

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

**TUESDAY, December 19, 2023**

1. **CALL TO ORDER AND ROLL CALL** – The meeting was called to order at 7:00 p.m. by Mayor Diaz 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 Diaz, Vice Mayor Trupiano, and Councilmembers Tillman, and Wan. Councilmembers absent: Councilmember Cloven. Staff present: Executive Assistant to the City Manager/Human Resources Manager Amy Walcker, Police Chief Richard McEachin, City Engineer Larry Theis, Finance Manager Prapti Aryal, Community Development Director Dana Ayers, City Attorney Mala Subramanian, and Interim City Clerk Sheri Hartz.

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

Mayor Diaz announced that he would be re-ordering the agenda to move Item 5, Recognitions and Presentations, ahead of Item 3, Public Comment.

5. **RECOGNITIONS AND PRESENTATIONS**

Certificates of Recognition to Public School Students for Exemplifying the “Do the Right Thing” Character Trait of “Respect” during the Month of November 2023 were presented by Councilmember Tillman in Councilmember Cloven’s absence.

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

None.

Mayor Diaz closed public comment.

4. **CONSENT CALENDAR**

It was moved by Councilmember Tillman, seconded by Councilmember Wan, to approve the Consent Calendar item 4(a) as submitted. (Passed 4-0-1, Cloven absent).

- a. Approved the minutes of the City Council’s regular meeting of December 5, 2023.

**6. OUTGOING MAYOR PRESENTATION/RECEPTION**

Mayor-elect Diaz presented outgoing Mayor Wan with a gavel plaque in recognition of his service, and Mayor Wan expressed his appreciation.

Councilmember Tillman inquired as a point of order whether the gift to the outgoing mayor was subject to the August 2021 ordinance passed by Council prohibiting the expenditure of taxpayer funds for gifts to Councilmembers. Mayor Diaz stated that he would be reimbursing the City for the cost of the plaque.

At this time, the Council recessed for a brief reception and refreshments and reconvened at 7:30 p.m.

**7. REPORTS**

Executive Assistant to the City Manager/Human Resources Manager Amy Walcker, gave the update, reporting that a team of City staff member would be undertaking an overhaul of the City's website; and, regarding SB 1383, stated that there was currently no discount available for organics composting but that an item would come forward in the future for consideration.

**8. PUBLIC HEARINGS**

- a. Introduced and Waived First Reading of an Ordinance Amending Clayton Municipal Code Title 17 to Implement Adopted General Plan Housing Element Policy, Rezone Properties in Conformance with the Housing and Land Use Elements, Clarify Administrative Procedures, and Align with State Law (CEQA Status: Certified EIR, SCH No. 2022030086)

Dana Ayers, Community Development Director, made the staff presentation and responded to Councilmember questions.

Following discussion by the City Council, Mayor Diaz opened the Public Hearing.

PUBLIC HEARING OPENED: 7:58 p.m.

There was no public testimony given.

PUBLIC HEARING CLOSED: 7:58 p.m.

**It was moved by Councilmember Wan, seconded by Councilmember Tillman, to introduce and waive first reading of an Ordinance amending Clayton Municipal Code Title 17 to implement adopted General Plan Housing Element Policy, rezone properties in conformance with the Housing and Land Use Elements, clarify Administrative Procedures and align with State Law (CEQA Status: Certified EIR, SCH No. 2022030086) (Passed 4-0-1, Cloven absent).**

9. **ACTION ITEMS**

- a. Approved Audited Annual Comprehensive Financial Report of the City of Clayton for the Fiscal Year Ended June 30, 2023.

Finance Manager Prapti Aryal provided an overview of the City's finances for the fiscal year ending June 30, 2023, before introducing Bryce Rojas, the City's Auditor, who gave the presentation and responded to Councilmember questions. Ms. Aryal stated that the final version of the report would be released by month's end.

Following discussion by the City Council, Mayor Diaz opened the item to public comment, but there was no one wishing to speak.

**It was moved by Councilmember Wan, seconded by Vice Mayor Trupiano, to Approve the Audited Annual Comprehensive Financial Report of the City of Clayton for the Fiscal Year Ended June 30, 2023. (Passed 4-0-1, Cloven absent).**

- b. Authorize Funding from General Fund Reserves to Initiate Civil Engineering Design and Environmental Permitting Consultant Services for the Cardinet Trail/Mt. Diablo Creek Bank Repairs with Future Reimbursement from FEMA

City Engineer Theis gave the staff presentation stating that portions of the proposed repair costs would be eligible for FEMA reimbursement.

Following questions posed by the City Council, Mayor Diaz opened the item to public comment, but there was no one wishing to speak. Council discussion ensued as to whether the proposed \$200,000 was the correct amount to begin the project, or if a lesser amount would be sufficient.

**It was moved by Councilmember Wan, seconded by Vice Mayor Trupiano, to Authorize \$50,000 of General Fund Reserves to initiate Civil Engineering Design and Environmental Permitting Consultant Services for the Cardinet Train/Mt. Diablo Creek Bank Repairs with Future Reimbursement from FEMA. (Passed 4-0-1, Cloven absent).**

- c. Dissolved the Concerts in The Grove Oversight Committee and Appointed Members to the City Sponsored Special Events Committee under the next item.

Executive Assistant to the City Manager/Human Resources Manager Walcker gave brief introductory remarks on the item.

Following the Councilmember discussion, the Mayor opened the item to public comment, but there was no one wishing to speak on the matter.

**It was moved by Councilmember Wan, seconded by Vice Mayor Trupiano, to dissolve the Concerts in The Grove Oversight Committee and to appoint members to the City Sponsored Special Events Committee under the next item on the agenda. (Passed 4-0-1, Cloven absent).**

- d. Discuss and Approve City Council Committees & Assignments for Standing/ Ad-Hoc Committees and Liaison Positions

Ms. Walcker presented the item, and the Mayor led the discussion on which Councilmembers wished to serve as main members or alternates on each of the committees.

Following discussion by the City Council, Mayor Diaz opened the item to public comments, but there was no one wishing to speak on the matter.

It was moved by Councilmember Wan, seconded by Vice Mayor Trupiano, to approve City Council Committees and Assignments for Standing/Ad-Hoc Committees and Liaison Positions for 2024 as shown on the chart below. (Passed 4-0-1, Cloven absent).

**2024 Clayton City Council Committee / Commission Assignments**

		2024	
		Main	Alternate
1	Association of Bay Area Governments (ABAG)	Diaz	Wan
2	Budget/Audit Standing Committee	Wan/Trupiano	
3	Citizens Corps Council (CERT)	Diaz	Trupiano
4	Clayton Financing Authority (CFA)	Wan/Diaz	
5	Community Park Sports Fields Committee	Wan	Tillman
6	Contra Costa Water District (CCWD) Liaison	Diaz	Tillman
7	Central Contra Costa Transit Authority (CCTA)	Diaz	Trupiano
8	Do the Right Thing / Unsung Heroes Program	Cloven/Tillman	
9	East Bay Division - League of California Cities	Tillman	Trupiano
10	East Contra Costa County Habitat Conservancy	Trupiano	Wan
11	<del>Garbage &amp; Recycling Committee</del> ELIMINATE		
12	Interview Committees - Planning Commission	Council	
13	Interview Committees – Trails and Landscaping	Tillman	Trupiano
14	Clayton Library Foundation Liaison	Trupiano	Tillman
15	Mayors' Conference Contra Costa County	Mayor and Council	
16	Mt. Diablo School District Liaison	Tillman	Cloven
17	Oakhurst Geological Hazard Abatement District (GHAD)	Cloven	Wan
18	Trails and Landscape Committee (TLC) Liaison	Tillman	Trupiano
19	TRANSPAC	Cloven	Wan
20	<del>Concerts in the Park Committee</del> ELIMINATE		
21	<del>Internship/Training Committee</del> ELIMINATE		
22	City Sponsored Special Events Committee	Wan	Trupiano

**10. COUNCIL ITEMS**

Councilmember Tillman requested a future agenda item to discuss the City's special districts and to receive an outline of their functions, purposes, and reporting requirements. She also renewed her request for the City Attorney to open an investigation into Councilmember behavior and possible censure.

**11. COUNCIL REPORTS**

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

Councilmember Wan reported on having had many communications with residents regarding various activities throughout the city, and discussions with the Police Chief on the low homelessness numbers.

Councilmember Tillman reported on her attendance of the League of California Cities Stop the Hate seminar, the East Bay Division Retreat to discuss 2024 strategic goals, the CBCA Volunteer Appreciation Dinner, two nights of the City's menorah lighting ceremony, TLC's new member welcome meeting where mid-year strategies were discussed, the League's Community Services Policy Committee planning session, the Clayton Pride meeting, the East Bay Division Holiday Reception, and Wreaths Across America. She concluded by requesting that the meeting be adjourned in memory of Allie McCaulay.

Vice Mayor Trupiano reported on her attendance of three nights of the City's menorah lighting ceremony, reported on her communication with a constituent regarding ADA improvements in the City, especially for their child's path to the elementary school and follow-up conversations on this matter with the City Manager and City Engineer. She concluded by reporting that she had attended the East Contra Costa County Habitat Conservancy Board meeting, where she was appointed Chair for 2024.

Mayor Diaz reported on his attendance of the County Connections Operations and Scheduling Committee which oversees transit operations, the Mayors' Conference hosted by the City of San Ramon, several nights of the menorah lighting ceremony, a Celebration of Life for former Mayor Bob Kendall, the swearing in of new officers to the Contra Costa Mineral and Gem Society, the Clayton Museum Holiday display, Wreaths Across America at the VFW and a meeting with the Acting City Manager to discuss the Council agenda and other topics.

12. **CLOSED SESSION**

At 9:40 p.m., the Council adjourned to Closed Session.

Conference with Labor Negotiators  
Government Code section 54957.6

Agency Designated Representatives: Bret Prebula, City Manager and Amy Walcker,  
Executive Assistant to the City Manager/HR Manager

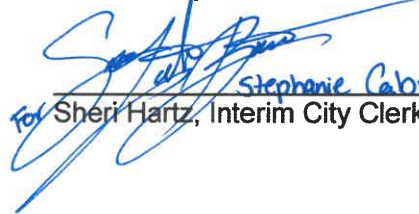
Employee Organization: Clayton Police Officers Association

There were no reportable actions taken.

13. **ADJOURNMENT** - on a call by Mayor Diaz, the City Council adjourned its meeting at 10:06 p.m. in memory of Allison "Allie" McCaulay, who passed away on December 18, 2023.

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Respectfully submitted,

  
Stephanie Cabrera-Brown  
for Sheri Hartz, Interim City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL

  
Jim Diaz, Mayor