

MINUTES
OF THE REGULAR MEETING
CLAYTON CITY COUNCIL
Tuesday, October 3, 2023

1. **CALL TO ORDER AND ROLL CALL** – The meeting was called to order at 7:03 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 Richard McEachin.
2. **PLEDGE OF ALLEGIANCE** – Led by Mayor Wan.
3. **PUBLIC COMMENT ON NON - AGENDA ITEMS**

Vice Mayor Diaz explained and apologized that he arrived from another meeting without his iPad at the September 19th meeting, needed to upload the latest Zoom application to his phone, and was not texting. He also apologized for inappropriate comments regarding the on-site and oversight committee at the last meeting, and said he has since met with the City Manager.

Keith Haydon expressed appreciation for the City Council policy restricting use of cell phones during meetings. He thanked Mayor Wan for the Town Hall meeting he held and encouraged future such meetings. Mr. Haydon thanked Clayton Business and Community Association (CBCA) for the recent Oktoberfest festivities, and thanked Councilmember Cloven for his assistance with the event.

Mr. Rogers inquired if termination/exit procedures language was added to the contract with HdL, and City Manager Bret Prebula responded that the revised language was received yesterday; and if appropriate, the agreement would be signed in accordance with the Council action on September 19, 2023.

C.W. Wolfe, CBCA reported:

- At the September meeting, CBCA approved a \$50,000 donation to the Mt. Diablo Interpretative Association toward funding construction of the Education Center at the Mitchell Canyon entrance to Mt. Diablo State Park;
- Emailed the Mayor regarding development of an agreement between CBCA and the City on holding festivals and events, and the City Manager being able to attend those meetings;
- Successful Oktoberfest was held last weekend, and he thanked Chair Marilyn Schmidt, Charlie Schmidt and the Oktoberfest Committee.

Terri Denslow expressed concern about any undercurrents that do not support the new City Manager, whom the City has welcomed to address systemic issues.

Steve Pratt thanked Mayor Wan for holding a Town Hall meeting and urged other Councilmembers also to have meetings. Mr. Pratt commented on discussions for Clayton to have a sustainable future, and to spend money to ensure it.

Mayor Wan closed public comments.

4. **CONSENT CALENDAR**

Councilmember Tillman pulled Item 4c. from the Consent Calendar.

Councilmember Tillman inquired why a draft policy was not included in the staff report and why staff is not preparing the draft policy. Councilmember Cloven requested clarification and asked to be on the ad-hoc committee for the Special Event Fee Policy to afford differing views. Councilmember Trupiano received explanation that the proposed committee is a new ad-hoc committee, separate from the ad-hoc committee formed at the last meeting regarding the Special Event Policy.

Mayor Wan opened the public comments on the Consent Calendar.

Lauren Kindorf confirmed item 4c. is a different committee.

Keith Haydon commented that the proposal is for a draft policy.

Terri Denslow urged Councilmember Tillman to repeat the question if it is normal procedure for a subcommittee to draft a policy, rather than staff.

Howard Geller stressed the Mayor and Council provide direction to staff with expertise to draft a policy for review by the City Council.

Mayor Wan closed public comment on the Consent Calendar.

Councilmember Tillman reiterated the question if it is normal or appropriate for Council to develop a policy from scratch. City Manager Bret Prebula responded that from his experience, staff brings forward a draft policy for Council review.

Councilmember Trupiano suggested staff write a draft policy and work with an ad-hoc committee on the Special Event Fee Policy and then it be presented to the full City Council. Councilmember Tillman urged the public be given an opportunity for input.

- c. **It was moved by Councilmember Tillman and seconded by Councilmember Trupiano to appoint an ad-hoc committee composed of Mayor Wan and Councilmember Trupiano to review a staff-written draft policy related to the Special Event Fee Section of the Master Fee Schedule for presentation to the full City Council (Passed 5-0).**

It was moved by Vice Mayor Diaz, seconded by Councilmember Tillman, to approve Consent Calendar items 4(a) and 4(b) as submitted. (Passed 5-0).

- a. Approved the Minutes of the City Council's Regular Meeting of August 15, 2023
- b. Approved the Minutes of the City Council's Special Meeting of September 7, 2023

5. **RECOGNITIONS AND PRESENTATIONS**

- a. Information Only – No Action Requested.
- National Disability Employment Awareness Month
 - Italian-American Heritage and Culture Month

b. East Bay Regional Parks District (City Manager)

City Manager Bret Prebula introduced John Mercurio, Ward 6 Board Director, who presented a slide deck summarizing updates on the East Bay Regional Parks District. Councilmember Tillman asked about the number of staff members, and Mr. Mercurio responded approximately 980, emphasizing volunteers are also needed. In response to Mayor Wan, Mr. Mercurio indicated Clayton Ranch may not begin for 2-3 years, mentioned two potential access points, and the City will be contacted for coordination of the project.

6. **REPORTS**

- a. City Manager Bret Prebula responded to Councilmember Trupiano that Regional Government Services has been hired to assist with finding candidates for the vacant City Clerk position.

7. **PUBLIC HEARINGS** - None

8. **ACTION ITEMS**

City Manager Bret Prebula gave an overview of the proposed reclassification due to staffing levels and significant service demands. Consultant Ron Bernal continued presentation of the slide deck, covering the current service-hour deficit of approximately 5,500 hours and its cumulative effects; aging infrastructure in the City; potential contracting for landscaping; planning for significant storm events; and the organizational assessment by MRG that identified need for two additional positions. City Manager Prebula explained a two-prong change in approach by issuing a request for proposals (RFP) for landscaping and having current staff focus on areas that could not otherwise be addressed, noting the change is without a funding stream after the first year.

Executive Assistant to the City Manager/HR Manager Amy Walcker indicated the proposal is to move the Maintenance Supervisor position to an exempt (salaried) position, since the position serves in a high-level administrative capacity and reports to the City Manager. Ms. Walcker showed a salary comparison; and stated that in the future, there is a need to consider adding one full time equivalent Senior Maintenance Worker and develop a stand-by/on-call policy to address off-hour call-backs. City Manager Prebula provided a conclusion, saying the proposal is to use \$400,000 of Pandemic Relief Reserve to fund the one-year landscaping agreement.

City Manager Prebula, Ms. Walcker, Mr. Bernal, and Maintenance Supervisor Jim Warburton responded to Council questions about the use of the current landscape maintenance district assessments; proposed additional funding; estimate of landscaping contract; future reduction of temporary workers; job description; skill level of maintenance workers for revised tasks; timing of RFP; reclassification without salary adjustment and in conjunction with the landscape contract; purpose of one-year trial for landscape contract; piece-meal approach; lack of alternatives being costly addition of staff or reduced service levels; percentage increase; what is currently not being done; main-line breaks; future projects given time such as Clayton Community Park, trails, and line-of-sight trimming; service-hour deficit; deferred maintenance; tree service; salary and span of control; and landscape contract estimate equates to a reduction of approximately 6,000 hours.

Mayor Wan opened public comments.

Keith Haydon addressed deferred maintenance of landscape and irrigation systems in light of budgetary and staffing restrictions, and supported the proposed position reclassification and use of one-time funding for landscaping contracting.

Mr. Rogers obtained clarification that the service-hour deficit of 5,500 hours is for all maintenance work, and the proposed landscape contract is for trimming and irrigation from the valve up, not the main-line issues.

Ed Miller suggested abandoning areas of landscaping that are already lost and using water savings to fund the remaining landscaping and toward infrastructure upgrades.

Mike Wells pointed out this is a people issue, not just numbers.

Mayor Wan closed public comments.

Councilmembers Cloven and Tillman stated support for the proposed reclassification. Councilmember Tillman expressed concern about using reserves to cover operational costs. Mayor Wan said his preference is for a broad, big-picture approach to City needs with prioritization; commented that the position should be assessed independent of the individual; and suggested approving the reclassification and proceeding with the RFP for landscaping without appropriation. City Manager Bret Prebula shared he will return to the City Council with a 5-year forecast. Vice Mayor Diaz recommended that progress on deferred maintenance be provided to the community periodically.

- a. **It was moved by Councilmember Tillman and seconded by Councilmember Cloven to adopt Resolution 51-2023 Reclassifying the Maintenance Supervisor to the Maintenance Superintendent and Adjusting the Salary Range and Job Classification (Passed 5-0).**

9. COUNCIL ITEMS

Councilmember Tillman restated her previous request for a 360 degree review of Council by staff, and requested to discuss the City Attorney conducting an investigation if Council is overstepping their bounds and creating a toxic or hostile work environment, and if such findings would be basis for developing a Censure Policy.

10. COUNCIL REPORTS

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

Councilmember Cloven reported on the following attendance and meetings: League of California Cities 3-day conference; California Pride; Oktoberfest; conversations with residents concerned about tenor of Council; change in tone on social media toward staff and City Manager, and possible unwanted changes.

Councilmember Tillman reported on the following attendance and meetings: League of California Cities conference and panelist on hate crimes/speech; installed on East Bay Division Board of the League and appointed Chair of League Community Services Policy Committee; Pride Board; Mayor's Town Hall; characterization of collusion with Tamara Steiner in 2016 is false; Podcast with Capstone and Kevin Wilk on Combating Hate; City Manager and Executive Assistant to the City Manager/HR Manager; questions on Olivia project with update within the next month; and asked for comments disparaging staff to stop.

Vice Mayor Diaz reported on the following attendance and meetings: League of California Cities conference; County Connection Annual Board Meeting, now on Operations and Scheduling Committee; East Bay Regional Communications System Authority; Oktoberfest; American Association of University Women, and City Manager.

Councilmember Trupiano reported on the following attendance and meetings: League of California Cities conference and East Bay Division; Oktoberfest; and announced Library book sale October 27-29.

Mayor Wan reported on the following attendance and meetings: Communications with residents; traveling for work; and Town Hall.

11. **ADJOURNMENT** - on call by Mayor Wan, the City Council adjourned its meeting at 10:56 p.m.

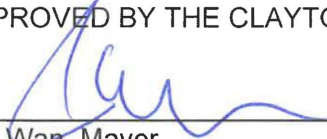
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Respectfully submitted,



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

APPROVED BY THE CLAYTON CITY COUNCIL



Jeff Wan, Mayor