



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

TUESDAY, May 7, 2024

- 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 Cloven, Tillman, and Wan.
Staff present: Interim City Manager, Adam W. Politzer, City Engineer, Larry Theis, City Attorney, Malathy Subramanian, and City Clerk Stephanie Cabrera-Brown.

- 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.

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

Members of the public may address the City Council on non-agendized items within the Council's jurisdiction. To ensure an orderly meeting and an equal opportunity for everyone, each speaker is limited to three (3) minutes, or the time established by the Mayor. In accordance with State Law, no action may take place on any item not appearing on the posted agenda. The Council may respond to statements made or questions asked or may at its discretion request Staff to report back at a future meeting concerning the matter.

Public comment and input on other agenda items will be allowed when each item is considered by the Council.

Toni Guttry – Spoke regarding the City's tree policy, requested that the City hire an internal Arborist, and shared concern with the prescribed burn.

Asst. Chief Whit McDonald, – Introduced himself to the Council and Community and shared that the fire department is aware of the prescribed burns that have been planned and working with the State Parks.

Keith Haydon – Spoke regarding concern with comments made by a councilmember regarding a local organization.

CW Wolfe – Spoke regarding the CBCA Art and Wine Festival, thanked committee Chair Sandy Johnson, and spoke regarding the CBCA organization and shared future events.

Mayor Diaz closed public comment.

4. CONSENT CALENDAR

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

- a. Approval of Meeting Minutes
 - i. April 16, 2024
 - ii. April 30, 2024(City Clerk)

- b. Adopt a Resolution renewing the authorization to invest monies in the Local Agency Investment Fund (“LAIF”) in accordance with Section 16429.1 of the California Government Code. LAIF is a pooled investment fund managed by the State of California Treasures Office. (City Manager)

Resolution 14-2024

- c. Adopt a Resolution accepting the Playground Mat Replacement at The Grove performed by SPEC as complete; approving the Notice of Completion and directing the City Clerk to record same with the County Recorder; and authorizing the payment of all retained funds to SPEC 35 days after recording the Notice of Completion. (Community Development Director)

Resolution 15-2024

- d. Adopt a Resolution making findings and declaring pursuant to Government Code section 54221 that certain real property located near the intersection of Clayton Road and Peacock Creek Drive comprising 1 acre of assessor’s parcel no. 118-370-077 and 4 acres of assessor’s parcel no. 118-520-011 is non-exempt surplus land, authorizing the City Manager to comply with the Surplus Land Act (Community Development Director)

Resolution 16-2024

- e. Adopt a Resolution ordering the levying of a Special Tax for Fiscal Year 2024/25 within the High Street Permanent Road Division for the repayment of funds advanced for the reconstruction of the bridge and future maintenance. (City Engineer)

Resolution 17-2024

- f. Adopt a Resolution confirming the levy of assessments for Fiscal Year 2024/25 within the Lydia Lane Sewer Assessment District for the repayment of bonds issued for the construction of municipal sanitary sewers. (City Engineer)
Resolution 18-2024
- g. Adopt a resolution ordering the levying of a Special Tax for Fiscal Year 2024/25 within the Oak Street Permanent Road Division for the future maintenance and administration. (City Engineer)
Resolution 19-2024
- h. Adopt a resolution confirming the levying of assessments for Fiscal Year 2024/25 within the Oak Street Sewer Assessment District for the repayment of bonds issued for the construction of municipal sanitary sewers. (City Engineer)
Resolution 20-2024
- i. Approve an agreement with Waraner Brothers Tree service, for annual weed abatement services on City-owned public properties within the Landscape Maintenance District, for a term of May 1, 2024 through April 30, 2025, with an option for three (3) one-year extensions, for a total of four years. (Maintenance Supervisor)

Following discussion by the City Council, Mayor Diaz opened the item to public comment, there were no members of the public wishing to speak to the consent calendar.

5. RECOGNITIONS AND PRESENTATIONS

Mayor Diaz called Item 5 Recognitions and Presentations, ahead of Item 3, Public Comment.

- a. *Proclamation Honoring Ed Moresi*

Mayor Diaz presented the Proclamation and Mr. Moresi spoke regarding his history in Clayton.

- b. *Prescribed Fire Presentation (Mount Diablo State Park)*

Mason Hyland, Sr. Environmental Scientist - California State Parks presented information and the proposed burn map. Prescribed burns on Mount Diablo are expected to begin May 7- May 13, weather permitting. More information can be found at: https://www.parks.ca.gov/?page_id=517

- c. *Countywide 2024 Local Hazard Mitigation Plan (LHMP) (Community Development)*

Dana Ayers, Community Development Director, presented the County Wide Local Hazard Mitigation Plan (LHMP) and shared information on the comment period. More information can be found at:

<https://www.contracosta.ca.gov/6415/Local-Hazard-Mitigation-Plan>

6. **REPORTS**

- a. City Manager / Staff

- Link to ClearGov Transparency Portal:

<https://cleargov.com/california/contra-costa/city/clayton/checkbook>

Adam W. Politzer, Interim City Manager shared updates on staffing sharing names of the new staff: Regina Rubier, Administrative Services; Elsie Okeyo, Human Resources; Tayler Adeyemo, Finance. Mr. Politzer also shared updates on the Budget and Audit Committee and the FY 24/25 budget process.

Stephanie Cabrera-Brown, City introduced Catherine Muiruri, who will be assisting with the clerk functions and the front office.

7. **PUBLIC HEARINGS**

(There were no Public Hearings scheduled for this meeting.)

8. **ACTION ITEMS**

- a. Authorize the City Manager to execute Amendment No. 1 to the City of Clayton's Professional Services Agreement with Theis Engineering & Associates for City Engineering Services which will extend the term of the agreement by one year from June 30, 2024 to June 30, 2025. (City Engineer)

Adam W. Politzer, Interim City Manager provided an overview of Amendment No. 1 to the City of Clayton's Professional Services Agreement with Theis Engineering & Associates for City Engineering Services. Following discussion by the City Council, Mayor Diaz opened the item to public comment; There were no members of the public wishing to speak to the item.

It was moved by Councilmember Cloven and seconded by Councilmember Tillman to Authorize the City Manager to execute Amendment No. 1 to the City of Clayton's Professional Services Agreement with Theis Engineering

& Associates for City Engineering Services. (Passed; 5-0)

- b. Provide direction to the staff on restriping Mountaire Parkway between Marsh Creek Road and Mountaire Circle (South of the swimming pool and the Cabana Club area) from four to two traffic lanes. (City Engineer)

Larry Theis, City Engineer provided an overview on restriping Mountaire Parkway between Marsh Creek Road and Mountaire Circle. Following discussion by the City Council, Mayor Diaz opened the item to public comment;

Nancy Ahern – Spoke regarding concerns with the re-striping proposal and against the changes.

Tom Brassil – Spoke regarding concerns with and against the changes.

Kristin Brassil – Spoke regarding concerns with and against the changes.

Ben Grover – Spoke in support of the re-striping proposal and supported reduction of the lanes.

Terry Rapicavoli – Read a statement against the changes.

Lewis Hunter – Spoke in favor of reducing the lanes from 4 to 2 lanes.

Kevin Wheeler – Spoke regarding concerns with the proposal and was against the changes.

Shannon Cox – Spoke regarding the reduction of the lanes.

It was moved by Councilmember Wan and seconded by Vice Mayor Trupiano to proceed with Option 3: Paving project as is and complete the project as authorized by Caltrans Local Assistance and CCTA with the segment of Mountaire Parkway using paint (instead of typical thermoplastic) after the surface treatment to its existing configuration of four lanes (Passed; 5-0)

9. **COUNCIL ITEMS** – Limited to Council requests and directives for future meetings.

Councilmember Tillman requested to agendaize a discussion with the City Attorney to discuss hiring an independent third-party investigator to investigate staff turnover and requested that the council hold a session on governance.

10. **COUNCIL REPORTS**

Councilmember Cloven provided an update on Clayton Cleans Up and Clayton Pride on June 2, 2024.

Councilmember Wan attended meetings for: Budget & Audit committee and Stranahan Park (Olivia project parking); and engaged with the community on various matters.

Councilmember Tillman attended meetings for: League of California Cities - East Bay division; Mount Diablo Foundation; attended the Art & Wine festival (provided breakfast); Ed's Mudville Grill's 30th Anniversary celebration will meet with Clayton Pride; and shared the Clayton Pride Parade will be held on Sunday, June 2nd, 2024.

Vice Mayor Trupiano attended meetings for: Climatec; City Sponsored Special Events; East Contra Costa Habitat Conservancy; Mayors' Conference; Library Foundation; and will meet with the Girl Scouts on May 8th, 2024.

Mayor Diaz attended meetings for: County Connection ; Clayton Cleans Up; East Bay Alarm Association; Mayors' Conference; East Bay Regional Communications Systems Authority; met with the City Council and Interim City Manager; attended; the Art & Wine festival; Cinco de Mayo celebrations; and shared information on the Memorial Day at the Grove Park on May 27th.

11. **ADJOURNMENT** – on a call by Mayor Diaz, The City Council adjourned its meeting at 9:47 p.m.

Please note the Minutes of this meeting set forth all actions taken by the City Council on the matters stated, but not necessarily in the chronological sequence in which the matters were taken up.

Respectfully submitted,



Stephanie Cabrera-Brown, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL



Jim Diaz, Mayor