

MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

TUESDAY, July 20, 2021

1. **CALL TO ORDER THE CITY COUNCIL** – The meeting was called to order at 7:02 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 (joined at 7:05 p.m.), and Wan. Councilmembers absent: None. Staff present: City Manager Reina Schwartz, City Attorney Mala Subramanian, Interim Community Development Director Dana Ayers, and City Clerk/HR Manager Janet Calderon.

2. **MEETING PROTOCOL VIDEO** – City Clerk.

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

4. **CONSENT CALENDAR**

Councilmember Diaz requested clarification on two line-items in item 4(b) pertaining to: (1) the number of payments made to Ken Joiret and (2) which elected official requested, who approved the invoice and how the payment was delivered to Clayton Pioneer.

Councilmember Wan requested clarification on items 4(d) and 4(e) regarding the joint bid process.

Mayor Wolfe opened public comment.

Gary Hood voiced his dissatisfaction regarding violation of his First Amendment rights, the Brown Act and the California Open Meetings Act during the last City Council meeting.

Scott Denslow added we are all human and neighbors.

Mayor Wolfe closed public comment.

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

- (a) Approved the minutes of the City Council's special meeting of June 29, 2021. (City Clerk)
- (b) Approved the Financial Demands and Obligations of the City. (Finance)
- (c) Waived Second Reading and Adopted Ordinance No. 493 Amending the Clayton Zoning Map to Rezone 9.03 Acres from R-10 District and PF District to PD District for the Oak Creek Canyon Residential Project (ZOA-01-18) (Interim Community Development Director)

- (d) Adopted Resolution No. 47-2021 to Approve the Award of a Sole Source Construction Contract to J.J.R. Construction, Inc. of Concord, California in the Amount of \$288,738.00 for the City of Clayton Curb Ramp Improvement Project. (City Engineer)
- (e) Adopted Resolution No. 48-2021 Making Findings in Support of Waiving Competitive Bidding Requirements and Approving Award of a Sole Source Contract to Bay Cities Paving & Grading, Inc., for the Neighborhood Pavement Preservation Project (CIP No. 10449). (City Engineer)
- (f) Adopted Resolution No. 44-2021 Naming the Private Street in the Approved Diablo Meadows Residential Project as "Diablo Meadows Court". (Assistant Planner)

5. RECOGNITIONS AND PRESENTATIONS

- (a) "Sustainable Contra Costa" by Cleaner Contra Costa Challenge. (Tina Neuhaus El, President and Co-founder and Colleen Noland, Community Organizer)

Tina Neuhausel and Colleen Noland presented a brief overview of the "Sustainable Contra Costa" program.

6. REPORTS

- (a) City Manager/Staff

City Manager Reina Schwartz indicated "No Report".

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

Councilmember Diaz called and emailed constituents, met with leadership of Oakhurst Country Club, visited Cemex, attended the 4th of July parade organized by a group of citizens, attended the fireworks show hosted by the City of Concord, responded to mis-information regarding the 4th of July parade, Concerts in The Grove and Classic Car Show and DJ, attended the Concerts in The Grove noting the concert collected over \$4,300 in donations, spoke briefly about the relationship between the City and the Clayton Business and Community Association, noted during the absence of our City Attorney he phoned the Interim City Attorney and has not heard back from him, and inquired on when the Council will go back to in-person meetings.

Vice Mayor Cloven attended a meeting of Transportation Partnership and Cooperation for Central Contra Costa (TRANSPAC), attended the fireworks show hosted by the City of Concord, thanked the organizers of the 4th of July Parade, thanked Clayton Business and Community Association Bocce Committee, and attended the Concerts in The Grove.

Councilmember Tillman met with the City Manager, met with the Police Chief, attended the Contra Costa County Mayors' Conference, attended the 4th of July Parade organized by a group of citizens, attended the fireworks show hosted by the City of Concord,

attended a meet and greet at Opportunity Junction, provided a brief update from the Clayton Library Foundation, and called and emailed constituents.

Councilmember Wan called and emailed constituents.

Mayor Wolfe attended the Contra Costa County Mayors' Conference, met with Planning Commissioner Ed Miller, met with the City Manager, met with the Clayton Business and Community Association Board, wrote newspaper articles, attended the fireworks show hosted by the City of Concord, attended an emergency meeting of the East Contra Costa Habitat Conservancy, and attended the Concerts in The Grove.

7. PUBLIC COMMENT ON NON - AGENDA ITEMS

Glenn Miller inquired when the water feature in The Grove park will open.

Frank Gavidia clarified the letters received by the city regarding the Clayton Business and Community Association were not distributed by him.

Gary Hood inquired on the Regional Housing Needs Assessment (RHNA) appeal.

Scott Denslow also added some comments regarding First Amendment Rights and his dissatisfaction with one of the Councilmembers at the recent Concert in The Grove.

Mayor Wolfe closed public comment.

8. PUBLIC HEARINGS

- (a) Public Hearing on Proposed Real Property Assessments for the Diablo Estates at Clayton Benefit Assessment District (BAD); Ordering Improvements and Levying Annual Assessments in FY 2021/22 incorporating a 3.8% Adjustment.
(City Engineer)

Harris & Associates Senior Project Manager Tami Eaton presented the report.

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

Glenn Miller advised there is a 23% mark up in administrative costs and requested more money go into improvements.

Mayor Wolfe closed public comment.

It was moved by Vice Mayor Cloven, seconded by Councilmember Tillman, adopt Resolution No. 45-2021 Confirming Assessments for the Operation and Maintenance of Improvements Within the Diablo Estates at Clayton Benefit District for Fiscal Year 2021/22. (Passed 5-0).

- (b) Public Hearing on the Appeal of the Planning Commission Approval of the Extension of a Density Bonus (DBA-01-19), Site Plan Review Permit (SPR-04-17) and Tree Removal Permit (TRP-24-17) for The Olivia on Marsh Creek Development. (Interim Community Development Director)

Interim Community Development Director Dana Ayers presented the report.

Appellant Glenn Miller advised he is specifically appealing the site plan review, and how the site plan review was conducted. He expressed concerns regarding parking units and maintenance, public safety, and lack of Conditions of Approval required by the City to the developer. He concluded the developer has failed to perform.

Project Developer William Jordan stated that his project is not a subdivision and thus is not required to bury powerlines. He further advised in October; a judge provided a ruling regarding the CEQA on this project.

Following questions by City Council, Mayor Wolfe opened the public hearing.

Drea York expressed concern over the impacts of this project as a resident of the Stranahan subdivision.

Alexandra Restall urged the City Council to oppose the project extension.

Gary Hood also urged the City Council opposed the project extension.

Mayor Wolfe closed public comment.

It was moved by Councilmember Wan, seconded by Councilmember Diaz, to grant the appeal and deny the extension, for lack of a finding of good cause. (Failed 2-3; Cloven, Tillman, Wolfe; No).

It was moved by Councilmember Tillman, seconded by Vice Mayor Cloven, to adopt Resolution No. 46-2021 Denying the Appeal and Upholding the Decision of the Clayton Planning Commission to Grant a One-Year Extension of the Land Use Entitlements for an Affordable Housing Density Bonus (DBA-01-19), Site Plan Review Permit (SPR-04-17) and Tree Removal Permit (TRP-24-17) for The Olivia on Marsh Creek Housing Project. (Passed 3-2; Diaz and Wan; No).

9. ACTION ITEMS

- (a) Adopt a Resolution of the City Council of the City of Clayton Adopting a General Fund Reserve Policy. (City Manager)

City Manager Reina Schwartz presented the report.

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

Frank Gavidia requested the City Council adopt a more restrictive policy.

Mayor Wolfe closed public comment.

City Council provided direction to staff.

10. COUNCIL ITEMS

Councilmember Diaz requested the meeting this evening be adjourned in memory of Richard Rainey, former Sheriff, Assemblyman and State Senator who recently passed away.

Vice Mayor Cloven requested a future agenda item for an Environmental Action Plan for Clayton.

Councilmember Tillman requested a review of the City's Municipal Code to allow Food Truck Vendors.

Councilmember Wan requested a future agenda item concerning a Ballot Measure for General Revenue.


11. CLOSED SESSION – None.

12. ADJOURNMENT– on call by Mayor Wolfe, the City Council adjourned its meeting at 10:07 p.m. in memory of Richard Rainey, former Sheriff, Assemblyman and State Senator who recently passed away.

The next regularly scheduled meeting of the City Council will be August 3, 2021.

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Respectfully submitted,



Janet Calderon, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL



Carl Wolfe, Mayor

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