

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

**TUESDAY, July 19, 2022**

**6:15 P.M.**

1. **CALL TO ORDER THE CITY COUNCIL** – The meeting was called to order at 6:15 p.m. by Mayor Cloven via a hybrid meeting format live in-person and Zoom videoconference and broadcast from Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, California. Councilmembers present: Mayor Cloven, Vice Mayor Tillman, and Councilmembers Diaz (arrived at 6:16 p.m.), Wan (arrived at 6:23 p.m.), and Wolfe. 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-EXISTING LITIGATION

(Gov. Code section 54956.9(d)(1) City of Long Beach et al. v. Monsanto Company et al., United States District Court, Central District, Case No. 2:16-cv-03493-FMO-AS (class action)

(b) CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

Initiation of litigation pursuant to Gov. Code section 54956.9(d)(4)- 1 potential case

- Short Recess -  
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3. **CALL TO ORDER THE CITY COUNCIL** – The meeting was called to order at 7:00 p.m. by Mayor Cloven via a hybrid meeting format live in-person and Zoom videoconference and broadcast from Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, California. Councilmembers present: Mayor Cloven, Vice Mayor Tillman, and Councilmembers Diaz, Wan, and Wolfe. Councilmembers absent: None. Staff present: City Manager Reina Schwartz, City Attorney Mala Subramanian, Finance Director Katherine Korsak, City Engineer Larry Theis and City Clerk/HR Manager Janet Calderon.

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

5. **PLEDGE OF ALLEGIANCE** – led by Mayor Cloven.

Report out of Closed Session

(7:05 p.m.) City Attorney Mala Subramanian reported direction was provided to initiate litigation. The details will be available to the public once filed.

**6. CONSENT CALENDAR**

Councilmember Wan pulled item 6(e) for a separate discussion.

**It was moved by Councilmember Wolfe, seconded by Vice Mayor Tillman, to approve the Consent Calendar items 6(a) – 6(d) as submitted. (Passed 5-0).**

- (a) Approved the minutes of the City Council’s regular meeting of June 7, 2022. (City Clerk)
- (b) Approved the Financial Demands and Obligations of the City. (Finance)
- (c) Adopted Resolution No. 56-2022 of the City Council of the City of Clayton Allowing for Video and Teleconference Meetings as Needed during the COVID-19 State of Emergency Under AB 361. (City Manager)
- (d) Approval of Resolution No. 57-2022 Ordering the Levy and Collection of the Annual Special Tax for Fiscal Year 2022/23 for Community Facility District No. 1990-1, 2007 Special Tax Revenue Refunding Bonds (Middle School). (Finance Director)

**Consent Calendar Pulled**

- (e) Approval of Resolution No. 58-2022 of the City Council of the City of Clayton Appointing CalPERS Retired Annuitant Richard Sanders to the Position of “Extra Help”/Finance Director and Approving an Employment contract Pursuant to California Government Code Section 21224. (Finance Director)

Councilmember Wan inquired on the cost increase versus the item adopted on June 21, 2022 for the temporary Senior Accountant position.

City Manager Reina Schwartz advised the temporary Senior Accountant position will include benefits, whereas the “Extra Help” does not include benefits and limited hours each fiscal year.

Following questions by the City Council, Mayor Cloven opened the public comment.

Howard Geller expressed concern regarding the expense of this item, when the City has capable staff.

Mayor Cloven closed the public hearing.

**It was moved by Vice Mayor Tillman, seconded by Councilmember Wolfe, to adopt Resolution No. 58-2022 Appointing CalPERS Retired Annuitant Richard Sanders to the Position of “Extra Help”/Finance Director for the City of Clayton, CA and Approving an Employment Contract Pursuant to California Government Code Section 21224. (Passed 4-1; Wan, No).**

**7. RECOGNITIONS AND PRESENTATIONS - None.**

**8. REPORTS**

- (a) City Manager Reina Schwartz advised the Draft Housing Element has been submitted, noted there is a meeting tomorrow to discuss a Geological Hazard Abatement Schedule of Services, and briefly discussed the current paving project and future paving project processes.
- (b) City Council - Reports from Council liaisons to Regional Committees, Commissions and Boards.

Councilmember Wolfe thanked the City Manager for the paving project update, attended the Special City Council Meeting, attended the East Contra Costa Habitat Conservancy meeting, attended the Pride Committee meeting, attended the 4<sup>th</sup> of July Parade meeting, attended the Clayton Business and Community Association BBQ Committee meeting, attended the Clayton Business and Community Association advisory committee meeting, met with the Mayor, met with the City Manager, attended the Endeavor Hall Committee meeting, congratulated Coach Culp and Clayton Smarties (Odyssey of the Mind) team, thanked Sandy Johnson, Laura Hoffmeister, Julie Pierce and Janet Calderon for their assistance with the 4<sup>th</sup> of July Parade committee and welcomed Gabby to the 4<sup>th</sup> of July Parade committee.

Councilmember Diaz attended the Classic Car Show and DJ event, attended the Special City Council Meeting, attended the East Bay Regional Communications System Authority (EBRCS) meeting, attended the Fire District change in command event, attended the Concerts in The Grove, and attended the 4<sup>th</sup> of July Parade, attended the Classic Car Show and DJ event, attended the Clayton Business and Community Association BBQ Cook-off event, attended the Contra Costa Mineral and Gem Society event at Endeavor Hall, met with Doug Moore Oakhurst Country Club co-owner, attended the Concert in The Grove, attended the Endeavor Hall committee meeting, met with the Police Chief and met with the City Manager.

Councilmember Wan spoke and emailed constituents and participated in the 4<sup>th</sup> of July Parade.

Vice Mayor Tillman attended the Special City Council meeting, participated in the Pride Parade, participated in the 4<sup>th</sup> of July Parade, thanked the Pride Parade committee and City staff for their work on this event, volunteered at the Clayton Business and Community Association BBQ Cook-off event, attended multiple post-parade meetings, met with the City Manager, emailed and called constituents, met with the Mayor, met with the City Manager.

Mayor Cloven participated in the 4<sup>th</sup> of July Parade, attended the Pride Parade, attended Concerts in The Grove, attended the Celebration of Life honoring Rory Richmond, attended the Clayton Business and Community Association BBQ Cook-off event, attended Concerts in The Grove, and spoke with constituents regarding paving and budget issues.

9. **PUBLIC COMMENT ON NON - AGENDA ITEMS** – None.

10. **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 2022/23. (City Engineer)

City Engineer Larry Thesis presented the report.

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

Howard Geller noted property management costs have risen and encouraged the City Council to raise the assessment 4% in order to find a new maintenance provider.

Mayor Cloven closed the public hearing.

**It was moved by Councilmember Wan, seconded by Councilmember Tillman, to adopt Resolution No. 59-2022 Confirming Assessments for the Operation and Maintenance of Improvements within the Diablo Estates at Clayton Benefit Assessment District for Fiscal Year 2022/23. (Passed 5-0).**

11. **ACTION ITEMS** – None.

12. **COUNCIL ITEMS** – None.

13. **ADJOURNMENT**– on call by Mayor Cloven, the City Council adjourned its meeting at 8:04 p.m.

The next regularly scheduled meeting of the City Council will be August 2, 2022.

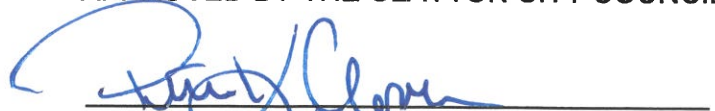
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Respectfully submitted,



Janet Calderon, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL



Peter Cloven, Mayor

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