

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

TUESDAY, November 2, 2021

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, City Attorney Mala Subramanian, 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 Wan inquired as to why item 4(d) is on the agenda for City Council approval.

City Manager Schwartz advised this item is on the City Council agenda to provide notice of the dates.

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

- (a) Approved the minutes of the City Council’s regular meeting of October 19, 2021. (City Clerk)
- (b) Approved the Financial Demands and Obligations of the City. (Finance)
- (c) Adopted Resolution No. 61-2021 of the City Council of the City of Clayton Allowing for Video and Teleconference Meetings during the COVID-19 State of Emergency Under AB 361. (City Manager)
- (d) Approved Proposed Schedule for Calendar Year 2022 Saturday “Concerts in The Grove” series, provided County/State Health Regulations will allow. (City Clerk)

5. **RECOGNITIONS AND PRESENTATIONS**

- (a) Certificates of Recognition to public school students for exemplifying the “Do the Right Thing” character trait of “Respect” during the month of October. (Mayor Wolfe)

Mayor Wolfe and Mt. Diablo Elementary School Principal Katie Sanchez and teachers Ms. Hopkins and Ms. Erickson presented certificates to Jocelyn Jacques and Bailey McNeel-Caird.

Mayor Wolfe and Diablo View Middle School Principal Peter Fong presented certificates to Jacob Jeandheur and Stella Marks.

- (b) Proclamation declaring November 3, 2021 as “Shelter in Place Education Day”.
(Mayor Wolfe)

Mayor Wolfe briefly read the proclamation recognizing November 3, 2021 as “Shelter in Place Education Day” in the City of Clayton.

- (c) Proclamation declaring November, as “Native American Heritage” month in Clayton.
(Mayor Wolfe)

Mayor Wolfe briefly read the proclamation recognizing the month of November as “Native American Heritage” month in the City of Clayton.

6. REPORTS

- (a) City Manager/Staff

City Manager Reina Schwartz announced a vacancy on the Planning Commission due to a resignation of one of its members for a term ending June 2022.

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

Councilmember Wan spoke with consultants and emailed and called constituents.

Vice Mayor Cloven spoke with various residents regarding Clayton’s Housing Element, met with the City Manager and looking forward to the next meeting of the Trails and Landscaping Committee.

Councilmember Diaz met with the City Manager, attended the District 4 Workshop regarding re-districting of Contra Costa County, attended the Cal Cities East Bay division meeting, the Clayton Business and Community Association general membership meeting, and attended the Clayton Community Church Trunk or Treat event.

Councilmember Tillman listened to the Housing Element workshop, attended the Mount Diablo School District Board meeting, attended the Mount Diablo School District Anti-Bias/Anti-Racist subcommittee meeting, the Cal Cities East Bay Division meeting, the Clayton Business and Community Association general membership meeting, attended the Clayton Community Church Trunk or Treat event, and met with the City Manager.

Mayor Wolfe attended the Clayton Community Church Trunk or Treat event, met with the City Manager, received a note from a citizen regarding the repainting of the red curb and site lines located at CVS, attended the East Contra Costa Habitat Conservancy meeting, listened to the Housing Element workshop, responded to emails and voicemails from constituents, attended the National League of Cities Mayors’ Conference, and received resignation of Planning Commissioner Altwal.

7. PUBLIC COMMENT ON NON - AGENDA ITEMS

Scott Denslow thanked former Planning Commissioner Altwal for his service, participated in the Trunk or Treat hosted by Clayton Community Church and hopes this will continue to be an annual event, and expressed his support in continuing with Virtual City Council meetings.

Mayor Wolfe closed public comment.

8. PUBLIC HEARINGS – None.

9. ACTION ITEMS – None.

- (a) Presentation, Discussion & Direction to Staff Regarding Use of the American Rescue Plan Act (ARPA) Funds. (City Manager)

City Manager Reina Schwartz introduced Consultant Management Partners who presented the report.

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

Gary Hood suggested the Council consider three priorities (business, household, citywide delayed maintenance) and distribution of funds by year end.

Larry Love expressed the need of increased funding for small businesses and urgency in disturbing funds.

Mayor Wolfe closed public comment.

By consensus of the City Council, staff is directed to return to the City Council with a recommended program for business and household assistance that allocates a portion of the City's overall ARPA funds, and defines the process and assistance amounts.

- (b) Update on SB 9 and SB 10 and Discussion of Next Steps. (City Attorney)

Recommendation: Discuss and direct

City Attorney Mala Subramanian presented the report.

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

Dee Vieira inquired under SB9 is there an impact on the Ellis Act (legal process that allows property owners to permanently withdraw rental units from the rental market for up to 10 years) and would it affect one already in progress.

Gary Hood inquired under SB9 if there is a provision on any prior loans be paid in full prior to approval of any lot splits. He also found it interesting that a Home Owners Association (HOA) would have the ability to supersede State law.

Mayor Wolfe closed public comment.

By consensus of the City Council, staff directed the City Attorney to draft an ordinance in regards to SB9 and no action needed on SB10.

10. **CLOSED SESSION** – None.

11. **COUNCIL ITEMS** – None.

12. **ADJOURNMENT**– on call by Mayor Wolfe, the City Council adjourned its meeting at 10:34 p.m.

The next regularly scheduled meeting of the City Council will be November 16, 2021.

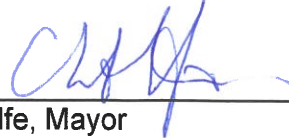
#

Respectfully submitted,



Janet Calderon, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL



Carl Wolfe, Mayor

#