

MINUTES
OF THE
SPECIAL MEETING
CLAYTON CITY COUNCIL

TUESDAY, June 10, 2020

1. **CALL TO ORDER & ROLL CALL** – The meeting was called 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: Assistant to the City Manager Laura Hoffmeister, City Attorney Mala Subramanian, Finance Director Paul Rodrigues, Community Development Director Matthew Feske, City Engineer Scott Alman and City Clerk/HR Manager Janet Calderon.

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

3. **CONSENT CALENDAR**

Councilmember Catalano requested clarification on some items contained in item 3(d).

It was moved by Councilmember Catalano, seconded by Councilmember Wolfe, to approve the Consent Calendar as submitted. (Passed; 5-0 vote).

- (a) Approved the minutes of the City Council's regular meeting of May 19, 2020 and City Council special meeting of May 26, 2020.
- (b) Approved Financial Demands and Obligations of the City.
- (c) Adopt Resolution No. 25-2020 Approving a Construction Change Order in the Amount of \$17,225.00 for the El Molino Sanitary Sewer Improvement Project (CIP No. 10422) Performed by Cratus, Inc. and Approve a Revised Total Project Cost of \$586,662.00.
- (d) Adopt Resolution No. 26-2020 Approving a Construction Change Order in the Amount of \$18,662.48 for the Downtown Planter Box Improvement Project Constructed by Kerex, Inc.

Mayor Pierce requested a re-order of items on the Agenda requesting Public Comment next, and requested Item 8(d) to go before Item 8(c).

6. **PUBLIC COMMENT ON NON - AGENDA ITEMS**

The City Clerk read Public Comment received by Rick Happy, requested City Council to respond to several questions regarding the recent protests and use of tear-gas. Mr. Happy requested information on the credible threat and type of threat.

The City Clerk read Public Comment received by Melinda Merrion, expressed concerns of the recent protests and Clayton Police not addressing the aggressive group armed with bats and a rifle standing behind police. She also expressed concern over a BLM poster that was removed, torn and thrown in a nearby creek.

Laura McFarland expressed her concerns of the recent protest and suggested an increase to the proposed budget this evening for the Police Department for additional training.

Terri Denslow also expressed concerns of the recent protest and encouraged the Police Chief to participate in an exchange of dialogue with the community.

Scott Denslow requested to know who made the decision to deploy the tear gas at the recent protest.

Aaron Levy expressed his concerns on the recent protests and requested an investigation on the use of tear gas and why they deployed it.

Holly Tillman requested to continue the conversation regarding the recent protests and how to involve Black residents into the community.

Mayor Pierce noted all Councilmembers were in attendance at the Friday protest.

4. RECOGNITIONS AND PRESENTATIONS

(a) Workshop/Presentation of the proposed Capital Improvement Program Budget (CIP).

City Engineer Scott Alman presented the report.

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

Bassam Altwal requested additional funding for the Americans with Disability Act transition plan.

Mayor Pierce closed Public Comment.

No action taken.

(b) Workshop/Presentation proposed City of Clayton Budget for Fiscal Year 2020-21.

Finance Director Paul Rodrigues and Assistant to the City Manager Laura Hoffmeister presented the report.

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

Laney Cline King expressed her support of public safety around Mt. Diablo Elementary School urging the City Council to fund an additional crossing guard.

The City Clerk read Public Comment received by Cherise Khaund, requested City Council to fund an additional crossing guard at Mt. Diablo Elementary School.

Dana Courchaine expressed support for funding of an additional crossing guard.

Kate Laverick also expressed support of the City Council funding an additional crossing guard.

Mayor Pierce closed Public Comment.

City Council provided direction to staff to provide preferred funding options other than using General Fund resources for any shortfalls, a breakdown of Special Restricted funds with a 5 year history and a 1-2 year future projection, the budget variance showing the dollar amount and the percentage, the addition of a notes column for further explanation, add \$14,000 funding for an additional Crossing Guard, exploration of a Prop 218 Streetlight and Storm water Fund via mail out ballot with proposed percentage escalator increase, and League of California Cities training for relatively new Planning Commissioners.

5. REPORTS

(a) Planning Commission – Community Development Director Matthew Feske indicated the Commission’s agenda at its meeting of May 27, 2020, included review of the Fiscal Year 2020-21 Capital Improvement Projects for Conformity with the Clayton General Plan. This item was approved 5-0.

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

(c) City Manager/Staff –

Assistant to the City Manager Laura Hoffmeister provided a brief update on the website from the Police Chief, received citizen concerns of weeds in Dana Hills/Regency Drive area, and received an update of the Regency Drive parking permit program.

City Clerk Janet Calderon provided an update on the Planning Commission applications noting four applications were received with interviews to occur at the next City Council meeting of June 16, 2020.

Assistant to the City Manager added the measures that have taken place to bring staff back into the office and public re-opening.

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

Councilmember Wolfe attended the Pride Flag ceremony, the Black Lives Matter rally on June 5, and received several emails regarding the June 2, 2020 protest.

Vice Mayor Wan received several emails and phone calls regarding the June 2, 2020 protest.

Councilmember Catalano spoke with residents regarding the recent protests. She also requested a future agenda item regarding police policies and uses of force.

Councilmember Diaz attended several conference calls, the VFW Post 1525 Memorial Day ceremony, and received several calls regarding the recent protests.

Mayor Pierce attended several Association of Bay Area Governments and Metropolitan Transportation Committee joint meetings on Governance, the Pride Flag ceremony, the Contra Costa Transportation Authority Administrative and Projects Committee meeting, the Contra Costa County Mayors’ Conference, the Black Lives Matter March, and

thanked the Clayton Police Chief and Officers. She is also working with Holly Tillman on coordinating a Town Hall meeting.

- (e) Other – None.

7. **PUBLIC HEARINGS** – None.

8. **ACTION ITEMS**

- (a) Adopt the Attached 10-Year Pavement Preservation Program of City Streets Recommended by Clayton’s StreetSaver® Pavement Management Program.

City Engineer Scott Alman presented the report.

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

It was moved by Vice Mayor Wan, seconded by Councilmember Diaz to Adopt the 10-Year Pavement Preservation Program of City Streets as Recommended by Clayton’s StreetSaver® Pavement Management Program. (Passed 5-0)

- (b) Adopt Resolution No. 27-2020 Approving the Following: 1. The City Streets included in the Clayton 2020 Neighborhood Pavement Preservation Project; 2. Transfer \$189,883. In RMRA Funds from CIP #10379 Pine Hollow Road-Upgrade to CIP #10449 2020 Neighborhood Pavement Preservation Project; and 3. A Revised Budget of \$872,360.00 for CIP #10449 2020 Neighborhood Pavement Preservation Project.

City Engineer Scott Alman 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 Wolfe, seconded by Councilmember Catalano to Adopt Resolution No. 27-2020 Approving the Following: 1. The City Streets Included in the Clayton 2020 Neighborhood Pavement Preservation Project; 2. Transfer \$189, 883 in RMRA Funds from CIP #10379 Pine Hollow Road-Upgrade to CIP #10449 2020 Neighborhood Pavement Preservation Project; and 3. A Revised Budget of \$872,360 for CIP#10449 2020 Neighborhood Pavement Preservation Project. (Passed 5-0)

- (d) City Council discussion of canceling any regularly scheduled Council meetings in July, August and/or September 2020 relative to quorum availability.

Mayor Pierce opened the discussion regarding future meeting cancellation.

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

The City Council decided to not cancel any future meetings at this time.

- (c) Introduction and 1st Reading of an Ordinance Amending Chapter 15.09 of the Clayton Municipal Code and Adopting by Reference the 2019 California Fire Code with Changes, Additions, and Deletions (ZOA-01-2020) and Set Public Hearing Date.

Community Development Director Matthew Feske presented the report.

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

It was moved by Vice Mayor Wan, seconded by Councilmember Catalano to Introduce and First Reading Ordinance No. 490 by title and number only Amending Chapter 15.09 of the Clayton Municipal Code and Adopting by Reference the 2019 California Fire Code with Changes, Additions, and Deletions and Setting the Public Hearing Date to July 7, 2020. (Passed 5-0 vote).

- (e) Discussion of Next Steps in hiring an Interim and Permanent City Manager due to Resignation of the City Mayor.

Mayor Pierce opened the discussion.

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

The City Council schedules a process discussion and a Closed Session for potential Interim City Manager candidates at the next Regular meeting of June 16, 2020.

9. COUNCIL ITEMS

Councilmember Catalano requested a future agenda item to review of the Clayton Police Department policies in regards to use of force, de-escalation efforts and best practices currently used and discuss/comment on the "8 Can't Wait" campaign.

Councilmember Diaz expanded on Councilmember Catalano's request to add formation of a public safety committee made up by members of the community, police department and members of the City Council.

Vice Mayor Wan re-address how the City is approaching relieve to frequent users of community facility rentals.

10. CLOSED SESSION – None.

11. ADJOURNMENT– on call by Mayor Pierce, the City Council adjourned its meeting at 10:54 p.m.

The next regularly scheduled meeting of the City Council will be June 16, 2020.

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Respectfully submitted,



Janet Calderon, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL



Julie Pierce, Mayor

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