



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

TUESDAY, AUGUST 20, 2024

1. **CALL TO ORDER AND ROLL CALL** – The meeting was called to order at 7:01 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 Politzer, Assistant City Manager, Regina Rubier, City Attorney, Malathy Subramanian, Interim Community Development Director, Dan Hortert, and City Clerk, Stephanie Cabrera-Brown.
2. **PLEDGE OF ALLEGIANCE** – Led by Mayor Diaz
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.

Richard Enea - spoke regarding his candidacy for City Council and his qualifications.

Frank Gavidia – Congratulated Adam W. Politzer on being a great Interim City Manager and shared that he is looking forward to meeting the new City Manager.

Bill Wolcott – Thanked the departing Interim City Manager, provided an update on the Clayton Post Office landscaping concerns and thanked Mayor Diaz for his assistance. Mr. Wolcott also spoke regarding Claytonwatch.org.

4. CONSENT CALENDAR

It was moved by Councilmember Wan, seconded by Councilmember Tillman to approve Consent Calendar item 4(a) and 4 (b) as submitted. (Passed; 5- 0).

- a. Approval of Meeting Minutes
 - i. July 16, 2024, Regular Meeting
 - ii. July 23, 2024, Special Meeting
 - iii. July 30, 2024, Special Meeting(City Clerk)

- b. Approve the following recommendations:
(The Budget and Audit Committee reviewed and recommend this item at their August 12, 2024, meeting; Item 5.)
 - 1) Waive the City of Clayton’s (City) Procurement Policy to permit the City to utilize an Omni procurement of a lawn mower to acquire one new Lazer Z Diesel 43.5 horsepower (HP) Yanmar lawnmower with a 144” UltraCut RD Deck;
 - 2) Authorize the City Manager to execute the purchase agreement with Furber Saw to acquire one new Lazer Z Diesel 43.5 horsepower (HP) Yanmar lawnmower with a 144” UltraCut RD Deck for an amount not to exceed \$75,364.22, in a form acceptable to legal counsel; and
 - 3) Authorize the Interim City Manager or his designee to take any other actions that may be necessary to give effect to the above-listed actions.(Assistant City Manager)

5. RECOGNITIONS AND PRESENTATIONS

- a. Proclaiming September as Childhood Cancer Awareness Month

Mayor Diaz read the proclamation into record and declared September as Childhood Cancer Awareness Month.

- b. Employee Appreciation Certificates

Mayor Diaz presented the following certificates:

- *Sandy Johnson for her management and execution of the 2024 4th of July Parade.*
 - *Adam W. Politzer for his service as Interim City Manager.*
- c. Proclamation honoring Contra Costa County Fire Protection District Assistant Chief Lon Goetsch on his retirement

Mayor Diaz read and presented the proclamation to Contra Costa County Fire Protection District Assistant Chief Lon Goetsch.

Assistant Chief Lon Goetsch thanked the Council and shared memories of working with the City of Clayton.

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 provided a brief overview of the City Manager Transition plan and thanked the Council and community for work that was completed during his time as Interim City Manager.

7. **PUBLIC HEARINGS**

- a. Oak Creek Canyon Project, Public Hearing on an Appeal of the Planning Commission's one-year extension of the Oak Creek Canyon Residential Planned Development Permit for Six Residential Units Located on the North Side of Marsh Creek Road and the Intersection of Diablo Parkway. (Interim Community Development Director)

Mayor Diaz opened the public hearing.

Dan Hortert, Interim Community Development Director provided an overview of the Planning Commission's one-year extension of the Oak Creek Canyon Residential Planned Development Permit for Six Residential Units Located on the North Side of Marsh Creek Road and the Intersection of Diablo Parkway.

Vincent Moita and Jim Moita (Appellant) provided an overview of the appeal, responded to questions raised throughout the discussion, and requested the Council to approve the appeal.

David Fish and Doug Chen (Project Sponsor); provided an overview of the project, responded to questions raised throughout the discussion, and further requested the Board to uphold the decision of the Planning Department

Appellant and Project Sponsor provided rebuttals.

Following discussion by the City Council, Mayor Diaz opened the item to public comment:

Richard Enea –In his capacity as a Planning Commissioner spoke regarding the details of the Planning Commission decision.

Mayor Diaz closed the public hearing.

It was moved by Councilmember Wan and seconded by Vice Mayor Trupiano, adopt a Resolution to uphold the Planning Commission’s one-year extension of the Oak Creek Canyon Residential Planned Development Permit for Six Residential Units Located on the North Side of Marsh Creek Road and the Intersection of Diablo Parkway. (Passed; 4- 1; Ayes: Councilmembers: Tillman and Wan, Vice Mayor Trupiano, and Mayor Diaz. Noes: Councilmember Cloven)

8. ACTION ITEMS

- a. Receive an update from the City Manager’s Office on the City of Clayton Strategic Plan, Implementation Action Plan. (Assistant City Manager)

(The Budget and Audit Committee reviewed and recommend this item at their August 12, 2024, meeting; Item 6.)

(Regina Rubier, Assistant City Manager) provided an overview of the City of Clayton Strategic Plan, Implementation Action Plan. Following discussion by the City Council, Mayor Diaz opened the item to public comment:

No Action Taken; Update received and filed.

- b. Authorize the Mayor to execute the City Manager’s Employment Agreement (City Attorney)

Contract 35-2024

Mala Subramanian, City Attorney provided an overview of the City Manager’s Employment Agreement. 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 this item.

Kris Lofthus – Thanked the Council for their confidence in him and spoke regarding his previous experience. Mr. Lofthus also thanked his family for their support, which allows him to work in local government.

Bill Walcott – Thanked the Council for their City Manager selection

Vincent Moita – Spoke regarding the importance of historical knowledge and welcomed the incoming City Manager.

Mayor Diaz recessed the meeting at 7:42 p.m. and reconvened the meeting at

It was moved by Councilmember Wan and seconded by Vice Mayor Trupiano, to Authorize the Mayor to execute the City Manager's Employment Agreement. (Passed; 5- 0)

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

Councilmember Tillman requested a discussion to define good cause for permit extensions and also requested a discussion or investigation into concerns governance training.

Vice Mayor Trupiano requested a discussion to create a public comment policy to ensure consistency with speakers who are running for office.

10. COUNCIL REPORTS

Councilmember Cloven Shared information regarding 9/11 Remembrance day and the September 7th Clayton Day of Service.

Councilmember Wan attended meeting(s) for: Budget and Audit Committee, Climatec, and City Management Appointment Interviews

Councilmember Tillman attended meeting(s) for: Clayton Pride, Memorial Day event, Trails and Landscape Committee, City Manager Appointment, and Mt Diablo Elementary Foundation Board Meeting. Attended: She Ready Event, Employee Recognition Luncheon.

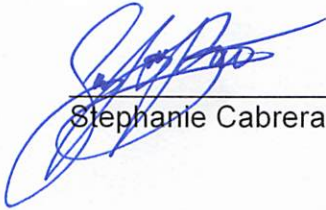
Vice Mayor Trupiano attended meeting(s) for: Budget and Audit Committee; Concerts in the Grove; Agenda Setting Meeting, Ad Hoc Improvement Committee, City Sponsored Special Events Meeting, Ad Hoc Recruitment Committee, East Bay Economic Development Alliance, and Climatec. Met with: Interim City Manager and Assistant City Manager. Attended: Memorial Day celebrations, Employee Recognition Luncheon, and Concerts in the Grove.

Mayor Diaz attended meeting(s) for: County Connection Board Meeting, Clayton Car Show, National Night Out, Agenda Setting Committee; Concerts in the Grove; Memorial Day celebration. Attended: Employee Appreciation Luncheon Met with: Interim City Manager

11. ADJOURNMENT – on a call by Mayor Diaz, The City Council adjourned its meeting at 9:37 p.m. The next meeting will be on Tuesday September 17, 2024.

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