

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

TUESDAY, September 20, 2022

1. **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, City Engineer Larry Theis, and City Clerk/HR Manager Janet Calderon.

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

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

4. **CONSENT CALENDAR**

Vice Mayor Tillman pulled item 4(d) for a separate discussion.

Councilmember Wan pulled item 4(e) for a separate discussion.

It was moved by Vice Mayor Tillman seconded by Councilmember Wolfe, to approve the Consent Calendar items 4(a) – 4(c) and 4(f), as submitted. (Passed 5-0).
 - (a) Approved the minutes of the City Council’s regular meeting of August 16, 2022. (City Clerk)
 - (b) Approved the Financial Demands and Obligations of the City. (Finance)
 - (c) Adopted Resolution No. 68-2022 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)
 - (f) Approved 2022 Conflict of Interest Code – No changes recommended by City Clerk. (City Clerk)

Item 4(d) pulled for a separate discussion

- (d) Adopted Resolution No. 68-2022 (Traffic Order #1) to Restrict U-Turns on Four Oaks Lane During School Drop Off and Pick Up Time Periods. (City Engineer)

Vice Mayor Tillman requested a separate discussion of this item.

City Engineer Larry Thesis provided a brief overview of this item.

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

It was moved by Vice Mayor Tillman, seconded by Councilmember Wan, to approve the Consent Calendar item 4(d), as revised. (Passed 5-0).

Item 4(e) pulled for a separate discussion

- (e) Adopted Resolution No. 69-2022 Authorizing the Third Amendment to an Existing Agreement with Allied Waste Systems, Inc. for Continued Solid Waste and Recyclable Materials Management Services. (City Manager)

Councilmember Wan requested a separate discussion of this item.

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

Ed Miller suggested the City Council consider joining a Joint Powers Agreement with Recycle Smart which currently includes organic waste.

Mayor Cloven closed public comment.

It was moved by Councilmember Wan, seconded by Vice Mayor Tillman, to approve the Consent Calendar item 4(e), as submitted. (Passed 5-0).

5. RECOGNITIONS AND PRESENTATIONS

- (a) Information Only – No Action Requested.
- National Hispanic Heritage Month (September 15 – October 15)
 - Constitution Day and Citizenship Day (September 17)
- (b) Proclamation declaring September as “Library Card Sign-up Month” in the City of Clayton. (Mayor Cloven)

Vice Mayor Tillman read the proclamation, Geneva Moss, Clayton Community Library Manager, thanked the City Council for recognizing "Library Card Sign-up Month".

- (c) Certificates of Recognition to public school students for exemplifying the "Do the Right Thing" character trait of "Inclusion" during the months of May, June and July 2022. (Mayor Cloven)

Councilmember Wolfe and Mt. Diablo Elementary School Principal Katie Sanchez and teacher Mrs. Pilon presented certificate a to Hayden Berry.

See item 5d for Diablo View Middle School students to be recognized for both of the character traits, "Inclusion" and "Courage".

- (d) Certificates of Recognition to public school students for exemplifying the "Do the Right Thing" character trait of "Courage" during the month of August 2022. (Mayor Cloven)

Councilmember Wolfe and Mt. Diablo Elementary School Principal Katie Sanchez and teacher Mrs. VanOtrive presented a certificate to Gigi Lima.

Councilmember Wolfe and Diablo View Middle School Principal Peter Fong presented certificates to Sophie Struempf, Ava Ferratt, Raymond Alatini, Trinity Champathong, and Alexis Schmidt.

As per the request of the Mayor, Item 9(a) was heard at this time.

9. ACTION ITEMS

- (a) Approve by Minute Order the Placement of Plaques in Memory of Braden Fahey at The Grove Park and Clayton Community Park (City Manager)

City Manager Schwartz presented the report.

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

Zack Torrey, Clayton Valley Little League would like to work with staff on design guidelines for a dedication plaque at Clayton Community Park Field 3 in memory of Braden Fahey.

Mayor Cloven closed public comment.

It was moved by Councilmember Diaz, seconded by Councilmember Wolfe, to Approve by Minute Order the Placement of Plaques in Memory of Braden Fahey at The Grove Park and Clayton Community Park. (Passed 5-0).

6. REPORTS

- (a) City Manager Reina Schwartz noted if any Clayton City Council candidates wish to speak, they are welcome to do so as part of Public Comments on Non-Agenda items.

Councilmember Diaz noted in past elections, candidates had an opportunity under reports on the agenda and inquired on why that practice has changed.

City Manager Schwartz advised having candidates speak under reports is not protocol in other agencies.

Mayor Cloven supported the change.

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

Councilmember Diaz attended the Oakhurst Country Club car show, attended Sheriff Livingston's event, the Contra Costa Association of Realtors event, attended the Clayton Business and Community Association general membership meeting, the Concert in The Grove, attended Richard Carnes memorial, attended the Contra Costa Fire reopening of Station 4 event, attended the ad-hoc Garbage/Recycling Committee meeting, attended Congressman Burgess Owens dinner, attended the Concert in The Grove, met with the City Manager, and met with the Police Chief.

Vice Mayor Tillman attended the Clayton Pride Town Hall, attended the 2022 Leadership Council Awards ceremony, attended the Mt Diablo Unified School District meeting where she was a guest speaker and was received the Spirit of Excellence award, attended the ad-hoc Garbage/Recycling Committee meeting, attended the Braden Fahey memorial, attended the Contra Costa County Mayors' Conference, attended the Cal Cities Annual Conference, attended the 9/11 memorial event at Fire Station 11, attended the Clayton Community Library Foundation board meeting, attended the American Association of University Women luncheon at La Veranda, met with the City Manager, and met with the Mayor.

Councilmember Jeff Wan called and emailed constituents regarding issues at Diamond Terrace and pavement conditions, campaigning to be re-elected to City Council and participated in interviews with the *Diablo Gazette* and *Clayton Pioneer*.

Councilmember Wolfe attended the East Contra Costa County Habitat Conservancy meeting, attended several Clayton Business and Community Association meetings, met with the City Manager, met with the City Attorney, met with the Mayor, called and emailed constituents, attended the 9/11 memorial event at Fire Station 11; thanked the City Manager and Jim Warburton for ensuring the Clayton Fountain was on, and announced the upcoming League of Woman Voters event taking place on October 10, 2022.

Mayor Cloven announced the Dana Hills swim team won County for a second time in a row, attended the Concerts in The Grove; thanking Howard Geller, Jim Diaz, and Julie Pierce for their assistance, attended the Braden Fahey memorial service, attended the Cal Cities Annual Conference, attended the 9/11 memorial event, and requested the city consider sponsoring a Service Day event near September 11, 2023.

7. PUBLIC COMMENT ON NON - AGENDA ITEMS

Kim Trupiano introduced herself and provided remarks about her candidacy.

Ed Miller introduced himself and provided remarks about his candidacy.

Frank Bagno expressed concern of speeding vehicles on Regency Drive and Weatherly suggesting a Stop Sign and police presence may cure the problem

8. PUBLIC HEARINGS

- (a) Public Hearing on Proposed Community Facilities District No. 2022-01 (Public Services) – Approve the Resolution of Formation, Resolution Calling Election, Resolution Declaring Results of Election, and First Reading of the Ordinance (City Engineer)

City Engineer Larry Thesis presented the report.

Following questions by the City Council, Mayor Cloven opened the public hearing; no comments were offered.

It was moved by Vice Mayor Tillman, seconded by Councilmember Wolfe, to Adopt Resolution No. 70-2022 Establishing Community Facilities District No. 2022-01 (Public Services) and Designating a Future Annexation Area and Taking Other Actions Relating Thereto. (Passed 5-0).

It was moved by Vice Mayor Tillman, seconded by Councilmember Wolfe, to Adopt Resolution No. 71-2022 Calling a Special Election for Community Facilities District No. 2022-01 (Public Services) and Designating a Future Annexation Area. (Passed 5-0).

It was moved by Councilmember Wolfe, seconded by vice Mayor Tillman, to Adopt Resolution No. 72-2022 Declaring Results of Special Landowner Election and Directing Recording of Notice of Special Tax Lien for Community Facilities District No. 2022-01 (Public Services) and Designating a Future Annexation Area. (Passed 5-0).

9. ACTION ITEMS

- (b) Approval of Preliminary Design Concept for Complete Streets Feasibility Study on Pine Hollow Road (Joint Project with City of Concord) (City Engineer)

City Engineer Larry Thesis presented the report.

Adam Dankberg from Kimley Horn presented the PowerPoint presentation.

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

David Boatwright suggested no quarry traffic allowed signs, speed limits on the 2-way bike track, education outreach, and improvements to lighting.

Mayor Cloven closed public comment.

It was moved by Councilmember Wan seconded by Vice Mayor Tillman, to Approve Preliminary Design Concept for Complete Streets Feasibility Study on Pine Hollow Road (Joint Project with City of Concord). (Passed 5-0).

- (c) Discussion and Feedback to Clayton's TRANSPAC Representative Regarding CCTA/TRANSPAC Designation of Marsh Creek Road and Clayton Road as Routes of Regional Significance (City Engineer)

City Engineer Thesis presented the report.

John Hoang, Planning Director CCTA introduced David Early and Torina Wilson from Place Works.

David Early presented the PowerPoint presentation.

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

Ed Miller requested to know more about the relationship between MTC and CCTA/TRANSPAC.

Mayor Cloven closed public comment.

Feedback provided to Clayton's TRANSPAC Representative.

- (d) Approve by Minute Order the Request from CEMEX to Provide a Letter of Support for CEMEX's Quarry Reclamation Plan Amendment (City Manager)

City Manager Reina Schwartz advised this item was not going to be heard this evening due to Cemex not having a representative to answer any questions or concerns and the Public Hearing is set on September 28 with Contra Costa County.

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

Bill Burmeister expressed concern on lack of notification for the upcoming hearing taking place on September 28, 2022 and would like to see more information from CEMEX on their proposed reclamation plan and improvements.

Melinda Moore also expressed concern on lack of notification for the upcoming hearing taking place on September 28, 2022.

Mayor Cloven closed public comment.

10. COUNCIL ITEMS

Vice Mayor Tillman requested a future agenda item to include Speed Surveys for Clayton Road/Marsh Creek Road.

Councilmember Wolfe requested a future agenda item to include Clayton Cooling Center and Emergency Operations locations.

Councilmember Wan requested a future agenda item to include rent increases and low-income housing at Diamond Terrace and requested the City Engineer report out on the Scope of Work on the recent Paving Project.

11. **ADJOURNMENT**– on call by Mayor Cloven, the City Council adjourned its meeting at 10:34 p.m. in memory of Dana Diaz, wife of Councilmember Jim Diaz, who recently passed away.

The next regularly scheduled meeting of the City Council will be October 4, 2022.

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Respectfully submitted,



Janet Calderon, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL



Peter Cloven, Mayor

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