reports. Chair Cesarin also noted the Trails and Landscaping Committee is intending to meet once per quarter.

- (c) City Manager/Staff

City Manager Reina Schwartz thanked the Trails and Landscaping Committee for their work.

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

Councilmember Diaz attended the virtual Contra Costa Association of Realtors Installation of Officers and Board of Directors, attended a virtual Public Safety ad-hoc committee meeting, the virtual Contra Costa County Mayors’ Conference, and Celebration of Life for Teddy McDavitt.

Councilmember Wan emailed and called constituents.

Councilmember Tillman attended the virtual Contra Costa Association of Realtors Installation of Officers and Board of Directors, worked with East Bay Youth Speaks on an upcoming webinar, met with Public Safety ad-hoc committee, attended the virtual Contra Costa County Mayors’ Conference, met with the City Manager, attended the California Collaboration for Educational Excellence, and listened in on a call with congresswoman Barbara Lee roundtable discussion.

Vice Mayor Cloven attended the virtual Contra Costa Association of Realtors Installation of Officers and Board of Directors, attended the virtual Contra Costa County Mayors' Conference and was appointed as an alternate to the Contra Costa County Hazard Material Commission, the virtual Trails and Landscaping Committee meeting, the virtual Transportation Partnership and Cooperation for Central Contra Costa (TRANSPAC) meeting, and the virtual Cal Cities roundtable discussion.

Mayor Wolfe attended Contra Costa County Mayors' Conference, listened to the White House briefing call, emailed local school principals regarding the Do The Right Thing program, met with the City Manager, emailed Sam Caygill for some clarification on SB9, met with Mayor Wilk, Mayor McGallian, Mayor Noack regarding kids going back to school requesting Mt Diablo Unified School District to provide the City Council a presentation, and thanked Maintenance Supervisor Jim Warburton for his efforts the last couple of weeks.

6. PUBLIC COMMENT ON NON - AGENDA ITEMS

Michael Lewis requested the City Council review *Clayton Municipal Code* section 17.95.020 regarding outdoor cannabis cultivation.

Mayor Wolfe closed public comment.

7. PUBLIC HEARINGS – None.

8. ACTION ITEMS

- (a) Recognition of Cultural Heritage Months. (City Manager)

City Manager Reina Schwartz introduced the item.

Councilmember Tillman presented the report.

Following questions by City Council, Mayor Wolfe opened the item to public comment.

Karen Case requested the inclusion of Earth Day

Mayor Wolfe closed public comment.

It was moved by Councilmember Tillman, seconded by Councilmember Wan, to have staff prepare a list in chronological order of Cultural Heritage Months for City Council approval prior to recognition. (Passed 5-0 vote).

- (b) Order of the City Council Agenda re: Public Comment on Matters Not on the Agenda. (City Manager)

City Manager Reina Schwartz introduced the item.

Councilmember Wan presented the report.

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

It was moved by Councilmember Wan, seconded by Councilmember Diaz, to Change the Order of the Agenda regarding Public comment on Matters Not on the Agenda. (Failed 2-3 vote; Mayor Wolfe, Vice Mayor Cloven, and Councilmember Tillman, no).

9. **COUNCIL ITEMS** – None.

10. **CLOSED SESSION** – None.

11. **ADJOURNMENT**– on call by Mayor Wolfe, the City Council adjourned its meeting at 8:37 p.m.

The next regularly scheduled meeting of the City Council will be March 2, 2021.

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Respectfully submitted,



Janet Calderon, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL



Carl Wolfe, Mayor

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