

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

TUESDAY, May 4, 2021

6:00 P.M.

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 6:00 p.m. by Mayor Wolfe on a virtual web meeting and telephonically (877) 853-5257. Councilmembers present: Mayor Wolfe, Vice Mayor Cloven, and Councilmember Diaz joined at 6:03 p.m., Councilmember Tillman, and Councilmember Wan joined at 6:03 p.m. Councilmembers absent: None. Staff present: City Manager Reina Schwartz, City Attorney Mala Subramanian, and City Clerk/HR Manager Janet Calderon.

2. **CLOSED SESSION**
 - (a) Conference with Legal Counsel – Anticipated Litigation
Significant Exposure to Litigation
Government Code section 54956.9(d)(2) (1 case)

 - (b) Government Code Section 54957.6, Conference with Labor Negotiator
Instructions to City-designated labor negotiator: City Manager
Employee Organization: Clayton Police Officers Association (CPOA)

Report out from Closed Session:

Mayor Wolfe reported there was no reportable action.

- Short Recess -
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7:00 P.M. REGULAR PUBLIC MEETING

3. **CALL TO ORDER THE CITY COUNCIL** – The meeting was called to order at 7:06 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, Finance Director Paul Rodrigues, City Attorney Mala Subramanian and City Clerk/HR Manager Janet Calderon.

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

6. CONSENT CALENDAR

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

- (a) Approved the minutes of the City Council's regular meeting of April 20, 2021. (City Clerk)
- (b) Approved the Financial Demands and Obligations of the City. (Finance)
- (c) Authorized the East Contra Costa HCP/NCCP Fee Update Defense and Indemnification Agreement. (City Manager)
- (d) Authorized the Fifth Amendment to Tolling Agreement Extending the Limitations Period to File Legal Challenge by West Coast Homebuilders, Inc. (City Attorney)
- (e) Council Appointed Michelle Berman to the Contra Costa Advisory Council on Aging as Clayton's representative for the term through September 30, 2023. (City Clerk)

7. RECOGNITIONS AND PRESENTATIONS

- (a) Proclamation declaring the month of May as "Jewish American Heritage Month" in the City of Clayton. (Mayor Wolfe)

Mayor Wolfe briefly read the proclamation declaring May as "Jewish American Heritage Month" in the City of Clayton.

- (b) Proclamation declaring the month of May as "Asian Pacific Islander Heritage Month" in the City of Clayton. (Mayor Wolfe)

Mayor Wolfe briefly read the proclamation declaring May as "Asian Pacific Islander Heritage Month" in the City of Clayton.

- (c) Proclamation declaring "Cinco de Mayo" on May 5th in the City of Clayton. (Mayor Wolfe)

Mayor Wolfe briefly read the proclamation declaring May 5th as "Cinco de Mayo" in the City of Clayton.

- (d) Proclamation Declaring "Peace Officer Memorial" on May 15th in the City of Clayton. (Mayor Wolfe)

Mayor Wolfe briefly read the proclamation declaring May 15th as "Peace Officer Memorial" in the City of Clayton.

- (e) Proclamation Declaring "Armed Forces Day" on May 15th in the City of Clayton. (Mayor Wolfe)

Mayor Wolfe briefly read the proclamation declaring May 15th as "Armed Forces Day" in the City of Clayton.

8. REPORTS

(a) Planning Commission – Vice Chair Terri Denslow stated at the Commission’s meeting of April 27, 2021, included a Public Hearing regarding Clayton Community Church requests for Environmental Review, Use Permit, Site Plan Review Permit and Tree Removal Permit. The Planning Commission approved two resolutions on a vote of 5-0. Chair Chippero announced he will not be submitting an application for the upcoming vacancy on the Planning Commission.

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

(c) City Manager/Staff

City Manager Reina Schwartz announced Contra Costa County is expected to stay in the Orange Tier until June 15. She also advised the Local Hazard Mitigation Plan will soon be posted to the City’s website, and CalFire announced it is Fire Season advising the City will begin its weed abatement this week.

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

Councilmember Diaz was a judge at the Clayton Club’s Annual Chili Cook-Off, met with The Concerts in The Grove committee to review potential Clayton Community Park site requirements due to current COVID restrictions, and met with the City Manager, Police Chief and various citizens.

Vice Mayor Cloven attended the Contra Costa County Hazardous Materials Commission and watched the Planning Commission meeting.

Councilmember Wan emailed and called constituents.

Councilmember Tillman met with the City Manager, met with various residents, the Mt. Diablo Unified School District LCAP input meeting, attended the Opportunity Junction Gala, attended the Clayton Speaks Webinar, the Clayton Business and Community Association General Membership meeting, and visited the Cemex Quarry site.

Mayor Wolfe met with the City Manager, emailed constituents, attended East Contra Costa Habitat Conservancy meeting, provided the City report at the Clayton Business and Community Association General Membership meeting, met with the Memorial Day Committee, attended the State COVID and Wild Fire Briefing, met with the Clayton Post Master regarding weed abatement, and advised support of Miles Hall Lifeline Act and will have a letter drafted and mailed this week.

9. PUBLIC COMMENT ON NON - AGENDA ITEMS

John T requested the City Council consider adding April 24th as Armenian Genocide Remembrance Day to its list of Cultural Heritage recognitions

Scott Denslow expressed support of the Armenian Genocide Remembrance Day to be added to the Cultural Heritage recognitions.

Dee Vieira expressed support of the Armenian Genocide Remembrance Day to be added to the Cultural Heritage recognitions.

Meredith Yalenty also expressed support of the Armenian Genocide Remembrance Day to be added to the Cultural Heritage recognitions.

Terri Denslow expressed support of the Armenian Genocide Remembrance Day to be added to the Cultural Heritage recognitions.

Roy Correa requested the outcome of the recent Council-Manager Goals and Objectives for FY2021/22, and status of the usual rotation regarding key positions on the City Council and Planning Commission.

Jonathan Lee commented on the activities of Council members.

Mayor Wolfe closed public comment.

10. PUBLIC HEARINGS – None.

11. ACTION ITEMS

- (a) Provide Direction to Staff Regarding the Purchase of Additional Library Hours for FY2021/22 (City Manager)

City Manager Reina Schwartz presented the report.

Alison McKee with Contra Costa County Librarian was available to answer questions about the proposal.

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

Jeanne Boyd expressed she is not in support of the Contra Costa County Library Proposal as it does not serve community needs.

Karen Amos is not in support of the Contra Costa County Library Proposal.

Rosemary Harwood does not feel the Contra Costa County Library Proposal supports its long serving volunteers.

Mayor Wolfe closed public comment.

It was moved by Councilmember Tillman, seconded by Vice Mayor Cloven, to provide direction to the City Manager to notify the Contra Costa County Library that Clayton will not be purchasing additional library hours for FY2021/22. (Passed 5-0).

- (b) Provide Direction to Staff Regarding Potential Amendments to the City Municipal Code Regarding Outdoor Cannabis Cultivation. (City Manager)

City Manager Reina Schwartz presented the report.

Jenny Yeh presented a brief PowerPoint.

Amanda Charne, Attorney with the firm of Best, Best, and Krieger was available to answer any legal questions regarding this item.

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

Scott Denslow urged the City Council to consider amending the City Municipal Code to allow for Outdoor Cannabis Cultivation.

Martin Barbano expressed support of Outdoor Cannabis Cultivation.

Katherine Lewis added the financial burden of growing cannabis indoors and urged the City Council to consider Outdoor Cannabis Cultivation.

Dee Vieira expressed support for Outdoor Cannabis Cultivation.

Mike on behalf of his neighbor who is currently going through treatment expressed support for Outdoor Cannabis Cultivation.

Karen Case is not in support of cannabis as a mental health and substance abuse counselor.

Charles Albertson expressed support for Outdoor Cannabis Cultivation.

Mayor Wolfe closed public comment.

It was moved by Councilmember Wan, seconded by Councilmember Tillman, to direct City staff to amend the City's Ordinance regarding Cannabis to allow up to six plants per property and to allow both indoor and outdoor cultivation. (Passed 5-0).

12. **RECESS THE CITY COUNCIL MEETING** – Mayor Wolfe.
(until after the conclusion of the Clayton Financing Authority meeting)

Mayor Wolfe announced the City Council will adjourn to a Clayton Financing Authority Meeting [10:16 p.m.].

11. **RECONVENE THE CITY COUNCIL MEETING** – Mayor Wolfe

Mayor Wolfe announced the City Council will reconvene the City Council meeting [10:20 p.m.].

14. **COUNCIL ITEMS**

Councilmember Tillman requested addition of Armenian Genocide Remembrance Day to the Cultural recognitions and how to obtain community feedback regarding Clayton Community Library hours.

15. CLOSED SESSION – None.

16. ADJOURNMENT– on call by Mayor Wolfe, the City Council adjourned its meeting at 10:22 p.m.

The next regularly scheduled meeting of the City Council will be May 18, 2021.

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Respectfully submitted,



Janet Calderon, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL



Carl Wolfe, Mayor

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