

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

TUESDAY, January 17, 2023

1. **CALL TO ORDER THE CITY COUNCIL** – The meeting was called to order at 7:00 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 (via Zoom), and Trupiano. Councilmembers absent: None. Staff present: City Manager Reina Schwartz, City Attorney Mala Subramanian, Community Development Director Dana Ayers, and City Clerk Janet Calderon.

A roll-call vote was conducted to allow Councilmember Tillman to participate and vote in this evening’s City Council meeting via Zoom. (Passed; 5-0)

2. **PLEDGE OF ALLEGIANCE** – led by Mayor Wan.
3. **PUBLIC COMMENT ON NON - AGENDA ITEMS** – None.
4. **CONSENT CALENDAR**

Councilmember Holly Tillman requested a change to Consent Calendar Item 4(g) by consideration of Peter Cloven to serve on the City Council Ad Hoc Energy Services & Infrastructure Renewal Committee.

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

- (a) Approved the minutes of the City Council’s regular meeting of December 20, 2022 and City Council’s special meeting of January 10, 2023. (City Clerk)
- (b) Approved the Financial Demands and Obligations of the City. (Finance)
- (c) Adopted Resolution No. 1-2023 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) Adopted Resolution No. 2-2023 Ratifying the Proclamation of the Director of Emergency Services of the City of Clayton Declaring a Local Emergency Due to Adverse Weather Conditions Beginning December 31, 2022. (City Manager)
- (e) Approved a Grant Application for the Downtown Pedestrian Improvement Project to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2023-2024 Transportation Development Act (TDA) Article 3 Pedestrian/Bicycle Funding Including:
1) Adopted Resolution No. 3-2023 Approving the Grant Application, Finding the Project

is Categorically Exempt Under CEQA and Authorizing Filing with the County Clerk Recorder, and 2) Adopted Resolution No. 4-2023 to Exempt the City of Clayton from Forming a Separate Bicycle and Pedestrian Advisory Committee and Designating the Contra Costa Countywide Bicycle Advisory Committee as the Review Body for TDA Funding. (City Engineer)

- (f) Adopted Resolution No. 5-2023 Approving a Professional Services Agreement with Theis Engineering & Associates through June 30, 2024 with up to Four One-Year Renewals, for City Engineering Services, Continuing the Appointment of Larry Theis, PE as City Engineer and Authorizing the City Manager to Execute the Agreement. (City Manager)
- (g) Established a City Council Ad Hoc for Energy Services & Infrastructure Renewal and Appoint Mayor Wan and Councilmember Trupiano to the Committee. (City Manager)

5. RECOGNITIONS AND PRESENTATIONS

- (a) Certificates of Recognition to public school students for exemplifying the “Do the Right Thing” character trait of “Kindness” during the months of November and December 2022. (Mayor Wan)

Councilmember Cloven and Mt. Diablo Elementary School Principal Katie Sanchez and teachers Mrs. Cheska and Mrs. Huaco presented certificates to Matthew Dondero and Liam Wang.

Councilmember Cloven and Diablo View Middle School Principal Peter Fong presented certificates to Clarence Camposano and Chiamaka Nwadigo.

6. REPORTS

- (a) City Manager Reina Schwartz provided brief updates regarding storm impacts, the need for additional Community Financial Sustainability Committee members, announced the FY2021/22 Audit has been completed and will be presented to the Budget/Audit Committee on January 23rd, the background for the Finance Director is almost complete, the Office Assistant/Code Enforcement Officer will be starting soon, and thanked the staff, Council and Community members for their support during her tenure.

8. ACTION ITEM

At the request of Mayor Wan, Action Item 8(a) was moved prior to the Public Hearing.

- (a) Request by Mayor Wan to Discuss Potential Support for the “Our Neighborhood Voices”. (Mayor Wan)

Mayor Wan introduced Susan Candell to present this item.

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

Ed Hartley is not supportive of the concept and needs more information.

Amy Hines-Shaikh is not in support of this item.

Ed Miller expressed concern regarding the consequences of not allowing the state to have input.

Tuija Catalano is not supportive of this item.

Terri Denslow requested more information on the claims made without supporting documentation.

Mayor Wan closed public comment.

It was moved by Mayor Wan, seconded by Vice Mayor Diaz, to Support “Our Neighborhood Voices” as stated. (Passed; 3-2, No; Cloven and Tillman)

7. PUBLIC HEARINGS

- (a) Adoption the City of Clayton 6th Cycle Housing Element Update and Associated Land Use Element Amendments, and Certification of the Final Environmental Impact Report Prepared for the Project.
(Community Development Director)

Community Development Director Dana Ayers presented the report.

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

Jim Moita requests the City move the Urban Limit Line to include his property and request a nearby property owner for access to their road.

Vince Moita requests Marsh Creek Road Specific Plan be included in the Housing Element.

Mayor Wan closed the public hearing.

It was moved by Mayor Wan, seconded by Councilmember Trupiano, to Adopt Resolution No. 6-2023 Adopting Environmental Findings Pursuant to the California Environmental Quality Act (CEQA), Certifying the City of Clayton 6th Cycle Housing Element Update and Associated Land Use Element and Zoning Code Amendments Final Environmental Impact Report (SCH #2022030086), Adopting the Mitigation Monitoring and Reporting Program, and Approving the Project to Adopt the Housing Element Update for the 6th Housing Cycle and Associated Amendments to the General Plan Land Use Element and Land Use Diagram. (Passed; 5-0)

8. ACTION ITEM – Continued

- (b) Resolution Approving an Employment Agreement for an Interim City Manager with Rowland Bernal, Jr. (City Manager)

City Manager Reina Schwartz presented the report.

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

Mr. Bernal thanked the City Council and looks forward to serving the Clayton community.

It was moved by Vice Mayor Diaz, seconded by Councilmember Tillman, to Adopt Resolution No. 7-2023 Certifying Findings and Approving an Employment Agreement for the Interim Employment of CalPERS Retired Annuitant Rowland Bernal, Jr. As Interim Clayton City Manager. (Passed; 5-0)

- (c) Adopt a Resolution Approving an Addendum to the Terms and Conditions of Employment for Clayton's Miscellaneous Employees. (City Manager)

City Manager Reina Schwartz presented the report.

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

It was moved by Councilmember Cloven, seconded by Mayor Wan, to Adopt Resolution No. 8-2023 Approving Addendum No. 1 to the Terms & Conditions of Employment for the City of Clayton's Undesignated Miscellaneous Employees Effective July 1, 2022 – June 30, 2023. (Passed; 5-0)

9. COUNCIL ITEMS

Councilmember Trupiano requested a future agenda item to include a presentation by Clayton Valley Village and Diamond Terrace fee increases.

9. COUNCIL REPORTS

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

Councilmember Tillman attended the Housing Element Study Session, attended the Cal Cities Community Services Policy Committee meeting, attended the Cal Cities East Bay Division meeting where she was elected Board Member at-large, met with the City Manager, and spoke to constituents regarding the Trails and Landscaping Committee, storm impacts and Cardinet Trail.

Councilmember Cloven attended the Contra Costa County Mayors' Conference, spoke to constituents regarding storm damage, Housing Element and Neighborhood Voices, and answered emails and phone calls.

Councilmember Trupiano attended the League of California Cities East Bay Division meeting, will be attending the Cal Cities New Council Member Academy, and responded to constituents regarding the Housing Element.

Vice Mayor Diaz attended the Clayton Business and Community Association Art and Wine Committee meeting, attended the Contra Costa County Mayors' Conference, assisted the Clayton Business and Community Association holiday decoration removal, attended the Contra Costa County Board of Supervisors Reorganization meeting, attended the Special City Council meeting, met with the Morgan Territory Community Association, met with the City Manager, and met with the Police Chief.

Mayor Wan met with Department Heads, attended the Contra Costa County Mayors' Conference, attended the Closed Session regarding the Interim City Manager, thanked Maintenance and Police with their assistance with the recent storm impacts, and met with Susan Candell.

11. **CLOSED SESSION** – None.

12. **ADJOURNMENT**– on call by Mayor Wan, the City Council adjourned its meeting at 9:50 p.m.

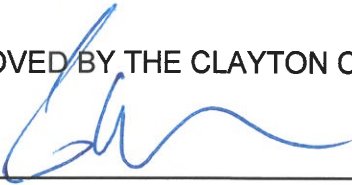
The next regularly scheduled meeting of the City Council will be February 7, 2023.

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Respectfully submitted,



Janet Calderon, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL


Jeff Wan, Mayor

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