

MINUTES
OF THE REGULAR MEETING
CLAYTON CITY COUNCIL
Tuesday, November 7, 2023

1. **CALL TO ORDER AND ROLL CALL** – The meeting was called to order at 6:00 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 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, and Police Chief Rich McEachin.

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

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

Councilmember Tillman requested delaying the public comments on non-agenda items due to the earlier 6:00 p.m. start time.

Keith Haydon commented on the City Manager’s performance evaluation; acknowledging support letters from staff, meet and greets, community reports, and professional staff reports. He asked the City Council to consider renewing efforts for a financial stability committee of volunteers to address the revenue gaps.

Jim Killoran had volunteered for the financial stability committee and is still available. He discussed Clayton balancing its budget by underpaying police and other employees, deferring maintenance, and not funding capital infrastructure; and he stressed the need to address the issue.

Mayor Wan closed public comments.

4. **RECESS THE CITY COUNCIL MEETING** – At 6:10 p.m. Mayor Wan recessed the City Council Meeting to the Oakhurst Geological Hazard Abatement District Board Meeting.

5. **RECONVENE THE CITY COUNCIL MEETING** – Mayor Wan reconvened the City Council meeting at 6:55 p.m. and called a brief recess to 7:00 p.m. Mayor Wan called the City Council meeting back to order at 7:00 p.m.

6. **CONSENT CALENDAR**

There were no public comments on the Consent Calendar.

It was moved by Councilmember Cloven and seconded by Councilmember Tillman to approve Consent Calendar items 6.a and 6.b as submitted. (Passed 5-0).

- a. Approved the Minutes of the City Council Regular Meeting of October 17, 2023.
- b. Adopted Resolution No. 53-2023 Appointing CalPERS Retired Annuitant Sheri Hartz to the Position of “Extra Help” and Approval of Employment Contract Pursuant to California Government Code Section 21224.

7. **RECOGNITIONS AND PRESENTATIONS**

- a. Information Only – No action.
Dutch-American Heritage Day – November 16
Native American Heritage Month

8. **REPORTS**

- a. City Manager / Staff – No report.

9. **PUBLIC HEARINGS** – None

10. **ACTION ITEMS**

- a. Consider Additional Scope of Work for Downtown Pedestrian Improvements Project to add Crosswalk Enhancement across Center Street at Morris Street

City Engineer Larry Theis gave the staff report and responded to questions from the City Council. There were no public comments.

It was moved by Councilmember Tillman and seconded by Councilmember Cloven to approve expanding the scope of work for the Downtown Pedestrian Improvements project to add a raised crosswalk with rectangular rapid flashing beacons across Center Street at the Morris Street intersection and allocation of an additional \$100,000 to the project budget from the Measure J Return to Source Fund 220 (Passed 5-0).

- b. Consider Whether to Continue Use of Hybrid Meetings for City Council, Planning Commission, and Budget/Audit Committee Meetings

City Manager Bret Prebula summarized the staff report. Mayor Wan opened public comments.

Keith Haydon spoke in support of continuing to allow public participation virtually.

Debbie DeSousa suggested following *Roberts Rules of Order* to provide warnings and possible censure to unruly speakers rather than eliminating virtual comments.

A speaker in attendance at the meeting emphasized free speech and participating appropriately.

C.W. Wolfe noted inappropriate behavior can happen both in person and virtually. Since there have been no problems in Clayton, he encouraged continuation of public participation on Zoom.

Roy Correa urged development of guidelines with enforcement prohibiting unacceptable behavior and permitting virtual participation.

Lauren Kindorf advocated for reminders about doing the right thing, continued public participation virtually, and enforcing rules of decorum.

Mayor Wan closed public comments. City Attorney Mala Subramanian clarified past comments in Clayton were allowed under the Brown Act.

It was moved by Mayor Wan and seconded by Vice Mayor Diaz to discontinue use of hybrid meetings for public participation with the exception to allow consultants or staff to present via hybrid meetings, as well as allowing Councilmembers and Commissioners to participate in a hybrid fashion when the threshold under Assembly Bill (AB) 2449 is met.

A substitute motion was made by Councilmember Tillman and seconded by Councilmember Cloven to continue use of hybrid meetings, allowing public comments via Zoom, for City Council, Planning Commission and Budget/Audit Committee meetings. (Passed, Ayes: Tillman, Cloven and Trupiano. Noes: Wan and Diaz.)

c. Approval of the City Sponsored Special Events Policy

City Manager Bret Prebula explained the policy is coming back to the City Council for discussion.

Mayor Wan opened public comments.

Keith Haydon promoted listening to City staff relative to extra work load with a Special Events Subcommittee.

Mayor Wan closed public comments.

It was moved by Mayor Wan and seconded by Vice Mayor Diaz to approve the City Sponsored Special Event Policy, as revised by the appointed City Council Ad Hoc Committee. (Passed, Ayes: Trupiano, Diaz, Wan. Noes: Cloven and Tillman. For the record, Councilmember Tillman stated she will not be planning/running special events as a Councilmember, noting oversight is by the entire City Council and a Subcommittee is not needed.)

11. COUNCIL ITEMS

Councilmember Tillman reiterated her request for a future agenda item to discuss the City Attorney conducting an investigation if there is a hostile work environment and Councilmember actions.

12. COUNCIL REPORTS

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

Councilmember Cloven reported on meetings with residents, providing information about City financial challenges.

Councilmember Tillman reported on the following attendance and meetings: East Bay Division of League of California Cities; Piedmont High School – Redlining and Racism; Clayton Pride Board meeting calls and all calls; Grand Opening of Roadside 22; Trunk or

Treat; Mayor's Conference; Mt. Diablo Education Foundation Board meeting; and announced Fire Wise Town Hall meeting on November 13th at 6:30 p.m.

Vice Mayor Diaz reported on the following attendance and meetings: County Connection Board meeting; Subcommittee meeting with Clayton Business & Community Association (CBCA); CBCA General Membership meeting; Trunk or Treat; County Connection Operations & Scheduling Committee meeting; Mayor's Conference; Art & Wine Committee meeting; Chief of Police & City Manager meetings; and announced Veterans' Day Event on November 11th at 11:00 a.m.

Councilmember Trupiano reported on the following attendance and meetings: Capitol Series event with Assembly Member Rebecca Bauer-Kahan; Contra Costa Association of Realtors Annual Elected Officials Reception; CBCA Mixer; Two-year strategic planning session with Clayton Valley Village; volunteered at Library book sale; Mayor's Conference; and meeting with City Manager.

Mayor Wan reported on the following attendance and meetings: Library book sale; Subcommittee meeting with CBCA; Mayor's Conference; and Communications with residents.

13. CLOSED SESSION

- a. Public Employee Performance Evaluation
Government Code section 54957
Title: City Manager

Mayor Wan opened public comments.

Rebecca Nolan praised and thanked the City Manager.

Jim Killoran said the City is fortunate to have Bret Prebula as City Manager.

Keith Haydon emphasized the City Manager has reviewed the issues facing the City and is working with the community.

Ed Miller conveyed he is impressed with City Manager Bret Prebula; saying he brings best practices, communicates well, and has built a team.

Dana Ayers, Clayton Community Development Director, shared her appreciation for City Manager Bret Prebula.

Roy Correa discussed deliverables, leadership, and allowing the City Manager to do his job; and he requested respectful collaboration among Councilmembers.

Amy Walcker, Executive Assistant to the City Manager/HR Manager, said she is honored to be part of the Clayton team and honored to be working with Bret Prebula.

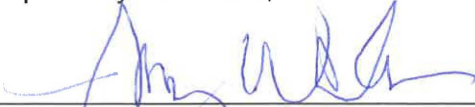
Mayor Wan closed public comments.

The Council recessed to closed session at 10:01 p.m. for the purpose stated above. Upon returning from closed session at 12:06 a.m., there was no reportable action.

14. **ADJOURNMENT** - On call by Mayor Wan, the City Council adjourned its meeting at 12:07 a.m. with the next regular meeting to be held on November 21, 2023, with Vice Mayor Diaz presiding.

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Respectfully submitted,



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

APPROVED BY THE CLAYTON CITY COUNCIL



Jim Diaz, Vice Mayor