

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

Tuesday, August 15, 2023

1. **CALL TO ORDER AND ROLL CALL** – The meeting was called to order at 7:01 p.m. by Mayor Wan, held 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 Wan, Vice Mayor Diaz, and Councilmembers Cloven, Tillman and Trupiano. Councilmembers absent: None. Staff present: City Manager Bret Prebula, City Attorney Mala Subramanian, Executive Assistant to the City Manager/HR Manager Amy Walcker, Finance Director Prapti Aryal, Community Development Director Dana Ayers, City Engineer Larry Theis, Police Chief Rich McEachin, and City Clerk Janet Calderon.

2. **PLEDGE OF ALLEGIANCE** – Led by Mayor Wan.

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

Rosy Straka, Vocal Minority, opposed the proposed fee schedule on the agenda, shifting the burden to community non-profits; and she asked the City Council to do the right thing for Clayton by addressing the structural issues and deficit.

Larry McNeil objected to the Mayor describing Sacramento as a fascist government, saying it is the wrong point of view.

James Killoran requested prioritizing development of a vegetation management plan to reduce fire risks and also to address the safety issue on Keller Ridge Drive by removing triangular medians.

On behalf of Lt. Col. Michael Hudson, a Marine announced an event this weekend in honor of Lt. Novakovich's 30th anniversary of joining the Marines, with a hike beginning at Mitchell Canyon to the mountain top.

Mayor Wan closed public comment.

4. **CONSENT CALENDAR**

Councilmember Trupiano asked to pull item 4(c), annuitant Richard Sanders contract, for discussion.

City Manager Bret Prebula explained Mr. Sanders will be utilized for focusing on closing the books for year-end financials through the audit and for filling in gaps due to the transition in the Finance Department.

There were no public comments on the consent calendar.

It was moved by Councilmember Cloven, seconded by Councilmember Trupiano, to approve Consent Calendar items 4(a) – 4(c) as submitted. (Passed 5-0).

- (a) Approved the minutes of the City Council's regular meeting of July 18, 2023. (City Clerk)
- (b) Approved by Minute Order the City of Clayton's Response to Contra Costa Civil Grand Jury Report No. 2306, Authorized the Mayor to Sign the Transmittal Cover Letter to the Response, and Directed the City Manager to Submit the Response to the Grand Jury. (City Manager)
- (c) Adopted Resolution No. 48-2023 Appointing CalPERS Retired Annuitant Richard Sanders to the Position of "Extra Help" and Approving an Employment contract pursuant to California Government Code Section 21224. (Finance Director)

5. RECOGNITIONS AND PRESENTATIONS

- (a) Contra Costa Mosquito and Vector Control District Presentation. (Nola Woods)

Nola Woods, Public Affairs Director, Contra Costa Mosquito and Vector Control District, gave a PowerPoint presentation covering District Services, latest vector-related issues, and lack of a Trustee from Clayton.

Councilmember Tillman inquired when it is appropriate to request services and how the Trustee vacancy is filled. Councilmember Trupiano asked about the role and responsibilities for a Trustee, and about the process for service requests. Ms. Woods responded.

6. REPORTS

- (a) City Manager Bret Prebula reported the California Energy Commission approved the City's one percent loan for a large infrastructure project with Climatec for energy efficiency, i.e. charging stations, solar, reduction of water use costs, beginning in September and concluding in 12-18 months.

7. ACTION ITEMS

- (a) Quarterly Financial Reports On The City's Investment Portfolio For The Period Ending June 30, 2023. (Finance Director)

Finance Director Prapti Aryal gave the Quarterly Financial Reports on the City's Investment Portfolio for the period ending June 30, 2023. City Manager Bret Prebula indicated staff is evaluating cash flow needs and where possible will invest in higher yielding securities such as California Assessment Management Program (CAMP) and Local Agency Investment Fund (LAIF) liquidity pools.

James Dill, UBS Financial Services, reported on the City's investment strategy for medium and long-term investments.

There were no public comments.

By Council consensus, the Treasurer's Quarterly Financial Reports on the City's investment portfolio ending June 30, 2023 were received and filed.

8. PUBLIC HEARINGS

- (a) FY24 Master Fee Schedule for Certain User-Benefit, Regulatory, and Rental City Services and Activities. (Finance Consultant)

Nitish Sharma, Finance Consultant, presented the staff report.

Mayor Wan opened the public hearing at 7:43 p.m.

C. W. Wolfe, Clayton Business & Community Association (CBCA), shared their contributions to the City and community, noting they will continue funding needs, even if it is necessary to meet other than in City facilities.

Ed Miller commented the City spent \$35,000 on a consultant resulting in increases to the master fee schedule of \$36,000; some fees are up 50%; costs are already covered without the new fee; compared Walnut Creek and Concord, acknowledging the positive financial impact to the City of special events exceeds the fee.

Ed Harley asked for release of the City Attorney opinion regarding proposed special event fees exceeding the costs for services under Proposition 26. He also urged use of wisdom relative to impact of fees to families and usage.

Keith Haydon questioned the structure, justification and analysis of the special use fees. He encouraged the City Council to research why special events fees have been waived in the past, and to only increase fees based on inflation and not on factors that cannot be justified.

A.J. Chippero objected to the proposed 'unnecessary special event tax', saying non-profits such as the CBCA should pay recovery costs but not the double dipping and emphasizing funding provided by CBCA. He said the estimated increase in revenue from the fees is still insufficient to cover the budget deficit.

Pat Middendorf stressed the impact to the community from termination of the contract with CBCA in March, noting revenue benefiting the community was lost from the BBQ because it was cancelled due to incorrect information about the fees being \$2,000 instead of \$400. She said the loss in revenue to the community is being caused by the City Council due to the proposed increased fees for non-profits.

Daelyn Chippero communicated benefits her schools have received from CBCA, and she urged the City Council to vote against the special event fees.

Christine Muller stated the special event fees affect large groups, and she suggested the Council find a better solution instead of passing the fee schedule.

Howard Geller said he loves Clayton and will not let it be ruined, underscored CBCA volunteers serve as the Parks & Recreation department the City cannot afford, and noted the burden of proof is on the City for actual costs of services since a profit cannot be made. He pointed out if fees are increased to the CBCA, it reduces the funds provided to non-profits to exist.

Lauren Kindorf expressed appreciation to the CBCA volunteers who hold events that benefit the community and proposed the City wins by not increasing the fees.

Rebecca Nolen agreed with comments by A. J. Chippero, offered the CBCA makes Clayton a destination with events, which the community supports; and the fees appear to be a punishment to CBCA.

Larry McNeil conveyed the Council has an opportunity to build a bridge and not a wall by voting no on the fee schedule.

Mayor Wan closed the public hearing at 8:18 p.m. and opened the item for Council questions and discussion.

City Attorney Mala Subramanian responded to questions from Councilmember Cloven that the City has a right to shut down streets and allow use akin to a public facility for special events and to charge a fee to any group, which is not covered by Proposition 26 and not limited to cost recovery.

Nitish Sharma, Finance Consultant, replied to Councilmember Tillman's inquiry about determining what the property is worth and the tiers, and under the City Manager recommended a fee based on a comparison with Walnut Creek for Council decision.

Mayor Wan clarified the cost of the fee study was \$14,875.

Following discussion by the City Council, it was moved by Councilmember Tillman, seconded by Councilmember Cloven to postpone approval of the master fee schedule. Mayor Wan made a substitute motion, seconded by Trupiano to adopt Resolution No. 49-2023 Amending the Book of Fees to Adopt Fees for Various City Regulatory Activities, Products and/or Services. (Ayes: Diaz, Trupiano and Wan; Noes: Cloven and Tillman; Passed 3-2).

Mayor Wan called a brief recess at 9:06 p.m. and reconvened the meeting at 9:14 p.m.

7. ACTION ITEMS - Continued

- (b) Provide Staff Direction on Utilizing both ClearGov Transparency and Continuing to Post Accounts Payable Information Every Two Weeks on the Agenda. (City Manager)

City Manager Bret Prebula presented the staff report. Executive Assistant to the City Manager/HR Manager Amy Walcker demonstrated how to access the City's financial obligations from the City's homepage to ClearGov.

Karen Amos said she reviewed financial information from ClearGov and appreciates the efficiency. Jeremy Amos added the efficiency by using ClearGov is welcomed due to limited staff.

By Council consensus, direction was given to proceed with utilizing ClearGov Transparency for posting accounts payable information beginning with the September 19, 2023 agenda with link and instructions.

- (c) Designation of Voting Delegate and Alternate Delegate for League of California Cities 2023 Annual Conference being held September 20 through 22, in Sacramento. (City Clerk)

City Clerk Janet Calderon gave the staff report.

Roy Correa commented on ClearGov project, special event fees, and observance of Council behavior.

Councilmembers Cloven and Tillman shared they have registered for the conference and will be attending at their own expense.

It was moved by Mayor Wan and seconded by Councilmember Trupiano to designate Councilmember Trupiano as the Voting Delegate, Vice Mayor Diaz as the Alternate Voting Delegate and Councilman Tillman as an Alternate to Vice Mayor Diaz, if he is unable to attend, to the League of California Cities 2023 Annual Conference in Sacramento, September 20-22, 2023. (Passed: 5-0).

9. COUNCIL ITEMS

Councilmember Trupiano requested the following future agenda items: City's 60th Birthday celebration in 2024 in conjunction with discussion on City-sponsored special events; upcoming meeting wrap up on Concerts in the Grove; confirmed Parking Permit Process will be on a future agenda, likely in January 2024; and consideration of elimination of bump-out medians in the Keller Ridge neighborhood.

Councilmember Cloven requested future agenda items: development of a vegetation management plan to reduce fire risks, possibly in October; and discussion of structural deficit solution.

10. COUNCIL REPORTS

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

Councilmember Trupiano reported on the following attendance and meetings: Clayton Valley Village residents and City Manager's office to address their wish list; National Night Out; Mayor's Conference in Lafayette, noting Clayton will host Mayor's Conference on 9/7/23 at the Oakhurst Country Club; Clayton Community Library Foundation, and Library will be a Day of Service project; ride along with City Manager Bret Prebula and Maintenance Supervisor James Warburton; Budget & Audit Committee.

Vice Mayor Diaz reported on the following attendance and meetings: County Connection Board; Chicago Tribute Band concert; car show; Sheriff Posse's 42nd Annual BBQ; National Night Out with CERT team; Mayor's Conference; House Rockers Concert; citizens regarding fee schedule; first responders' humanity and compassion with toddler swimming pool incident.

Councilmember Tillman reported on the following attendance and meetings: East Bay Division meeting of the League of California Cities and re-elected to the Executive Board; new Principal Wilson at Diablo Middle School; National Night Out; received Ally award at Clayton Pride Community Alliance award dinner, Pride Parade to be held June 2, 2024; Clayton Pride call; Mayor's Conference in Lafayette; Zoom meeting with California Energy Commission Board, 1% loan approved; East Bay Leadership Council installation awards; Drag Queen Brunch; Ride along with City Manager Bret Prebula and Maintenance Supervisor Jim Warburton; meetings with City Manager Bret Prebula.

Councilmember Cloven reported on the following attendance and meetings: CBCA, membership growing; National Night Out; Clayton Pride Community Alliance award dinner in honor of Councilmember Tillman; TRANSPAC meeting; Zoom meeting with California Energy Commission Board, 1% loan approved; Concerts in Park; upcoming Clayton Remembrance Day on 9/11/23; and upcoming Service Day for both schools and Library on 9/16/23.

Mayor Wan reported on the following attendance and meetings: National Night Out; Clayton Valley/Concord Sunrise Rotary Club event; Budget & Audit Committee; Concerts; and Swimming Team awards dinner with one of children receiving a 5-star award.

- 11. **ADJOURNMENT** - on call by Mayor Wan, the City Council adjourned its meeting at 10:25 p.m.


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Respectfully submitted,



Amy Walcker, Executive Assistant to
The City Manager/HR Manager

APPROVED BY THE CLAYTON CITY COUNCIL



Jeff Wan, Mayor