CITY OF CLAYTON

Founded 1857 . . . Incorporated 1964

AGENDA

REGULAR JOINT MEETINGS

* * *

CLAYTON CITY COUNCIL
and
CLAYTON SUCCESSOR HOUSING AND SUCCESSOR AGENCIES

***

TUESDAY, May 21, 2013

6:30 P.M.

Hoyer Hall, Clayton Community Library
6125 Clayton Road, Clayton, CA 94517

Mayor: Julie K. Pierce
Vice Mayor: Hank Stratford

Council Members
Jim Diaz
Howard Geller
David T. Shuey

- A complete packet of information containing staff reports and exhibits related to each public item is available for public review in City Hall located at 6000 Heritage Trail on Monday prior to the Council meeting.
- Agendas are posted at: 1) City Hall, 6000 Heritage Trail; 2) Library, 6125 Clayton Road; 3) Ohm's Bulletin Board, 1028 Diablo Street, Clayton; and 4) City Website at **www.ci.clayton.ca.us**
- Any writings or documents provided to a majority of the City Council after distribution of the Agenda Packet and regarding any public item on this Agenda will be made available for public inspection in the City Clerk's office located at 6000 Heritage Trail during normal business hours.
- If you have a physical impairment that requires special accommodations to participate, please call the City Clerk's office at least 72 hours in advance of the meeting at (925) 673-7304.

* CLAYTON SUCCESSOR HOUSING AND SUCCESSOR AGENCY*

May 21, 2013

6:30 P.M.

1. **CALL TO ORDER THE CLAYTON SUCCESSOR HOUSING AGENCY**- Mayor Pierce.

2. **CLOSED SESSION**

(a) Clayton Successor Housing Agency
Government Code Section 54956.8, Conference with Real Property Negotiator
Real Property: 204 Stranahan Circle, Clayton, CA (APN 119-620-003).
Instructions to Agency negotiator (Executive Director) concerning price and terms of payment.
Negotiating Party: Gary Martineau

Reports out of Closed Session: Mayor Pierce.

3. **ADJOURNMENT** **-** the next regular Successor Agencies meetings will be scheduled as needed.

*CITY COUNCIL *

7:00 P.M.

1. **CALL TO ORDER THE CITY COUNCIL –** Mayor Pierce.

2. **CLOSED SESSION** –None.

3. **PLEDGE OF ALLEGIANCE** – led by Mayor Pierce.

4. **CONSENT CALENDAR**
Consent Calendar items are typically routine in nature and are considered for approval by the City Council with one single motion. Members of the Council, Audience, or Staff wishing an item removed from the Consent Calendar for purpose of public comment, question or input may request so through the Mayor.

(a) Approve the minutes of the regular meeting of May 7, 2013. (View Here)

(b) Approve Financial Demands and Obligations of the City. (View Here)

(c) Approve the rejection of a liability claim filed against the City by Martha and David Claridge. (View Here)

(d) Approve the award of Contract to Pacific Municipal Consultants (PMC) for preparation of the 2014-2022 Housing Element Update in an amount not to exceed $35,398. (View Here)

5. RECOGNITIONS AND PRESENTATIONS

(a) Certificates of Recognition to "Do The Right Thing" public school students exemplifying the character trait of "Integrity".

(b) Proclamation declaring June, 2013 as "Safety Awareness Month" in the City of Clayton. (View Here)

(c) Proclamation declaring "Clayton Pioneer Day" in recognition of their 10th Anniversary.

6. REPORTS

(a) Planning Commission – No meeting held.
(b) Trails and Landscaping Committee – TBD.
(c) City Manager/Staff
(d) City Council - Reports from Council liaisons to Regional Committees, Commissions and Boards.
(e) Other

7. PUBLIC COMMENT ON NON - AGENDA ITEMS

Members of the public may address the City Council on items within the Council's jurisdiction, (which are not on the agenda) at this time. To facilitate the recordation of comments, it is requested each speaker complete a speaker card available on the Lobby table and submit it in advance to the City Clerk. To assure an orderly meeting and an equal opportunity for everyone, each speaker is limited to 3 minutes, enforced at the Mayor's discretion. When one's name is called or you are recognized by the Mayor as wishing to speak, the speaker shall approach the public podium and adhere to the time limit. 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 Public Hearing, Action Items and other Agenda Items will be allowed when each item is considered by the City Council.

8. PUBLIC HEARING – None.

9. ACTION ITEMS

(a) Second Reading and Adoption of Ordinance No. 446 amending Chapter 17.37 of the Clayton Municipal Code approving a 3-year time extension for certain waiver of on-site parking standards for specified development(s) in the Clayton Town Center. (View Here)
(Community Development Director)

Staff recommendations: **1)** Receive the staff report; **2)** Receive Public Comments; **3)** Approve a motion to have the City Clerk read Ordinance No. 446 by title and number only and waive further reading; and **4)** By motion, adopt Ordinance No. 446.

(b) Request consideration of a proposal and associated details by Councilmember Diaz regarding allowance of up to five (5) additional public Concerts in The Grove on selected Thursday evenings sponsored by the City but set up and funded solely by private sponsors organized by Councilmember Diaz. (View Here) (Councilmember Diaz)

Staff recommendation: Following Council discussion and public comment, that Council provide policy direction regarding the request for City sponsorship and use of The Grove Park for five (5) additional concerts on Thursday nights.

10. **COUNCIL ITEMS** – limited to requests and directives for future meetings.

11. **ADJOURNMENT**– the next regularly scheduled City Council meeting is June 4, 2013.

# # # # #

MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

TUESDAY, May 7, 2013

Agenda Date: 5-21-13

Agenda Item: 4a

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:01 p.m. by Mayor Pierce in Hoyer Hall of the Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Pierce, Vice Mayor Stratford, Councilmembers Diaz, Geller, and Councilmember Shuey (arrived at 7:22 p.m.). Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, Community Development Director Charlie Mullen, and City Clerk Laci Jackson

2. **CLOSED SESSION**- None.

3. **PLEDGE OF ALLEGIANCE** – led by Mayor Pierce.

4. **CONSENT CALENDAR**- **It was moved by Vice Mayor Stratford, seconded by Councilmember Geller, to approve the Consent Calendar as amended (Passed; 4-0 vote).**

(a) Approved the minutes of the regular meeting of April 16, 2013 and of the special meeting of April 19, 2013.

(b) Approved Financial Demands and Obligations of the City.

(c) Approved a multi-year low-bid contract with Waraner Brothers Tree Service in the first–year amount of $29,500.00 (potential 4-year cost of $123,416) for performance of annual weed abatement for fire hazards on City real properties, paid by the Citywide Landscape Maintenance District (CFD 2007-1).

5. **RECOGNITIONS AND PRESENTATIONS**- None.

6. **REPORTS**

(a) Planning Commission- Commissioner Dan Richardson reported on the Planning Commission meeting of April 23rd. The Commission approved a request for a second floor balcony on Pebble Beach Drive and welcomed the new Community Development Director Charlie Mullen.

(b) Trails and Landscaping Committee – No meeting held.

(c) The City Manager reported Farmers' Market starts Saturday and is held from 8am-Noon in downtown Clayton. He also introduced Charlie Mullen the new Community Development Director.

(d) City Council

Councilmember Diaz attended the Republic Services event in Pacheco where they introduced their new natural gas vehicles. He also attended the Library Foundation Board meeting, a CBCA meeting, the Clayton Cleans Up, and he will be attending past Police Chief Fred Albrecht's memorial service on Friday in southern California.

Vice Mayor Stratford attended the Mayor's Conference, and stated the "Do the Right Thing" trait of the month for May, June and July is "Courage."

Councilmember Geller attended the Mayors' Conference. He also attended and worked at the Art and Wine Festival. He commended staff for working with CBCA and thanked the Police Department for their presence at the event. He noted the Farmers' Market and the Concerts in the Grove start on Saturday. He reminded citizens that no unattended chairs or blankets are allowed in the park until 4pm. He also stated Senator DeSaulnier is hosting a meet and greet from 10am-1pm on May 11th in the Clayton Community Library.

Mayor Pierce attended a Transportation Authority meeting and the ABAG General Assembly. She noted on April 24th the City acquired a large piece of property from the Clayton Community Church in the downtown area and the City is seeking a commercial developer. She also attended the Central County Mayors' meeting, the Republic Services truck unveiling, and the Contra Costa Council luncheon. Lastly, she attended the Mayors' Conference, Clayton Cleans Up, and the Art and Wine Festival. She also noted the Clayton Valley Garden Club plant sale is Saturday, May 11th.

(e) Other – None.

7. PUBLIC COMMENTS – None.

8. PUBLIC HEARINGS

(a) Public Hearing on the proposed Introduction and First Reading of Ordinance No. 446 amending Chapter 17.37 of the Clayton Municipal Code approving a 3-year time extension for certain waiver of on-site parking standards for specified development(s) in the Clayton Town Center.

The Community Development Director presented the staff report and stated the Ordinance amends section 17.37 of the Clayton Municipal Coder regarding parking waivers for on-site parking requirements for certain development in the Town Center area. The Ordinance extends the waiver period from June 30, 2013- June 30, 2016. He noted originally this waiver was approved in 2007 after a Town Center parking study (2006), and was extended in 2010 for three years. The Planning Commission considered this action on April 9th and recommends the City Council approve another three year extension. He stated no projects have used this program yet but it is a good incentive to bring new retail and restaurant uses into the area.

Councilmember Shuey arrived at 7:22 p.m.

Mayor Pierce opened the Public Hearing at 7:22 p.m. No comments were received and closed the Public Hearing at 7:23 p.m.

It was moved by Vice Mayor Stratford, seconded by Councilmember Geller, to have the City Clerk read Ordinance No. 446 by title and number only and waive further reading (Passed; 5-0 vote).

The City Clerk read Ordinance No. 446 by title and number only.

It was moved by Vice Mayor Stratford, seconded by Councilmember Geller, to approve Ordinance No. 446 for Introduction (Passed; 5-0 vote).

9. ACTION ITEMS

(a) Consider the Second Reading and Adoption of Ordinance No. 445 adding Chapter 15.92 to the Clayton Municipal Code regarding Universal Design to Facilitate Residential Development for Individuals with Disabilities in Projects over Five Units.

The Community Development Director stated at the April 16th Council meeting the City Council approved the introduction of this Ordinance. He stated this Ordnance will facilitate greater adaptability and accessibility of housing for people with disabilities. He also noted it is in compliance with the Housing Element.

No public comments were received.

It was moved by Vice Mayor Stratford, seconded by Councilmember Shuey, to have the City Clerk read Ordinance No. 445 by title and number only and waive further reading (Passed; 5-0 vote).

The City Clerk read Ordinance No. 445 by title and number only.

It was moved by Vice Mayor Stratford, seconded by Councilmember Shuey, to adopt Ordinance No. 445 (Passed; 5-0 vote).

10. COUNCIL ITEMS

Councilmember Diaz asked that the Thursday night concerts be added to the next agenda. He stated he is suggesting a start date of July 11th.

Councilmember Shuey asked that a medical marijuana ordinance be brought back to the City Council at a future meeting. The City Manager responded that Ordinance would start at the Planning Commission and then move forward.

11. ADJOURNMENT– on call by Mayor Pierce the meeting adjourned at 7:27 p.m.

# # # # #

Respectfully submitted,

Laci J. Jackson, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

Julie K. Pierce, Mayor

CITY OF CLAYTON
Founded 1857 Incorporated 1964

Agenda Date 5/21/2013

Agenda Item: 4b

Approved:
Gary A. Napper
City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: MERRY PELLETIER, FINANCE MANAGER

DATE: 5/21/2013

SUBJECT: INVOICE SUMMARY

RECOMMENDATION:

Approve the following Invoices:

5/21/2013 Cash Requirements Report	$ 1,116,265.51
Total:	$ 1,116,265.51

Attachments:
Cash Requirements Report dated 5/17/2013 (3 pages)

City of Clayton
Cash Requirements Report
City Council 5/21/13

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
American Fidelity Assurance Company								
American Fidelity Assurance Company	5/21/2013	5/16/2013	A994585	Supplemental Benefits June 2013	$156.64	$0.00		$156.64
				Totals for American Fidelity Assurance Company:	*$156.64*	*$0.00*		*$156.64*
Arlene H. Kikkawa-Nielsen								
Arlene H. Kikkawa-Nielsen	5/21/2013	5/12/2013	May 2013	Library Volunteer Coordinator May 2013	$900.00	$0.00		$900.00
				Totals for Arlene H. Kikkawa-Nielsen:	*$900.00*	*$0.00*		*$900.00*
Bay Area Barricade Serv.								
Bay Area Barricade Serv.	5/21/2013	4/29/2013	0291020-IN	signs	$2,256.80	$0.00		$2,256.80
Bay Area Barricade Serv.	5/21/2013	4/29/2013	0291371-IN	signs, park hours	$260.40	$0.00		$260.40
				Totals for Bay Area Barricade Serv.:	*$2,517.20*	*$0.00*		*$2,517.20*
Bay Area News Group East Bay (CCT)								
Bay Area News Group East Bay (CCT)	5/21/2013	4/30/2013	0000634286	Legal Ads, Planning	$123.24	$0.00		$123.24
				Totals for Bay Area News Group East Bay (CCT):	*$123.24*	*$0.00*		*$123.24*
BMI (Broadcast Music Inc)								
BMI (Broadcast Music Inc)	5/21/2013	4/2/2013	23455446	Estimated Fee 4/1/13-3/31/14	$327.00	$0.00		$327.00
				Totals for BMI (Broadcast Music Inc):	*$327.00*	*$0.00*		*$327.00*
CCC Library								
CCC Library	5/21/2013	4/17/2013	Addt'l hours Q3	Additional Hours of Service 1/1/13-3/31/13	$3,986.68	$0.00		$3,986.68
				Totals for CCC Library:	***$3,986.68***	***$0.00***		***$3,986.68***
Clean Street								
Clean Street	5/21/2013	4/30/2013	70564	Monthly Sweep Fee	$3,500.00	$0.00		$3,500.00
				Totals for Clean Street:	*$3,500.00*	*$0.00*		*$3,500.00*
Contra Costa Water Dist.								
Contra Costa Water Dist.	5/21/2013	5/9/2013	K Series	Water Service 3/7/13-5/7/13	$25,619.70	$0.00		$25,619.70
				Totals for Contra Costa Water Dist.:	*$25,619.70*	*$0.00*		*$25,619.70*
Crop Production Svcs								
Crop Production Svcs	5/21/2013	4/24/2013	236389	Kleenup Pro LPI 30 GA X 30	$618.45	$0.00		$618.45
				Totals for Crop Production Svcs:	*$618.45*	*$0.00*		*$618.45*
De Lage Landen Financial Services, Inc.								
De Lage Landen Financial Services, Inc.	5/21/2013	5/11/2013	17962021	Konica Contract May 2013	$432.68	$0.00		$432.68
				Totals for De Lage Landen Financial Services, Inc.:	*$432.68*	*$0.00*		*$432.68*
Hammons Supply Company								
Hammons Supply Company	5/21/2013	5/6/2013	I77689	PD supplies	$260.04	$0.00		$260.04
				Totals for Hammons Supply Company:	*$260.04*	*$0.00*		*$260.04*

City of Clayton
Cash Requirements Report
City Council 5/21/13

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Hyde Printing Inc								
Hyde Printing Inc	5/21/2013	4/23/2013	63611	Concert Flyers	$1,501.55	$0.00		$1,501.55
				Totals for Hyde Printing Inc:	*$1,501.55*	*$0.00*		*$1,501.55*
J & R Floor Services								
J & R Floor Services	5/21/2013	5/1/2013	050113	April Billing 2013	$5,110.00	$0.00		$5,110.00
				Totals for J & R Floor Services:	*$5,110.00*	*$0.00*		*$5,110.00*
Jessica Boscacci								
Jessica Boscacci	5/21/2013	5/6/2013	Petty Cash to May 13	Petty Cash Replenishment	$253.83	$0.00		$253.83
				Totals for Jessica Boscacci:	*$253.83*	*$0.00*		*$253.83*
John Deere Landscapes Inc								
John Deere Landscapes Inc	5/21/2013	4/30/2013	64458354	EV Radio w/RF Comm Board/Antenna X 3	$5,614.88	$0.00		$5,614.88
John Deere Landscapes Inc	5/21/2013	4/29/2013	64446128	EV Base Radio Assembly/Central Serial Com	$2,614.85	$0.00		$2,614.85
				Totals for John Deere Landscapes Inc:	*$8,229.73*	*$0.00*		*$8,229.73*
Judi Sudderth								
Judi Sudderth	5/21/2013	5/8/2013	2885B	EH Rental Deposit Refund 5/8/13	$500.00	$0.00		$500.00
				Totals for Judi Sudderth:	*$500.00*	*$0.00*		*$500.00*
LarryLogic Productions								
LarryLogic Productions	5/21/2013	5/8/2013	1326	City Council 5/7/13	$300.00	$0.00		$300.00
				Totals for LarryLogic Productions:	***$300.00***	***$0.00***		*$300.00*
MailFinance (Neopost Leasing)								
MailFinance (Neopost Leasing)	5/21/2013	5/6/2013	N3965184	Lease Pmt 6/7/13-7/6/13	$113.60	$0.00		$113.60
				Totals for MailFinance (Neopost Leasing):	*$113.60*	*$0.00*		*$113.60*
Marken Mechanical Services Inc								
Marken Mechanical Services Inc	5/21/2013	5/1/2013	413-1151-5	City Hall Maintenance May 2013	$150.00	$0.00		$150.00
Marken Mechanical Services Inc	5/21/2013	5/8/2013	113-17052	City Hall, Library, EH - Clean all condenser c	$1,185.00	$0.00		$1,185.00
Marken Mechanical Services Inc	5/21/2013	5/1/2013	413-1152-5	Library - Maintenance May 2013	$150.00	$0.00		$150.00
				Totals for Marken Mechanical Services Inc:	*$1,485.00*	*$0.00*		*$1,485.00*
Mary K Kalsbeek								
Mary K Kalsbeek	5/21/2013	5/8/2013	25909	EH Rental Deposit Refund 4/27/13	$1,000.00	$0.00		$1,000.00
				Totals for Mary K Kalsbeek:	*$1,000.00*	*$0.00*		*$1,000.00*
MCK Services Inc								
MCK Services Inc	5/21/2013	4/30/2013	17838	Progress Payment Estimate No. 1	$1,034,546.26	$0.00		$1,034,546.26
				Totals for MCK Services Inc:	*$1,034,546.26*	*$0.00*		*$1,034,546.26*
PERMCO, Inc.								
PERMCO, Inc.	5/21/2013	5/13/2013	9979	Retainer, General Services	$3,657.10	$0.00		$3,657.10

City of Clayton
Cash Requirements Report
City Council 5/21/13

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
PERMCO, Inc.	5/21/2013	5/13/2013	9980	CCWD Minor EP	$83.00	$0.00		$83.00
PERMCO, Inc.	5/21/2013	5/13/2013	9981	General Stormwater Tasks/Inspections	$4,088.36	$0.00		$4,088.36
PERMCO, Inc.	5/21/2013	5/13/2013	9982	Diablo Pointe Construction Inspection	$622.50	$0.00		$622.50
PERMCO, Inc.	5/21/2013	5/13/2013	9983	Construction Activity Permit, Non-utility	$20.75	$0.00		$20.75
PERMCO, Inc.	5/21/2013	5/13/2013	9983	Construction Activity Permit, Non-utility	$20.75	$0.00		$20.75
PERMCO, Inc.	5/21/2013	5/13/2013	9983	Construction Activity Permit, Non-utility	$20.75	$0.00		$20.75
PERMCO, Inc.	5/21/2013	5/13/2013	9983	Construction Activity Permit, Non-utility	$20.75	$0.00		$20.75
PERMCO, Inc.	5/21/2013	5/13/2013	9983	Construction Activity Permit, Non-utility	$20.75	$0.00		$20.75
PERMCO, Inc.	5/21/2013	5/13/2013	9983	Construction Activity Permit, Non-utility	$20.75	$0.00		$20.75
PERMCO, Inc.	5/21/2013	5/13/2013	9984	2013 Pavement Rehabilitation Project	$5,535.75	$0.00		$5,535.75
PERMCO, Inc.	5/21/2013	5/13/2013	9985	PG&E Replace Gas Lines, Dana Hills	$2,075.00	$0.00		$2,075.00
PERMCO, Inc.	5/21/2013	5/13/2013	9986	PG&E Tower Ridge Raising, Keller Ridge Dr	$793.25	$0.00		$793.25
				Totals for PERMCO, Inc.:	*$16,979.46*	*$0.00*		*$16,979.46*
Rock & Waterfall Co								
Rock & Waterfall Co	5/21/2013	4/28/2013	111-39	Waterfall Maintenance	$650.00	$0.00		$650.00
				Totals for Rock & Waterfall Co:	*$650.00*	*$0.00*		*$650.00*
US Bank Corp Pymt System (Cal Card)								
US Bank Corp Pymt System (Cal Card)	5/21/2013	4/22/2013	Cal Card 4/22/13	supplies	$143.84	$0.00		$143.84
US Bank Corp Pymt System (Cal Card)	5/21/2013	4/22/2013	Cal Card 4/22/13	Martinez Adult School - PC832 Class J. Bosca	$130.00	$0.00		$130.00
US Bank Corp Pymt System (Cal Card)	5/21/2013	4/22/2013	Cal Card 4/22/13	Central Storage, rent	$88.00	$0.00		$88.00
US Bank Corp Pymt System (Cal Card)	5/21/2013	4/22/2013	Cal Card 4/22/13	copy keys, boots	$123.70	$0.00		$123.70
US Bank Corp Pymt System (Cal Card)	5/21/2013	4/22/2013	Cal Card 4/22/13	Comp signs, City Hall Signs	$289.00	$0.00		$289.00
US Bank Corp Pymt System (Cal Card)	5/21/2013	4/22/2013	Cal Card 4/22/13	Boots, marking paint, bench plate	$388.65	$0.00		$388.65
US Bank Corp Pymt System (Cal Card)	5/21/2013	4/22/2013	Cal Card 4/22/13	Library Lights	$93.93	$0.00		$93.93
US Bank Corp Pymt System (Cal Card)	5/21/2013	4/22/2013	Cal Card 4/22/13	vehicle fuel	$947.39	$0.00		$947.39
US Bank Corp Pymt System (Cal Card)	5/21/2013	4/22/2013	Cal Card 4/22/13	Grove supplies	$117.38	$0.00		$117.38
US Bank Corp Pymt System (Cal Card)	5/21/2013	4/22/2013	Cal Card 4/22/13	landscape fuel	$876.42	$0.00		$876.42
US Bank Corp Pymt System (Cal Card)	5/21/2013	4/22/2013	Cal Card 4/22/13	office supplies	$52.54	$0.00		$52.54
US Bank Corp Pymt System (Cal Card)	5/21/2013	4/22/2013	Cal Card 4/22/13	USPS certified mail	$18.73	$0.00		$18.73
US Bank Corp Pymt System (Cal Card)	5/21/2013	4/22/2013	Cal Card 4/22/13	vehicle fuel	$3,154.81	$0.00		$3,154.81
US Bank Corp Pymt System (Cal Card)	5/21/2013	4/22/2013	Cal Card 4/22/13	car washes	$48.87	$0.00		$48.87
US Bank Corp Pymt System (Cal Card)	5/21/2013	4/22/2013	Cal Card 4/22/13	training, lunches and supplies	$339.19	$0.00		$339.19
				Totals for US Bank Corp Pymt System (Cal Card):	*$6,812.45*	*$0.00*		*$6,812.45*
Western Exterminator								
Western Exterminator	5/21/2013	4/30/2013	1182311	services April 2013	$342.00	$0.00		$342.00
				Totals for Western Exterminator:	*$342.00*	*$0.00*		*$342.00*
				GRAND TOTALS:	**$1,116,265.51**	**$0.00**		**$1,116,265.51**

CITY OF CLAYTON
Founded 1857 – Incorporated 1964

Agenda Date: 5-21-13

Agenda Item: 4c

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CITY CLERK

DATE: May 21, 2013

SUBJECT: REJECTION OF LIABILITY CLAIM FILED BY MARTHA AND DAVID CLARIDGE

RECOMMENDATION

Approve the rejection of liability claim against the City filed by Martha and David Claridge (MPA Claim No. GL -010876) for property damage that occurred February 18, 2013.

BACKGROUND

On March 8, 2013 the City received a liability claim filed by Martha and David Claridge. The City is self-insured for general liability purpose and the Municipal Pooling Authority of Northern California (MPA) administers the self-insured program. On March 8, 2013 the liability claim was transmitted to the Municipal Pooling Authority for review and processing.

Liability adjustors for the Municipal Pooling Authority reviewed the claim and Police report, and investigated the circumstances. Following the investigation the Municipal Pooling Authority advised the City to issue a notice of rejection for the claim.

FISCAL IMPACT

None.

Attachment: 1. Copy of Claim

CLAIM PRESENTED TO THE CITY OF CLAYTON

*Please read the instructions on the back before completing.

Reserve for Filing Stamp

Received

MAR 08 2013

cc:

City of Clayton

City Claim #

1. Claimant's Name: (PLEASE PRINT) Martha and David Claridge

Claimant's Address: 391 Blue Oak Lane

City, State, Zip: Clayton, CA 94517

Day Phone: (925) 998-3662 Eve Phone: (925) 524-0719

cc (925) 524-0719

2. When did the damage or injury occur?

Month: Feb. Day: 18 Year: 2013 Time: (a.m.) p.m. predawn

3. At which location did the damage or injury occur? side yard of 391 Blue Oak Lane

Police Report # 13-2438

4. What happened and why is the City responsible?

a. Large rock from city land rolled downhill - broke city fence and crashed through our fence. Damage to fence + garden pots

Name and position of responsible City Employee(s), if known:

b.

5. What damage or injury occurred?

We have significant damage to our fence and 4 Lic large planter inside needs to be replaced

6. Claim amount (only if less than $10,000): amount less than $10,000 but cost known yet.

If the amount exceeds $10,000, please check (X) the court of appropriate jurisdiction:

_____ Municipal Court (claims up to $25,000) _____ Superior Court (claims over $25,000)

7. How did you arrive at the amount claimed? Please attach documentation.

8. I declare under penalty of perjury under the laws of the State of California that the following information is true and correct, and that this declaration was executed on March 8, 2013, at Clayton, CA.

Martha Claridge

Signature of Claimant or Representative's Signature

9. Official Notices and Correspondence

If represented by an insurance company or an attorney, please provide the information requested below.

Name and Capacity: (PLEASE PRINT) _____

Address: _____

City, State, Zip: _____

Daytime Telephone: ( ) _____ Evening Phone: ( ) _____

Agenda Date: 5-21-13

Agenda Item: 4d

CITY OF CLAYTON
Founded 1857 ... Incorporated 1964

Approved:

Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CHARLIE MULLEN, COMMUNITY DEVELOPMENT DIRECTOR

DATE: MAY 21, 2013

SUBJECT: HOUSING ELEMENT UPDATE FOR 2014 – 2022 CONSULTING SERVICES AGREEMENT

RECOMMENDATION

Staff recommends that the City Council authorize the City Manager to enter into a Consulting Services Agreement with Pacific Municipal Consultants (PMC) for the preparation of the update of the City of Clayton's Housing Element for the 2014 – 2022 period to comply with State of California mandates for Housing Element revisions. The cost of the PMC service proposal is $32,180 and staff recommends adding a 10% contingency of $3,218 for a not to exceed contract amount of $35,398. Staff recommends authorizing an allocation of $35,398 from the Capital Improvement Program (CIP) Interest Earnings Fund Account to pay for this State mandated Housing Element Update.

BACKGROUND

In April of 2010, the City Council approved the current 2009-2014 Housing Element and, in July of 2010, the State Housing and Community Development Department (HCD) certified that Housing Element. In the past, HCD has required Housing Elements to be updated every five years; however, the current cycle is an eight year cycle from 2014 to 2022.

The purpose of this project is to prepare and adopt a technical update of the City's Housing Element to be consistent with the City's General Plan, update the Regional Housing Need Allocation (RHNA) numbers, reassess the current Housing Element goals, objectives and implementation strategies and comply with any new applicable State laws and/or provisions. The deadline established by the State for completion of the City's Housing Element update is December 31, 2014.

On March 15, 2013, staff sent out Request For Proposals (RFP) to seven professional planning firms to prepare and process a Housing Element update and related California Environmental Quality Act (CEQA) documentation for the City. We received three proposals from interested firms that included PMC, ESA, and Raney/Laurin. Upon receiving the proposals, staff evaluated them with consideration to the following criteria:

- Relevant Professional Expertise and Qualifications
- Timeline/Schedule
- Prior Success Processing Housing Elements/Updates through HCD
- Project Management/Team
- Technical Quality
- References
- Responsiveness to RFP
- Prior Experience and Familiarity with City of Clayton
- Cost

After careful consideration of each proposal PMC was chosen by staff as the desired consultant to assist the City in preparing the Housing Element Update.

DISCUSSION

The PMC Housing Element Update proposal and tasks will include, but not be limited to, the following:

- Project Initiation and Coordination with City Staff
- Review of Existing Housing Element
- Housing Needs Assessment
- Housing Resources and Opportunities
- Housing Constraints
- Housing Goals, Policies, and Implementation Measures
- Community Outreach
- Planning Commission and City Council Workshops
- Environmental Review
- Draft Housing Element
- Response to Comments
- Planning Commission and City Council Meetings
- Final Housing Element
- State Certification

For information purposes, staff has attached the Cost Proposals and Work Schedules of all three (3) responding consultants to this report. In addition, staff will place a copy of each of the full proposals in the Mayor/Council office and the Community Development Department for review.

In conclusion, staff recommends that the City Council authorize the City Manager to enter into a Consulting Services Agreement with PMC for the preparation of the update of the City's Housing Element, based on criteria discussed above and specifically for their quality proposal, their technical experience and familiarity with the City, their success in preparing and receiving HCD certification of our last Housing Element Update, and their lowest proposal cost of $32,180.

FISCAL IMPACT

The cost of the PMC service proposal is $32,180 and staff recommends adding a 10% contingency of $3,218 for a not to exceed contract amount of $35,398. Staff recommends authorizing an allocation of $35,398 from the CIP Interest Earnings Fund Account (303-5601-00) to pay for this State mandated Housing Element Update.

Attachments:

1. PMC cost proposal and schedule
2. ESA cost proposal and schedule
3. Raney/Laurin cost proposal and schedule

Note: A complete copy of each full proposal is available in the Mayor/Council office and the Community Development Department.

A PROPOSAL TO

THE CITY OF **CLAYTON**

2014-2022 HOUSING ELEMENT UPDATE

SUBMITTED TO:

KENNETH H. CRAIG
INTERIM COMMUNITY
DEVELOPMENT DIRECTOR

CITY OF CLAYTON
6000 HERITAGE TRAIL
CLAYTON, CA 94517-1250

APRIL 15, 2013

SUBMITTED BY:

PMC®

2729 PROSPECT PARK DRIVE, SUITE 220
RANCHO CORDOVA, CA 95670
PHONE: (916) 361-8384
FAX: (916) 361-1574

(866) 828-6762
WWW.PMCWORLD.COM

Attachment 1

6. COST PROPOSAL

PMC's estimated fee to complete the City's 2014–2022 Housing Element update is $32,180. PMC's bill rates and a budget per task are included below.

BILL RATES

Below is a listing of PMC's bill rates for the 2014–2022 Housing Element update.

Staff	Hourly Rate
Jennifer Gastelum, Project Manager	$135
Mark Teague, AICP, CEQA Project Manager	$135
Kimberly Obstfeld, Assistant Project Manager/Senior Planner	$110
Charlie Lewis, Assistant Planner	$85
Administrative Assistance	$65

"Under the leadership of Ms. Gastelum, your firm's work on the Housing Element was completed within the agreed-to timeline, budget and provides Clayton a clearly written implementation program to follow to meets its housing goals."

David Woltering
Former Community Development Director
City of Clayton

COST ESTIMATE BY TASK

The table below includes the hours and cost associated with each task included in the scope of work.

Task	Total Hours	Total Cost
Task 1: Project Initiation and Coordination		
Meetings with City Staff (6)	27	$3,270
Project Coordination	8	$980
Task 2: Housing Element Preparation		
Task 2.1 Review of Existing Housing Element	14	$1,400
Task 2.2 Housing Needs Assessment	29	$2,715
Task 2.3 Housing Resources and Opportunities	30	$3,025
Task 2.4 Housing Constraints	25	$2,375
Task 2.5 Housing Goals, Policies, and Implementation Measures	16	$1,960
Task 3: Community Outreach		
Task 3.1 Community Workshop	12	$1,470
Task 3.2 Planning Commission/City Council Workshops	14	$1,690
Task 3.3 Planning Commission/City Council Meetings	14	$1,540
Task 3.4 Response to Comments	8	$875
Task 4: Draft and Final Housing Element	**40**	**$3,920**
Task 5: State Certification		
Submittals, revisions, and correspondence	14	$1,500
Meetings with HCD (2)	8	$980
Task 6: Environmental Review	**44**	**$3,910**
Direct Costs (Printing and CDs)		**$570**
Total Budget	**303**	**$32,180**

Proposal

CITY OF CLAYTON
GENERAL PLAN 2014-2022
HOUSING ELEMENT UPDATE

Prepared for
City of Clayton

April 12, 2013

ESA

Attachment 2

TABLE 7-1: PRICING PROPOSAL

ESA Labor Detail and Expense Summary

City of Clayton Housing Element

	Task Number / Description	L. Zola Project Director	A. Washburn Project Manager	S. Walker Deputy PM	L.Lowe Environmental Planner	A. Granadosin Project Planner	GIS Specialist	Subtotal	Adm/ GrphArt	Clerical	Subtotal	Hours	Labor Price
Hourly Billing Rate		$200	$185	$125	$125	$110	$85		$90	$70			
1.	Initial Meeting with Staff	2	2	3				$ 1,145				7	$ 1,145
2.	Document Review and Progress Report on 2007-2014 Housing Element		2	6				$ 1,120		2	$ 140	10	$ 1,260
3.	Background Technical Report		2	20		24	6	$ 6,020		2	$ 140	48	$ 6,160
4.	Administrative Draft Housing Element	2	4	12		8		$ 3,520	2	2		30	$ 3,520
5.	Public Review Draft Housing Element		2	8			2	$ 1,540				10	$ 1,540
6.	CEQA Compliance	2	3		36			$ 5,455	2	1	$ 250	44	$ 5,705
7.	Public Hearings Draft Housing Element		2	6		4		$ 1,560				12	$ 1,560
8.	Public Hearings and Adoption		8	4				$ 1,980				12	$ 1,980
9.	Final Housing Element		2	4				$ 870		1	$ 70	7	$ 940
10.	State Certification	2	4	4				$ 1,640				10	$ 1,640
11.	Meetings with City Staff/Project Management	2	12	4				$ 3,120				18	$ 3,120
12.	Community Workshop / Study Session		8	12				$ 2,980	6		$ 540	26	$ 3,520
Total Hours		10	51	83	36	36	8		10	8		234	
Subtotals - Labor Hours		$ 2,000	$ 9,435	$ 10,375	$ 4,500	$ 3,960	$ 680	$ 30,270	$ 900	$ 560	$ 1,140		$ 31,730
Percent of Effort - Labor Hours Only		4.3%	21.8%	35.5%	15.4%	15.4%	3.4%		4.3%	3.4%		100.0%	
Percent of Effort - Total Project Cost		6.0%	28.2%	31.0%	13.5%	11.8%	2.0%		2.7%	1.7%			94.8%

ESA Labor Costs $ 31,730

ESA Non-Labor Expenses

Reimbursable Expenses (see Attachment A for detail)	$ 1,725
ESA Equipment usage (see Attachment A for detail)	$ -
Subtotal ESA Non-Labor Expenses	$ 1,725

PROJECT SUBTOTAL ***$ 33,455***

TOTAL PROJECT PRICE ***$ 33,455***

Optional Tasks

13.	Update General Plan – SB 244, AB 162 (OPTIONAL)	2	6	10				$ 3,500	5		$ 450	23	$ 3,950

Attachment A
Pricing Proposal Template
ESA Non-Labor Expenses

City of Clayton Housing Element

Reimbursable Costs		
Project Supplies	$	-
Printing/Reproduction	$	500
Document and Map Reproductions	$	-
Postage and Deliveries	$	50
Mileage	$	300
Vehicle Rental	$	-
Lodging	$	-
Airfare	$	650
Other Travel Related	$	-
Subtotal Reimbursable Costs	$	1,500
15% Fee on Reimbursable Expenses	$	225
Total Reimbursable Costs	**$**	**1,725**

PROPOSAL TO PREPARE HOUSING ELEMENT UPDATE

CITY OF CLAYTON

April 15, 2013

Submitted To:
Kenneth Craig
Interim Community Development Director
City of Clayton
6000 Heritage Trail
Clayton, California 94517-1250
Phone: (925) 673-7343
interimcdd@ci.clayton.ca.us

Submitted By:

LAURIN ASSOCIATES

a division of

RANEY PLANNING & MANAGEMENT, INC.

Contacts:
Jayne Raab
Division Manager
jraab@laurinassociates.com
1501 Sports Drive
Sacramento, CA 95834
Phone (916) 372-6100
Fax (916) 419-6108

Attachment 3

PROPOSED COST ESTIMATE Housing Element							
		Jayne Raab, Division Manager	Cindy Gnos, Project Planner	Nick Pappani, Special Project Manager	Senior Associate / Associate	Clerical	Cost Per Task
Task 1	Project Initiation	5		5			$1,225
Task 2	Public Participation						$0
a	Public Workshops	5		15	4		$2,685
b	City Council / Planning Commission Hearings	10		20	6		$4,090
c	Other Meetings	6		16			$2,570
Task 3	Review and Revise	8		8	10		$2,860
Task 4	Housing Needs Assessment	6			6		$1,350
Task 5	Persons with Special Needs	4			4		$900
Task 6	At-Risk Housing Units	4			6		$1,080
Task 7	Potential Governmental & Non-Governmental Constraints		8		12		$2,160
Task 8	Site Inventory Analysis	4	4		14		$2,340
Task 9	Prepare & Finalize Housing Element						$0
a	Administrative Draft Housing Element	4	2	8	22	2	$3,790
b	Draft Housing Element	2		4	8	2	$1,550
c	Final Draft Housing Element	2		4	8	2	$1,550
d	Adopted Housing Element	1		1		2	$365
e	State Certification	2		2			$490
	Total Hours	63	14	83	100	8	
	Hourly Rate	$135	$160	$135	$100	$60	
Total Labor		$8,505	$2,240	$11,205	$10,000	$480	$32,430
Expenses							$2,640
	Copying/Printing*					$ 1,000	
	Travel*					$ 1,400	
	10% Administrative Fee					$ 240	
Total Housing Element Cost							**$35,070**

Additional meetings and hearings could easily be accomodated and would be billed at a per meeting cost of $760.00.

*Note: Costs for Copying/Printing and Travel are an estimate only and will be billed at actual cost.

PROPOSED COST ESTIMATE Housing Element Initial Study / Negative Declaration					
		Cindy Gnos, Project Planner	Nick Pappani, Special Projects Manager	Associate	Cost Per Task
Task 1	Prepare Administrative Draft IS/ND	2	4	28	$3,380
Task 2	Revise Administrative Draft IS/ND and Prepare Public Review Draft IS/ND	1	2	4	$790
Task 3	Prepare MMRP		1		$135
Task 4	Response To Comments		2		$270
	Total Hours	3	9	32	
	Hourly Rate	$160	$135	$90	
Total Labor		$480	$1,215	$2,880	$4,575
Expenses					$ 550
	Copying/Printing*			$ 500	
	10% Administrative Fee			$ 50	
Total IS/ND Cost					**$5,125**

Additional meetings and hearings could easily be accomodated and would be billed at a cost of $760 per meeting.

*Costs for Copying/Printing and Travel are an estimate only and will be billed at cost.

declaring
JUNE 2013
as
Safety Awareness Month

Agenda Date: 5-21-13

Agenda Item: 5b

WHEREAS, unintentional injuries and deaths in the United Sates are at unacceptable levels, and motor vehicle crashes, fall and overexertion remain leading causes of preventable death and injury; and

WHEREAS, the cost of unintentional injuries to Americans and their employers exceed $693 billion nationally, or $5,900 per household, and causes great suffering among individuals and their families ; and

WHEREAS, the City of Clayton is committed to improving the safety, both in its workforce and for its citizens; and

WHEREAS, the National Safety Council is on a mission to prevent unintentional injury and death by educating and influencing people to adopt and maintain safe and healthy practices in the workplace, on our roads and highways, and in our homes and communities; and

WHEREAS, the City of Clayton wants to support the safety mission of the National Safety Council.

THEREFORE, BE IT RESOLVED that I, Julie K. Pierce, on behalf of the Clayton City Council, do hereby proclaim June 2013, as "Safety Awareness Month" in the City of Clayton and encourage all citizens to promote awareness of safety, support programs and policies to reduce the incidence of unintentional injuries, and promote safer and healthier behaviors throughout the year.

CITY OF CLAYTON
Founded 1857 – Incorporated 1964

Agenda Date: 5-21-13

Agenda Item: 9a

Approved:

Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CHARLIE MULLEN, COMMUNITY DEVELOPMENT DIRECTOR

DATE: MAY 21, 2013

SUBJECT: SECOND READING AND ADOPTION OF ORDINANCE NO. 446 AMENDING CHAPTER 17.37, SECTION 17.37.030.C (WAIVER PERIOD) OF THE CLAYTON MUNICIPAL CODE FOR THE PURPOSE OF EXTENDING FROM JUNE 30, 2013 THROUGH JUNE 30, 2016 THE PARKING WAIVER PROVISION IN THE TOWN CENTER AREA (ZOA-01-13).

RECOMMENDATION

Staff recommends that the City Council receive any public comment; have the City Clerk read the Ordinance by title and number only and waive further reading; following the City Clerks reading the City Council may adopt the Ordinance (see Attachment 1).

BACKGROUND

At its May 7, 2013, City Council meeting the attached Ordinance was introduced. No public comments were received and the City Council approved the introduction and first reading (by title only) of the three year extension of the parking waiver provision in the Town Center Area, as recommended by staff and the Planning Commission.

DISCUSSION

The purpose of the City offering the parking waiver provisions is to primarily encourage and provide incentive to potential development for retail and restaurant uses in the Town Center. Given the dismantling of state redevelopment agencies, many cities are having to turn to incentives, such as parking waivers, in order to assist and encourage commercial development in their communities.

Attachments:

1. Ordinance No. 446 – Extension of Town Center Parking Waiver Ordinance.
2. May 7, 2013, City Council Staff Report (without attachments).

Attachment 1

ORDINANCE NO. 446

AN ORDINANCE AMENDING CHAPTER 17.37, SECTION 17.37.030.C (WAIVER PERIOD) OF THE CLAYTON MUNICIPAL CODE FOR THE PURPOSE OF EXTENDING FROM JUNE 30, 2013 THROUGH JUNE 30, 2016 THE PARKING WAIVER PROVISION IN THE TOWN CENTER AREA (ZOA-01-13)

THE CITY COUNCIL
City of Clayton, California

THE CITY COUNCIL OF THE CITY OF CLAYTON FINDS AS FOLLOWS:

WHEREAS, Ordinance No. 408 was adopted by the Clayton City Council on June 26, 2007, which provided a waiver period to allow specified reductions for on-site parking for development projects satisfying certain stated criteria as an incentive for development and redevelopment to occur in Clayton's Town Center area; and

WHEREAS, the initial waiver period contained within Ordinance No. 408 and reflected in 17.37.030.C of the Clayton Municipal Code expired on June 10, 2010 and then was amended again by Ordinance No. 428 and expires on June 30, 2013; and

WHEREAS, the Planning Commission held a duly-noticed public hearings on April 9, 2013, to consider an amendment to the Parking Waiver provision in the Clayton Municipal Code to extend the Parking Waiver allowance reflected in Section 17.37.030.C from June 30, 2013 to June 30, 2016; and

WHEREAS, because only limited development has occurred in the Town Center area since the adoption of Ordinances No. 408 and 428, continuing to provide incentives to encourage general development and redevelopment in the Town Center area to projects which conform with the Clayton Town Center Specific Plan remains desirable; and

WHEREAS, on April 9, 2013 the Planning Commission recommended City Council approval of a three-year extension of the Town Center parking waiver from June 30, 2013 to June 30, 2016; and

WHEREAS, the Planning Commission, based on the information it received and considered has determined the proposed amendment to Sections 17.37.030.C of the Municipal Code would be in conformance with the General Plan; the public necessity, convenience, and general welfare would require adoption of the amendment; the adoption of the amendment would not result in a significant adverse environmental impact as the general environmental setting and anticipated impacts have not changed nor is there new information that would alter the findings of the adoption of the Town Center and Vicinity Planning Amendments IES/ND (ENV 01-06) prepared in accordance with Section 15070 et seq. of the California Environmental Quality Act (CEQA) Guidelines; and has found there was no evidence that the amendment will have the potential for any individual or cumulative adverse effects on fish and wildlife resources or their habitat, as defined in Section 711.2 of the Fish and Game Code.

WHEREAS, on May 7, 2013 the City Council held duly-noticed public hearing and gave due consideration to all testimony, comments, and documents received pertaining to the amendment to Section 17.37.030.C of the Municipal Code; and

WHEREAS, at the duly-noticed public hearing on May 7, 2013 the City Council received the recommendation of the Planning Commission, the related staff report and other documents and public testimony concerning the amendment and determined that the amendment would be in conformance with the General Plan; determined that the public necessity, convenience, and general welfare would require adoption of the amendment; the adoption of the amendment would not result in a significant adverse environmental impact as the general environmental setting and anticipated impacts have not changed nor is there new information that would alter the findings of the adoption of the Town Center and Vicinity Planning Amendments Initial Environmental Study/Negative Declaration (ENV 01-06) prepared in accordance with Section 15070 et seq. of the California Environmental Quality Act (CEQA) Guidelines; and has found there was no evidence that the amendment will have the potential for any individual or cumulative adverse effects on fish and wildlife resources or their habitat, as defined in Section 711.2 of the Fish and Game Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLAYTON DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 17.37 (Off-Street Parking and Loading Regulations), Section 17.37.030.C (Waiver Period) of the Clayton Municipal Code is amended to read as follows:

"C. Waiver Period. In order to encourage development of retail, restaurant, office, and personal service uses in the Town Center before June 30, 2016, a waiver period extending through June 30, 2016 is established during which the number of off-street parking and loading spaces required for projects meeting all of the criteria listed in subsections 1-4 below is reduced in accordance with Schedule 17.37.030.D."

SECTION 2. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance, or the application thereof to any person or circumstances, is held to be unconstitutional or to be otherwise invalid by any court competent jurisdiction, such invalidity shall not affect other provisions or clauses of this Ordinance or application thereof which can be implemented without the invalid provisions, clause, or application, and to this end such provisions and clauses of the Ordinance are declared to be severable.

SECTION 3. Conflicting Ordinances Repealed. Any ordinance or part thereof, or regulations in conflict with the provisions of this Ordinance, are hereby repealed. The provisions of this Ordinance shall control with regard to any provision of the Clayton Municipal Code that may be inconsistent with the provisions of this Ordinance.

SECTION 4. Effective Date and Publication. This Ordinance shall become effective thirty (30) days from and after its passage. Within fifteen (15) days after the passage of the Ordinance, the City Clerk shall cause it to be posted in three (3) public places heretofore designated by resolution by the City Council for the posting of ordinances and public notices. Further, the City Clerk is directed to cause Section 1 of this Ordinance to be entered into the City of Clayton Municipal Code.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Clayton held on May 7, 2013.

Passed, adopted, and ordered posted by the City Council of the City of Clayton at a regular meeting thereof held on May 21, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON

Julie Pierce, Mayor

ATTEST

Laci J. Jackson, City Clerk

APPROVED AS TO FORM

Malathy Subramanian, City Attorney

APPROVED BY ADMINISTRATION

Gary A. Napper, City Manager

I hereby certify that the foregoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Clayton held on May 7, 2013 and was duly adopted, passed, and ordered posted at a regular meeting of the City Council held on May 21, 2013.

Laci J. Jackson, City Clerk

Attachment 2

Agenda Date: 5-7-13

Agenda Item: 8a

Approved:

Gary A. Napper
City Manager/Executive Director

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CHARLIE MULLEN, COMMUNITY DEVELOPMENT DIRECTOR

DATE: MAY 7, 2013

SUBJECT: PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING CHAPTER 17.37, SECTION 17.37.030.C (WAIVER PERIOD) OF THE CLAYTON MUNICIPAL CODE FOR THE PURPOSE OF EXTENDING FROM JUNE 30, 2013 THROUGH JUNE 30, 2016 THE PARKING WAIVER PROVISION IN THE TOWN CENTER AREA (ZOA-01-13).

RECOMMENDATION

Staff recommends that the City Council conduct a public hearing, receive and consider the staff report and any public comment; have the City Clerk read the Ordinance (see Attachment 1) by title and number only and waive further reading; and if determined to be appropriate following the City Clerk's reading the City Council may approve the introduction and first reading of the Ordinance.

BACKGROUND

In 2007, the City of Clayton amended Chapter 17.37, the City's Off-Street Parking and Loading Regulations, to along with other changes, reduce the on-site parking requirements for specified land uses in the City's Town Center. The waiver provisions are contained in Section 17.37.030 Parking and Loading Space Requirements, Sub-section C. Waiver Period (see attached excerpt Section 17.37.030).

The purpose of offering the waiver of required on-site parking was to provide an incentive to develop certain land uses and promote overall development activity in the Town Center area. The adopted parking waiver provisions are intended to encourage and promote retail, restaurant, office and personal service uses. The basis for the recommended changes were born out of the Town Center Parking Study developed in May 2006.

The original amendment to Chapter 17.37 provided a waiver period to June 30, 2010. Since that time, the Planning Commission considered and the City Council approved on July 20, 2010, an extension of the parking waiver allowances until June 30, 2013.

Planning Commission Action

On April 9, 2013, the Planning Commission conducted a public hearing and after considering the Town Center parking waiver provisions, adopted Resolution No. 02-13 recommending City Council approval of the Ordinance extension. No members of the public or business community spoke on the matter.

DISCUSSION

The purpose of the City offering the parking waiver and associated provisions in 2007 was primarily to encourage and provide incentive to potential development for retail and restaurant uses in the Town Center. This action supported Town Center Specific Plan policy to "Maintain and enhance retail and restaurant uses in the Town Center in order to sustain similar uses in the Town Center..." (Goal II, Page 9) as well as Town Center Policy I.5 to "Encourage developers to seize incentives provided in the General Plan for increased site coverage of smaller parcels in the Town Center." Increasing site coverage of smaller parcels is greatly enhanced when parking waiver provisions are provided. The purpose at the time was also to "jump start" commercial development in the Town Center area and assist in generating the "critical mass" needed to establish the Town Center as a competitive commercial location.

When the City Council originally approved the parking waiver provisions, as suggested in the 2006 Parking Study, the parking waiver was intended to be in effect for three years or until a pre-determined on-street and off-street parking threshold was reached. The City Council set the threshold for reconsideration of the parking waiver provisions when 200 parking spaces that normally would have been required with development had been waived (Section 17.37.030.D). The purpose of this provision was to ensure that existing conditions in the Town Center area were not compromised with respect to the availability of public parking, patterns of utilization, and parking needs of future commercial. To date, no private development projects have utilized this parking space waiver. A previous City Redevelopment sponsored project, called the Creekside Terrace Mixed Use Project located on the west side of Oak Street and north of High Street, was granted a waiver of seven parking spaces through the payment of in-lieu fees per Section 17.37.070, however that project has not been developed and no in-lieu fees paid. The Flora Square project was found exempt and therefore the parking was not waived.

The parking waiver provision requires the Community Development Director to monitor the number of parking spaces waived and report back to the Planning Commission. The Planning Commission, in turn, is responsible for reviewing the Director's report and making a recommendation to the City Council. No written reports to date have been provided to the Planning Commission or City Council as no projects have utilized the parking waiver.

The potential development and generation of the "critical mass" was dealt a significant setback with the onset of the economic recession and the state's termination of redevelopment agencies. However, staff is optimistic based on recent developer inquires, that a renewed interest in our Town Center area may be on the horizon. Staff believes that

the same reasons exist in 2013 that did in 2007 that warrant continued incentive for potential commercial development in the Town Center. The parking waiver provision will hopefully serve as an effective tool to encourage and promote private development of retail and restaurant uses in the Town Center area. Given the dismantling of state redevelopment agencies, many cities are having to turn to incentives, such as parking waivers, in order to assist and encourage commercial development in their communities.

If the City Council continues to agree with this development incentive, the Council can approve another three-year extension of the parking waiver until June 30, 2016.

If the City Council does not agree with this development incentive, then several alternatives could be considered:

A. Extend the parking waiver period for a lesser time, either 1 or 2 years; or

B. Allow the parking waiver provision to expire on June 30, 2013 wherein, the City would have the option of only permitting payment of in-lieu fees for projects that cannot meet their parking requirements under the City Parking Ordinance, per Section 17.37.070.

FISCAL IMPACT

Negligible. Some staff time as well as printing cost have and will be associated with this responsibility and obligation.

CONCLUSION

Staff recommends that the City Council conduct a public hearing, receive and consider the staff report and any public comment; have the City Clerk read the Ordinance (see Attachment 1) by title and number only and waive further reading; and if determined to be appropriate following the City Clerk's reading the City Council may approve the introduction and first reading of the Ordinance.

Attachments:

1. Ordinance No. 446 – Extension of Town Center Parking Waiver Ordinance.
2. Existing CMC Section 17.37.030 Parking and Loading Requirements (excerpt).
3. Planning Commission Resolution No. 02-13.
4. April 9, 2013 Planning Commission meeting minutes.
5. April 9, 2013, Planning Commission Staff Report (without attachments).

Agenda Date: 5-21-13

Agenda Item: 9b

THURSDAY NIGHT CONCERTS IN THE GROVE

PROPOSED CONCERT DATES:

- July 11
- July 25
- August 8
- August 22
- September 5

CONCERT EXPENSES (Estimate: $1,500.00 per performance; Total: $7,500.00):

- $500 each performing band
- $500 Sound Service per each event
- $500 City & Other Expenses (Police & Maintenance Services)

CONCERT REVENUE (Estimate: $7,500.00):

- Clayton Club Saloon
- Ed's Mudville
- Diablo View Construction
- Clayton Community Church
- DiCor Security & Investigations
- Clayton Business & Community Association (C.B.C.A.)
- Allied Waste Services: Porta Potty servicing; Trash & Recycle Services
- Other Sponsors pending

CONCERT STAFF SUPPORT:

- Volunteers: C.BC.A. members & others
- Diablo Valley Ranch (D.V.R.): 5 - 6 Volunteers

May 14, 2013