

**MINUTES
OF THE REGULAR MEETING
CLAYTON CITY COUNCIL
TUESDAY, October 17, 2023**

1. **CALL TO ORDER AND ROLL CALL** – The meeting was called to order at 7:00 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.

5. **RECOGNITIONS AND PRESENTATIONS**

- a. Certificates of Recognition to Public School Students for Exemplifying the “Do the Right Thing” Character Trait of “Responsibility” during the Month of October 2023

Councilmember Cloven summarized the character recognition program and introduced Principal Sara Harris who introduced teacher Deborah Huaco. Recognized were: Jemma Rios and Carli Burkhardt for Doing the Right Thing at Mt. Diablo Elementary School by exemplifying great “Responsibility.” Principal Vicki Wilson recognized Nikolett Pandelis, Alexis Schmidt, and Brayden Farley for “Doing the Right Thing” at Diablo View Middle School by exemplifying great “Responsibility.”

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

Keith Haydon thanked the City Council for selecting City Manager Bret Prebula, thanked him for the good job he is doing, and urged the City Council to open the City Manager’s upcoming performance evaluation to comments from the public.

Mads Wallin supports a 6-month review of the City Manager, allowing the public to provide input, and he thanked Mr. Prebula for openness and presenting the facts without politics.

C.W. Wolfe, President, Clayton Business and Community Association (CBCA) reported:

- CBCA approved a \$1,000 donation to the Clayton Valley Garden Club for Blossoms for Barbara effort;
- Received plethora of requests and on track to reinvest \$175,000 back to the community;
- Obtained permits for Art & Wine Festival in April and Oktoberfest, and will be holding a BBQ & Brews Festival at Oakhurst Country Club in June;
- Accepted invitation to meet with Mayor and Ad-Hoc Committee regarding new special events fees, requested City Manager attend, and looked forward to renewed partnership;
- Along with Clayton Community Church, sponsoring a Trunk or Treat on October 28th.

Scott Denslow expressed appreciation for the Do the Right Thing celebrations, supports the City Manager in creating stability in the community going forward, and encouraged harmony and happiness.

Roy Correa thanked Mayor Wan and the City Council for doing a good job, commented about the tenor of meetings, and said a majority of Council voted on the CBCA agreement.

Tamara Steiner stated that The Concord Clayton Pioneer News is joining in the Trunk or Treat event with a Woof-O-Ween dog costume contest on October 28th, 4:00 – 6:00 p.m.

Terri Denslow commented about staff turnover since 2019, said the community supports the City Manager, and asked that the community be allowed to provide input on his performance evaluation.

Debra Geller thanked the City Manager for the newsletter.

Howard Geller reminded the City Councilmembers their job is to give direction to staff for them to run the City on a daily basis, and he emphasized the CBCA has never skirted any fees or costs and should be thanked for providing parks and recreation services without being paid.

Mayor Wan closed public comments.

4. **CONSENT CALENDAR**

There were no public comments on the Consent Calendar.

It was moved by Councilmember Cloven and seconded by Councilmember Trupiano to approve Consent Calendar items 4(a) - 4(c) as submitted. (Passed 5-0).

- a. Approved the Minutes of the City Council Regular Meeting of September 19, 2023.
- b. Approved the Minutes of the City Council Regular Meeting of October 3, 2023.
- c. Approved by Minute Order: 1) Amendment No. 2 to the Professional Services Agreement with Precision Civil Engineering for Preparation of PreReviewed Accessory Dwelling Unit (ADU) Plans and an ADU Guidebook, to Increase the Amount Paid for Services to \$70,000; and 2) Appropriation of an Additional \$5,000 in Reimbursable Funds from Senate Bill 2 Planning Grants Program to the Project.

5. **RECOGNITIONS AND PRESENTATIONS**

- b. Contra Costa County Supervisor Ken Carlson to Provide an Update on Activities Countywide

City Manager Bret Prebula introduced Supervisor Ken Carlson. Supervisor Carlson presented a slide deck including information about his background, current Committees, regional Boards and Commissions, Contra Costa County, District IV, County departments and services, County Supervisor duties, accomplishments, homelessness and housing, Measure X – County half-cent sales tax; General Plan; around the County; and recognized staff Alejandra Sanchez.

6. **REPORTS**

- a. City Manager Bret Prebula reported the City has received numerous public record requests regarding The Olivia on Marsh Creek project, so he introduced A. J. Kennedy, on-site engineer, to provide a project update. Mr. Kennedy shared his process:

- Following weekend tree removal, Mr. Jordan was notified that no weekend tree removal is allowed.
- The storm water pollution prevention plan has been amended and is in compliance.
- Buildings with lead will be dismantled in accordance with best management practices.
- One more tree will be removed, and the remaining trees will be protected.
- Seven soil borings revealed no contamination but additional requirements of hydro-seeding, storm water erosion control, and sediment control were added and completed.

7. **PUBLIC HEARINGS** – None

8. **ACTION ITEMS**

- a. Introduced and Discussed the Draft City of Clayton Local Roadway Safety Plan Prepared by Kittelson and Associates

City Engineer Larry Theis introduced the item and Grace Carsky, Kittelson & Associates. Ms. Carsky presented a slide deck about the Local Roadway Safety Plan including safety analysis, vision & goals, existing conditions, community outreach, countermeasures and strategies, and evaluation and implementation.

Following Council questions, Mayor Wan opened public comments.

Howard Geller said stop signs are needed at the corner of Mountaire Parkway and Mt. Duncan.

Mayor Wan closed public comments.

Councilmember Tillman asked that the area downtown by Grove Park on Center Street and crosswalk at Morris Street be reviewed for safety improvements and not make improvements more confusing.

- b. Approve the Service Agreement with Granicus 311

Amy Walcker, Executive Assistant to the City Manager/HR Manager, introduced Mike Schultz from Granicus. Mr. Schultz presented a slide deck on a platform for communication and service requests with residents.

Following Council questions, Mayor Wan opened the public hearing. There were no public comments.

Following Council discussion, Councilmember Tillman moved and Councilmember Cloven seconded to authorize staff to execute a contract with Granicus for the 311 system at a total cost of \$47,507.74 for implementation and 36 months of services, with the understanding that only the first year of services will be paid for initially, and the source of funding will be determined in subsequent years (Passed 5-0).

Council recessed briefly at 9:13 p.m. and reconvened at 9:18 p.m.

- c. Adopt a Resolution (Traffic Order #2) to Authorize Installation of Stop Signs on N. El Camino Drive at Southbrook Drive to be an All Way Stop Controlled Intersection and Approve Signing and Striping Plan Prepared by the City Engineer (City Engineer)

City Engineer Larry Theis gave the staff report.

Following Council questions, Mayor Wan opened the item for public comments. There were no public comments.

It was moved by Councilmember Cloven and seconded by Councilmember Tillman to adopt Resolution 52-2023 authorizing installing all-way stop signs at the intersection of N. El Camino Drive and Southbrook Drive and to approve the signing and striping plan prepared by the City Engineer (Passed 5-0).

- d. Approval of the City Sponsored Special Events Policy and Identification of the List of City Sponsored Special Events

City Manager Bret Prebula stated the original purpose of the City Sponsored Special Events Policy and list of City Sponsored Special Events was to develop a system that freed the City Council from primary responsibility of special events and allow staff to obtain bids for special events due to lack of staffing. Mr. Prebula expressed concern about limited staff resources and the establishment of a new Special Events Subcommittee that would be subject to the Brown Act and would require additional staff time to support.

Following Council questions, Mayor Wan opened public comments.

Ed Miller commented on the revisions of the City Sponsored Special Events Policy switching operational responsibility from staff to the Subcommittee, and the burden on residents of attending additional meetings.

Ed Hartley said the policy muddies already cloudy water, there is a possibility of not holding certain desired events, questioned waiver of costs, and RFPs.

Keith Haydon remarked the policy was intended to standardize the process for special events regarding staff, volunteers, and funding; and he recommended listening to staff to minimize the burden on them.

Debra Geller emphasized the City Council hired a good City Manager, and the policy proposes a Council Subcommittee take over operational responsibility.

Howard Geller discussed the Concerts in The Grove process, which needed time and expertise.

A.J. Chippero shared his previous marketing of the Concerts in The Grove and criticized the marketing of the latest season.

Terri Denslow mentioned special events have been privately funded; she is concerned about a Subcommittee providing oversight instead of the City Manager, allowing the Council to address policy and structural issues instead of being event organizers and playing political games.

Scott Denslow, stated the policy places additional burden on staff; it is harder for residents to participate; and there is an exclusionary theme to policies.

Mayor Wan closed public comments.

Vice Mayor Diaz stressed the action item is the policy, and an operational manual for the Concerts has been developed. Mayor Wan summarized the policy establishes the Subcommittee, allows ability for Subcommittee oversight, sets up how the City wants to establish procedures over the events, and should not include operations. Councilmember Trupiano conveyed the ledger does account for City costs, and she asked the City Manager for his input. Councilmember Tillman proposed keeping everything status quo and allow the City Manager to proceed as indicated without a Subcommittee. Councilmember Cloven disagreed with revised policy and objected to formation of a Subcommittee.

By consensus, Council tabled the City Sponsored Special Events Policy, agreed on the List of City Sponsored Special Events being: 1) Concerts in the Grove, 2) 4th of July Parade, 3) Clayton Classic Car Show, and 4) Clayton 60th Anniversary (one-time event); and directed the City Manager to proceed with Requests for Proposals.

City Attorney Subramanian reminded the City Council of the policy to obtain unanimous consensus to begin discussion of any new items after 11:00 p.m. City Manager Prebula offered the closed session item could be continued to November 7, 2023.

By unanimous consensus, the Council agreed to finish the remainder of the meeting.

9. COUNCIL ITEMS

Councilmember Tillman reiterated her request for a future agenda item for a 360-degree review of Council by staff, to discuss the City Attorney conducting an investigation if Council is overstepping their bounds, and possible censure.

Councilmember Trupiano expressed concern about 17 openings at Diamond Terrace and impact on seniors; and requested a Concerts in The Grove Committee meeting in early November.

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: Along with Councilmember Tillman, met with Mt. Diablo Elementary School staff about Do the Right Thing character traits; Clayton Pride Board as Co-Treasurer; Transportation Partnership & Cooperation (TRANSPAC); and Friday night bocce ball.

Councilmember Tillman reported on the following attendance and meetings: Along with Councilmember Cloven, met with Mt. Diablo Elementary School staff about Do the Right Thing initiative; Attended Anti-Bias and Anti-Racist meeting with the Mt. Diablo Unified School District; Mayor's Conference; Clayton Pride Board meetings as Chair; Introduced City Manager to Clayton Valley Women's Club; Walk and lunch with City staff; Visited Supervisor Carlson's new office in Pleasant Hill; Pittsburg Kiwanis Annual Gala; Opportunity Junction donor and friends event; Jewish Community Peace & Unity Rally in Brentwood; Fundraiser for Scales-Preston for District Supervisor; North Gate High School commemoration of Harvey Milk; Meetings with the City Manager; Community discussions regarding fire wise;

Announced Town Hall meeting on November 13th at 6:00 p.m.; and Announced Grand opening for Roadside 22 at Clayton Station.

Vice Mayor Diaz reported on the following attendance and meetings: Mayor's Conference; Fleet Week; MTCA Board, Supervisor Ken Carlson Open House, Karen Ann Mangini memorial concert; Police Department; and City Manager.

Councilmember Trupiano reported on the following attendance and meetings: Clayton Valley Village annual dinner and will be attending upcoming Board retreat; City Manager; Clayton Community Library Foundation Board President and announced upcoming book sale for members on October 27 and for the public on October 28-29.

Mayor Wan reported on the following attendance and meetings: Mayor's Conference; and Communications with residents.

11. CLOSED SESSION

- a. Conference with Labor Negotiators (Gov. Code section 54957.6)
Agency Designated Representative: Bret Prebula, City Manager
Employee Organization: Clayton Police Officers Association

There were no public comments.

The Council recessed to closed session at 11:25 p.m. for the purpose stated above. Upon returning from closed session at 12:07 a.m., October 18, 2023, there was no reportable action.

- 12. **ADJOURNMENT** – On call by Mayor Wan, the City Council adjourned its meeting at 12:07 a.m., October 18, 2023.

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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