



AGENDA

REGULAR MEETING

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CLAYTON CITY COUNCIL

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TUESDAY, January 15, 2019

4:45 P.M.

and

7:00 P.M.

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

Mayor: Tuija Catalano
Vice Mayor: Julie K. Pierce

Council Members

Jim Diaz
Jeff Wan
Carl Wolfe

- 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 and on the City's Website at least 72 hours 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.

*** CITY COUNCIL ***

January 15, 2019

4:45 P.M.

1. **CALL TO ORDER AND ROLL CALL** – Mayor Catalano.

2. **COUNCIL INTERVIEW OF PLANNING COMMISSION APPLICANTS**

Five (5) candidates to be interviewed for one vacant term of appointed office expiring on June 30, 2020. ([View Here](#))

- Short Recess -

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7:00 P.M. REGULAR PUBLIC MEETING

3. **RECALL TO ORDER THE CITY COUNCIL** – Mayor Catalano.

4. **PLEDGE OF ALLEGIANCE** – led by Mayor Catalano.

5. **CONSENT CALENDAR**

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

- (a) Approve the minutes of the City Council's regular meeting of December 18, 2018. ([View Here](#))
- (b) Approve the Financial Demands and Obligations of the City. ([View Here](#))
- (c) Receive the FY 2017-18 Annual Trails and Landscaping Committee Report (TLC) Annual Report regarding voter-approved Measures B (2007) and H (2016). ([View Here](#))
- (d) Adopt a Resolution reappointing Ted Sudderth, Doris Ward, and William Wiggins to the Trails and Landscaping Citizens' Advisory Committee for the terms of office to expire December 31, 2020. ([View Here](#))

6. **RECOGNITIONS AND PRESENTATIONS** – None.

7. REPORTS

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

8. 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 should 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.

9. PUBLIC HEARINGS – None.

10. ACTION ITEMS

- (a) Consider the Second Reading and Adoption of Ordinance No. 484 amending Clayton Municipal Code Section 17.92 (Inclusionary Housing Requirements) for the purpose of incorporating rental housing projects into this local housing requirement. (Community Development Director) ([View Here](#))

Staff recommendations: **1)** Receive the staff presentation; **2)** Receive public comment; **3)** Following Council discussion and subject to any modifications to the Introduced Ordinance, approve a motion to have the City Clerk read Ordinance No. 484 by title and number only and waive further reading; and **5)** Following the City Clerk's reading, approve a motion to adopt Ordinance No. 484 with the finding this Ordinance will not result in a significant adverse environmental impact as these amendments were considered as part of the November 18, 2014 City Council adoption of the IS/ND for the 2015-2023 Clayton Housing Element, which was prepared pursuant to the California Environmental Quality Act (CEQA). That IS/ND concluded there was no substantial evidence to suggest the 2015-2023 Clayton Housing Element document would have a significant effect on the environment and anticipated impacts have not changed nor is there new information that would alter those findings.

- (b) Consider a petition request by Regency and Rialto Drive neighborhood residents for an on-street parking program by City permit only to alleviate their street parking issues associated with hikers and users of Mt. Diablo State Park and Clayton Community Park. ([View Here](#))
(Chief of Police)

Staff recommendations: Following staff presentation and opportunity for public comment, that Council provide policy direction to staff.

- (c) Review and discussion of new State legislation for 2019 requiring mandatory actions and/or local implementations by the City. ([View Here](#))
(City Manager)

Staff recommendation: No action to be taken at this point.

(Note: Report is for information purposes only to provide the City Council and the public with a summary of new State legislation mandating actions by the City).

- (d) City Council discussion and determination of a citizen appointment to the one vacated term of office on the City Planning Commission (term expires June 30, 2020). ([View Here](#))
(Mayor Catalano)

Staff recommendations: Following any public comments, that Council determine the respective citizen appointment and then adopt the Resolution appointing the selected individual to the Clayton Planning Commission for the term expiring June 30, 2020.

- (e) City Council discussion to determine the date, time and location for the City Council's annual Goals and Objectives Setting Session with its City Manager.
(City Manager) ([View Here](#))

Staff recommendations: That Council determine a suitable date and time to hold its annual Goals Setting Session, and then by motion approve the calling of a City Council special meeting for said purpose, date, time and location.

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

12. **CLOSED SESSION** – None.

13. **ADJOURNMENT**

The next regularly scheduled meeting of the City Council will be February 5, 2019.

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Planning Commission Interview Schedule

5:00 p.m. – James Porter

5:20 p.m. – Ann Stanaway

5:40 p.m. – Karen Amos

6:00 p.m. – Terri Dunslow

6:20 p.m. – Frank Gavidia

MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

TUESDAY, December 18, 2018

Agenda Date: 1-15-2019

Agenda Item: 5a

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:00 p.m. by Mayor Catalano in Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Catalano, Vice Mayor Pierce, Councilmembers Diaz (arrived at 7:13 p.m.), Wan and Wolfe. Councilmembers absent: None. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, Community Development Director Mindy Gentry, Finance Manager Kevin Mizuno, Maintenance Supervisor Jim Warburton, and City Clerk Janet Calderon.

2. **PLEDGE OF ALLEGIANCE** – led by Mayor Catalano.

3. **CONSENT CALENDAR**

Mayor Catalano pulled Item 3(e) as she received a speaker card regarding this item. Councilmember Wan requested Item 3(i) be pulled from the Consent Calendar for separate discussion.

It was moved by Vice Mayor Pierce, seconded by Councilmember Wolfe, to approve the Consent Calendar Items 3(a) through 3(d), and 3(f) through 3(h). (Passed; 4-0 vote).

 - (a) Information Only – No Action Requested.
 1. Contra Costa County Library's announcement of its holiday closures for operation of the Clayton Community Library in 2019.
 2. Written notification by Transwestern Property Company West, Inc., of its termination of the Exclusive Sales Listing Agreement with the City concerning its commercial list and market of site-specific City-owned real properties in the Clayton Town Center.
 3. Press Release – City Council accepting citizen applications for one (1) vacant Planning Commissioner term of office expiring June 30, 2020.
 - (b) Approved the minutes of the City Council's regular meeting of December 4, 2018.
 - (c) Approved the Financial Demands and Obligations of the City.
 - (d) City Council approved cancellation of its regularly-scheduled Council meeting of January 2, 2019.
 - (f) Adopted Resolution No. 45-2018 approving the Notice of Completion of the City Hall HVAC Replacement Project (CIP No. 10444) performed by Servi-Tech Controls, Inc., and authorize the City Clerk to record the Project's Notice of Completion.

- (g) Adopted Resolution No. 46-2018 approving the Notice of Completion of the Collector Street [Keller Ridge] Repave Project (CIP No. 10425) performed by VSS International, Inc., and authorize the City Clerk to record the Project's Notice of Completion.
- (h) Adopted Resolution No. 47-2018 approving the Notice of Completion of the 2018 Neighborhood Street Repave Project (CIP No. 10436) performed by Sierra Nevada Construction, and authorize the City Clerk to record the Project's Notice of Completion.

Consent Calendar Items Pulled

- (e) Rescind a December 4, 2018 consent calendar action (Item 3(d)) and award actual low-bid contract to Waraner Bros. Tree Service in the amount of \$176,567 for the removal of seventeen (17) large Eucalyptus trees in selected open space and creek side areas of the city.

Nancy Topp inquired if notification was made to the occupants residing near the areas or the residents in large of Clayton regarding this intent to remove. If so, where and when? Ms. Topp inquired if Save Mt. Diablo were notified because they own the property that is immediately between El Portal Drive and Regency Drive below Seminar Hill and may have a comment regarding the trees. Ms. Topp noted she spoke with Mr. Napper before the meeting who explained the findings of the arborists but she wanted to know if all parties were in agreement on the condition of these trees. It does not seem sufficient a reason removing the trees because they are not native and are messy; she wanted to know where the documentation indicating the trees are "not sound" is located.

City Manager Napper noted this objective goes back a number of years but mostly in recent months of people complaining about the Eucalyptus trees in these specific open space areas. He noted "messy" is a subjective word as they are prone to shedding limbs, and some bark as well. Primarily, the ones that have been selected were determined by complaints received of their location. As indicated they are non-native to Clayton as the City did not plant them however the City has been trying to maintain them. According to the arborist, further trimming will not enhance the safety anymore and each needs to be removed. Residents near the locations are primarily concerned about the potential fire hazard, especially given the recent Northern California fires. The City did not notify the community or Save Mt. Diablo regarding this matter as the trees are located on City property. However, should the contract be awarded to the actual lowest bidder, neighbors will be notified as there will be some disruption due to the noise using chainsaws.

Councilmember Wan asked for clarification of the safety concern regarding these Eucalyptus trees, excluding the fire issue, perhaps from the trees falling?

Mr. Napper responded the City had several Eucalyptus trees that have fallen into the creek on Cardinet Trail in recent years. There originally were eighteen (18) Eucalyptus trees slated for removal but one was removed this last year as that particular tree actually fell over and it was a significant chore to get to its creek and trail location. Another concern regarding Eucalyptus trees is they randomly shed their limbs. A fact many people may not know is "The Grove" park downtown is actually named after the Eucalyptus trees that were once there but were removed as they were a public safety issue. Mr. Napper noted he did speak with Ms. Topp ahead of time noting there is a public sidewalk on Regency Drive adjacent to several Eucalyptus trees which also has residents on Petar Court backing up to that creek; many have shared their fire concerns and expressed removal of the trees. At least one nearby resident contacts the City each year requesting the open space Eucalyptus trees next to his home be trimmed because of the safety, debris and fire concern.

Councilmember Wan inquired if there was an assessment of similar trees in the area located in City-owned land?

Mr. Napper advised these trees were primarily identified by complaints arising from residents. Maintenance staff went out with certified arborists to determine if the trees could be saved or if they needed trimming. The arborists confirmed the trees that were identified should be removed.

Ann Stanaway, 1553 Haviland Place, expressed her continued concerns for public safety and the City not clearing the fire lanes. She is okay with the trees being removed due to a public safety issue; however she is still concerned with the continued blocking of fire lanes, opening the City to lawsuits when first responders are not able to access and do their work at any fire site. She does not understand why one public safety concern trumps her concern over the safety in the fire lanes.

Councilmember Wolfe inquired on the location of the blocked Fire Lanes?

Ms. Stanaway advised the blocked fire lanes are located in the Westwood Subdivision 6001; all of the streets are designated fire lanes because they are too skinny although there are signs indicating no parking anytime and there is also red zones. The people on Haviland Court park in the fire lane and encroach in the fire lanes all the time. There are several chiefs that have gone ahead and proposed fixes with one having the curb painted red to deter people from parking at the red curb; however people are still parking at the red curb.

Vice Mayor Pierce advised historically, back in the late 80s before the City purchased what is now known as The Grove park, the trees were cleared in that area as one of the trees that overhung the parking lot at Village Market shed a very large limb onto someone's brand new Cadillac they had just picked up that day, crushing the car. That was enough incentive to realize those trees were severely damaged after examination of the inside of the fallen limb.

Councilmember Wolfe added when he resided on Lydia Lane a tree had fallen on his fence; he was glad he was not in his backyard when that occurred. The Eucalyptus trees to be removed are located along the trails which are frequently used and confirmed that they will not be replaced.

City Manager Napper confirmed the City did not plant the Eucalyptus trees and the taxpayers are incurring an expense to maintain them; they are really not trees the City would plant along these ways. They are also in some open space areas backing up to properties whose owners are concerned in general about vegetation; once you plant a tree you have to continue to trim a tree whether you are a private property owner or you are a public property owner.

Mayor Catalano asked for clarification on the trees located on Regency Drive; there are other trees located there. Mr. Napper responded yes, that is true.

Councilmember Wan inquired on whether the City plans to assess the issue of similarly situated trees. Mr. Napper advised first there are citizens' eyes and ears that notify the City of such concerns. Secondly, the Maintenance Department workers visually inspect trees in terms of general condition as they walk the trails and perform clearance work. Is there an overall plan for inspection of certain trees during a 5 year period or 7 year period? No. Staff would prefer not to incur this expense of \$176,000 yet there is not an articulated plan; a visual inspection of all trees every two or three years.

(Councilmember Diaz arrived at 7:13 p.m.)

It was moved by Vice Mayor Pierce, seconded by Councilmember Wolfe, to approve Consent Calendar Item 3(e). (Passed; 5-0 vote).

Consent Calendar Item Pulled

- 3(i) Adopted Resolution No. 48-2018 approving the purchase and outfitting of a used 2015 Ford F250 truck in the total net amount of \$39,787.43, declaring a 2000 Ford F350 as property surplus to the City's needs and authorizing its disposal by the City Manager for trade-in value, and allocating \$39,787.43 from the FY 2018-19 Capital Equipment Replacement Fund (CERF) to complete the acquisition.

Councilmember Wan inquired on the overall status of the fleet as it seems reasonable that every once in a while vehicles need to be replaced and wanted to know the catalyst in selecting this vehicle to be replaced.

City Manager Napper advised this particular truck is for the Maintenance Department which has a total of nine (9) vehicles. Of those nine vehicles, seven (7) of them are 2006 year models or older; the newest inventory is a 2011 and a used 2015 just purchased. As noted in the staff report, there is a Capital Equipment Replacement Fund (CERF) whereby vehicles are amortized over an expected life or usefulness; all seven of those vehicles, including the 2000 model recommended for replacement, have been fully amortized. Now why is this request coming out of cycle? The reason is when the budget was put together in mid-spring our Maintenance Supervisor who was retiring did not look in terms on what was going to occur in the following fiscal year. The City's new Maintenance Supervisor is very energetic and starting to assume ownership of the fleet and the vehicles, maintaining them at greater standards. The dual cab F350 has broader wheel wells over the rear tires; because it is not driven enough and wider than the F250 when some of our maintenance workers drive it they are unable to access areas the F250 has been able without damaging its sides. When the new Maintenance Supervisor came onboard one his assigned tasks was to assess the fleet inventory to ensure we are not over fleeted. Since his review of the fleet inventory he has sectorized off the city into two sections by creating two crews that are solely responsible for those areas. Part of the reason for the request is to transport personnel so they are able to remain in the field as opposed to shuttling workers back and forth. For instance: just this week we did not have advanced notice when the court assigned work alternative program individuals to our work site; they need to be shuttled out to a site and brought back accordingly. Ironically, the 2015 truck being proposed for purchase would be one of the newest vehicles in the Maintenance fleet.

Councilmember Wan inquired of the typical cycle which the vehicles are rotated out of inventory; is it as needed or a planned commissioned time? City Manager Napper responded after the vehicle is amortized, assessment is made to determine if the vehicle is still useful or needs replacement. In the Maintenance Department seven out of the nine vehicles are 2006 or older; the vehicles are utilized as long as possible. When it reaches a point where it needs repairs that exceed the trade-in value, replacement is then scheduled if sufficient monies are available. In this instance, the 2000 truck is valued at approximately \$6,000 by this dealer, offering more than other dealer at \$3,000.

Councilmember Wan inquired if there is any other dually in the fleet? Maintenance Supervisor Warburton advised there is one other dually in the fleet with a utility body; he has no intention to purchase any other dually for City Maintenance purposes. Mr. Warburton prefers the F250 series as it has the same pulling power as a dually without the broader bed.

It was moved by Councilmember Wan, seconded by Vice Mayor Pierce, to approve Consent Calendar Item 3(i). (Passed; 5-0 vote).

4. **RECOGNITIONS AND PRESENTATIONS** – None.

5. **REPORTS**

- (a) Planning Commission – Commissioner AJ Chippero indicated the Commission's agenda at its meeting of December 11, 2018 included approval of a Use Permit at St. John's Episcopal Church to allow a preschool to operate Monday through Friday for a maximum of 60 children ranging from 2 to 5 years of age. This item was conditionally approved unanimously, 4-0.

Commissioner Chippero also indicated the agenda included approval of a Development Plan and Vesting Tentative Map Time Extension for the Creekside Terrace Mixed Use Project through January 6, 2020. This item was approved unanimously, 4-0.

Councilmember Wan inquired on why continue to approve the Creekside Terrace Development Plan and Vesting Map? Community Development Director Gentry responded the *Clayton Municipal Code* allows only one-year extensions to occur of entitlements or approvals. For this project, the City is the underlying property owner and project sponsor; there is value in those entitlements for potential future negotiations with the development community. Potentially, one may be interested in purchasing the land with those approvals to build what was originally approved by the Council in July 2010.

Councilmember Wan inquired on how much the development is allowed to deviate from the entitlement that was granted before they lose value? Ms. Gentry advised it depends on the whether or not the deviations are determined to be significant or not. There is an underlying California Environmental Quality Act environmental review approval on that project; depending on what was contemplated as part of those approvals it depends on how much the potential proposed project deviates from the approval.

Councilmember Wan inquired who is responsible for making the assessment if it is significant or not? Ms. Gentry advised typically that responsibility is done by herself as the Community Development Director.

Councilmember Wan inquired if there are established guidelines for making the assessment or it is more of judgement call. Ms. Gentry advised it depends on what level changes are going to be proposed; typically, as staff tends to err on the side of conservatism and likely if there is something to be considered that is significant, the proposal would be presented to the appropriate hearing body for consideration.

Councilmember Wan is unsure of what the City gains in continuing these approvals; he inquired if there is a limit to how many times the extension could be approved? Ms. Gentry responded she would be under the privy of the Planning Commission on whether or not to continue those entitlements; however, the real property decision maker is the City Council. The City Council has the opportunity to not to pursue those entitlements as a real property decision and not a land-use decision. City Manager Napper added the permit has been extended by the Planning Commission action to January 6, 2020. Staff has been moving forward with past consensus doing so was direction from the City Council. If there is a question of continuing that direction, the City Council, who is the property owner of those three properties, would need to direct staff accordingly.

Councilmember Wan inquired if there were to be a developer to purchase and develop this land, they would typically incur the cost of demolishing the buildings. However, he understands the City is demolishing those buildings for various safety and attractive nuisance concerns.

City Manager Napper responded the City had hoped, during the time period for the land use entitlements ultimately obtained by the City through today, that a developer would be interested and by the granting of the property and entitlements the developer would indeed demolish the buildings, saving the taxpayers' money. However, since that objective has not yet occurred, the buildings were not intended to be for there for such a long period of time. They are presently uninhabitable and the City has incurred expenses of \$7,700 to tie up and remove the utilities. Mr. Napper added he receives periodic complaints, primarily from parents of children who drop off and pick up at that location for the elementary school, if they do not arrive by the school's release time they often find their kids playing in the back or on the bungalows. While it is considered an attractive nuisance, by law this information means the City has been placed on actual notice. Secondly, we do not want kids hanging out behind buildings where the police are unable to see them from the street.

Mayor Catalano added just because a site plan is approved, it does not require a developer or property owner to develop the property; it preserves the options.

Councilmember Wan remarked by continuing the entitlements does it crowd out the potential interest of other land-use or alternative uses? He remains unsure of what the City gains from continuing the entitlements for as long as they have.

Mayor Catalano added there is always value in having a City-owned site that is entitled, which is worth much more than a site that is not entitled. She also noted this discussion has not been agendized for this evening. City Attorney Subramanian concurred; if it is desired to speak more about this item she suggested placing this item on a future agenda.

- (b) Trails and Landscaping Committee – Meeting held on December 10, 2018.

- (c) City Manager/Staff

City Manager Napper announced there is a vacancy on the Planning Commission; additional information can be found on the City's website and on the City's posting boards. If anyone is interested, one of the requirements is they must be a registered voter of Clayton. The application can also be found on the City's website or one may be requested by contacting City Hall. The application filing deadline is January 10th as interviews are anticipated to take place prior to the regular City Council meeting of January 15th.

He also noted City Hall closes the week between Christmas Eve Day and New Year's Day, which is a regular holiday, resulting in City Hall [3rd Floor] closed until January 2, 2019. Police field services and Maintenance crews will remain operational and available for emergencies.

- (d) City Council - Reports from Council liaisons to Regional Committees, Commissions and Boards.

Councilmember Diaz attended the Contra Costa County Mayors' Conference, met with the State Senator to discuss post-election matters, and met with Assemblyman Tim Grayson.

Councilmember Wolfe indicated "No Report".

Councilmember Wan noted he has been reading formation documents and has been conducting research on the Oakhurst Geological Hazard Abatement District.

Vice Mayor Pierce attended the Balfour Road Ribbon Cutting, the Bay Area Council Economic Institute meeting, several Metropolitan Transportation Commission meetings, the Transportation Partnership and Cooperation (TRANSPAC) Board meeting, and the Association of Bay Area Governments workshop "CASA Project" by the Committee to House the Bay Area.

Mayor Catalano attended the Contra Costa County Mayors' Conference, the Clayton Historical Society's 8th Annual Christmas Homes Tour, and the Trails and Landscape Committee's meeting.

- (e) Other – None.

6. PUBLIC COMMENT ON NON - AGENDA ITEMS

Brian Buddell, inquired on the City's use of glyphosate based herbicides, also known as Round-Up or Ranger. The State of California has recognized these herbicides as a known carcinogen. Recently, a lawsuit was filed against the manufacturer of Round-Up in San Francisco resulting in an award of \$289 million including punitive damages; reduced to \$78 million by Judge Suzanne Ramos Bolanos. Mr. Buddell's concern is Clayton's use of a glyphosate-based herbicide as a weed killer; after discussion with the city manager it seems to be limited to median areas and not so much in contact with pets and people, which is a good step. Mr. Buddell believes the City is still potentially exposed to liability, by its own workers who at some point may file a workers compensation claim or a more serious claim based on exposure to this herbicide as it has been linked to the development to non-Hodgkin lymphoma. Although it is a very efficient weed killer and probably nothing out there that is as good, there are some alternatives. Mr. Buddell recommends and requests the City looks to adopt a resolution or ordinance which bans the use of glyphosate-based weed killers within Clayton and look for a suitable alternative, if nothing else than to shield itself from liability.

Ann Stanaway, 1553 Haviland Place, thanked Mr. Buddell adding the Westwood Park Landscape Maintenance Agreement with the HOA has its contractor applying Round-Up. It is in Westwood Park where children, residents and pets all sit around in Westwood Park and utilize the areas where "Round-Up" is applied routinely.

7. PUBLIC HEARINGS

- (a) Public Hearing to consider the Introduction and First Reading of a proposed City-Initiated Ordinance No. 484 amending Clayton Municipal Code Section 17.92 (Inclusionary Housing Requirements) for the purpose of incorporating rental housing projects into this local housing requirement.

Community Development Director Gentry provided a brief background beginning with August 2016 when the City Council adopted an Ordinance to implement inclusionary housing requirements on new homeownership or for-sale housing only. The Ordinance specifically precluded rental units due to state law and the outcomes of two specific court cases *Palmer/Sixth Street Properties v. City of Los Angeles* and *California BIA v. City of San Jose*. The *Palmer Case* no longer required developers to construct affordable housing units; the court concluded the inclusionary housing ordinances conflicted with

and were preempted by the vacancy decontrol provisions of the Costa-Hawkins Rental Housing Act, which allowed residential landlords to set the initial rents.

In the *California BIA v City of San Jose* case it resulted in the determination inclusionary housing ordinances do not constitute an unjust taking of property; the result of the court's decision allowed jurisdictions to allow to adopt inclusionary housing ordinances but only for home ownership or for-sale development projects due to the implications of the *Palmer* decision.

In September 2017, Governor Brown signed into law AB1505, known as the "Palmer Fix," which restores the authority to cities and counties to require the inclusion of affordable housing into new rental housing projects thereby superseding the court's decision in the *Palmer* case. AB1505 also requires alternative means of compliance such as in-lieu fees, land dedication, offsite construction or the acquisition or rehabilitation of existing units.

On April 17, 2018 the City Council directed staff to prepare an Ordinance to include rental housing projects into the City's inclusionary housing requirements as allowed for by AB1505 and essentially apply the same standards that were applied to home ownership projects, and housing types that are defined and counted by the State Department of Housing and Community Development (HCD).

Ms. Gentry advised state law requires local governments identify and plan for the existing and projected housing needs of all economic segments of the community in its Housing Element. State law also requires HCD to allocate the anticipated needs to regions throughout the state. For the Bay Area, HCD provides the regional need to the Association of Bay Area Governments (ABAG) which then allocates the Regional Housing Needs Assessment (RHNA) to the cities and counties within the ABAG region.

Clayton was allocated a total of 141 new housing units for this housing element cycle which is 8 years; the break down is 51 very-low income units, 25 low-income units, 31 moderate-income units and 34 above moderate-income units. Since the start of this Housing Element cycle the City has issued 2 permits for low-income units which were for two accessory dwelling units, and 8 permits issued for above moderate-income units which were the two housing developments located at Verna Way and the St. John's subdivision. Staff noted the income ratio of the required inclusionary housing units have yet to be determined by the City Council and has been identified in the Ordinance and staff has subsequently initiated a policy discussion for Council to establish the appropriate amount for both affordable housing in lieu fee as well as determine the appropriate affordability ratio of very low-income and moderate-income units to achieve compliance with the City's inclusionary housing requirements.

Given Clayton's RHNA status and the state's clear repetitive declarations of housing unit issues statewide concern coupled with the legislators' push for local governments to identify actions that will make sites available for affordable housing as well as assist the developments as such housing the City's state-certified Housing Element identified an implementation measure to require residential property projects of ten or more units to provide a minimum of 10% of the units to be affordable housing units. The adoption of the inclusionary housing ordinance implements the goals and policies of the Housing Element by codifying the requirements and providing details of the process and the standards for both the City and the developers to follow. Adoption of the inclusionary housing ordinance to incorporate residential rental units, as allowed for by AB 1505, will further the City's goals of accommodating its fair share housing allocation and help fulfill its Housing element policies.

A majority of the amendments in the proposed ordinance are mainly to incorporate rental housing units in addition to the previously established for-sale housing units as well as to specify the Ordinance applies to dwelling units defined and counted by HCD. Other proposed changes include providing more discretion to the City Council regarding the approval process as it pertains to the use of alternative in lieu of constructing the affordable housing units onsite; also, the very low-income category was also added as an option for rental housing units. This was specifically precluded in the inclusionary housing ordinance due to concerns of income requirements in order to maintain a home for home ownership purposes.

The impacts this Ordinance will have on projects currently in the development pipeline: currently there is one project that could be impacted, that is the Clayton Senior Housing Project which has been "deemed complete" by staff. However, the project does not have vested rights and therefore the proposed ordinance would be applicable to the project. Further, the 81-unit project is requesting a 35% Density Bonus under the state density bonus law which would produce 7 units dedicated to very low-income households. However, for this project case law would apply, clarifying jurisdictions are required to count the units granted under the density bonus law to be counted towards the inclusionary housing unit requirements meaning that the project will be meeting inclusionary housing requirements by default. The project is proposing 7 very-low income units and will be working with the requirements under the existing inclusionary housing ordinance, which would be 5.9 units currently proposed this evening. Therefore, it will not result in any additional impacts beyond what was already contemplated under Density Bonus law.

City Manager Napper asked Ms. Gentry to explain the meaning of the project being "deemed complete by staff." Ms. Gentry responded "deemed complete" is part of the Permit Streamlining Act which essentially states that once an application has been submitted to a city, and the city staff determines there is adequate information to start to process that application. The verbiage does not mean the project has been approved or been before the hearing body of the city.

Ms. Gentry continued her presentation advising there is a staff recommendation however the City Council has options to choose to not take action on the proposed Ordinance thereby resulting in a partial implantation of its Housing Element. Staff believes the City has fulfilled its state requirements in the current ordinance because AB1505 allows but does not require jurisdictions to include rental housing in its inclusionary housing ordinance. However, by not including rental housing it could become the favored housing type over for-sale because it would not have the requirement of the set aside of below market rate units or the payment of an in lieu fee. In addition it does not preclude any future action by the state such as during the next state-mandated Housing Element cycle.

Councilmember Wan asked if we establish an in lieu fee does that payment satisfy the RHNA requirement? Ms. Gentry responded the in lieu fee payment will satisfy the inclusionary requirements but does not require the City to construct those units; only the actual construction of the units will satisfy the RHNA requirements.

Councilmember Wan asked if the Density Bonus covers the inclusionary requirement for the Clayton Senior Housing Project if it were at a different rate for example at 15% rather than 10%? Ms. Gentry responded it would probably be nine units, exceeding state density bonus law.

Councilmember Wan asked if the City is allowed to have a different inclusionary requirement for rental units versus the units for purchase. Ms. Gentry responded "yes," that is an option.

Councilmember Wan asked if the City does not include rental units in the inclusionary rule, can we favor development on units for purchase because that would help towards our RHNA requirement rather than renting units that would not.

Mayor Catalano added the City may get in trouble with the Housing Accountability Act pretty quickly if we started favoring one type of development over another.

City Attorney Subramanian advised prior to 11 and half months ago legally we were not allowed to require inclusionary housing units that were rental. Most of the cities that had inclusionary housing ordinances are updating them to include rental housing due to the Palmer Fix.

Councilmember Wan inquired if the Council does not pass the proposed ordinance, does it take away options they may have? City Attorney Subramanian responded if the City Council chooses not to apply Inclusionary Housing Requirements to rental housing, then it would not adopt the ordinance. If a rental project came before the Council and it complied with our zoning, general plan and other requirements, the Council could not prefer a single family home as opposed to the multifamily home. She considers the only issue before him is if you want to include rental units, the ordinance, or not.

Councilmember Wan asked at the 2014 meeting if it was determined the original ordinance would not result in adverse environmental impact, essentially was not CEQA applicable, does this proposed ordinance change that impact of that assessment at all or what was the basis for that? Ms. Gentry responded there was an initial Negative Declaration that was done to evaluate the possibility of environmental impacts of the City's Housing Element; there were no identifiable impacts, and substance of this particular ordinance was addressed during the adoption of that original environmental document back in 2014.

Vice Mayor Pierce requested clarification of Section 17.92.02 regarding "*any dwelling unit or residential development which is damaged or destroyed by fire or natural catastrophes so long as the use of the reconstructed building and number of dwelling units remain the same, and the cost of such rehabilitation constitutes no more than 50% of its reasonable market value at the time of destruction or damage.*" Assuming before the catastrophe the market value of a home is \$1 million; rebuild costs cannot exceed 50% of the market value which would be \$500,000.00? Ms. Gentry responded if the damage was greater than 50% of the market value, then it would apply.

Vice Mayor Pierce inquired on how the cost of the rehab of 50% was based? For example, if she had to rebuild her home from the ground up, the cost would exceed the 50% theoretically, which would mean the inclusionary zoning would apply to a single unit. Ms. Gentry responded this provision would only apply to units of ten or greater.

Vice Mayor Pierce then asked, for example, if Diablo Ridge burned down and had to be rebuilt and a developer came in instead of individuals doing it, it would probably cost more than the 50% of the fair market value to replace each home. Would that situation then apply to that neighborhood? Ms. Gentry commented if the rebuild were to be done by a single developer rather than by individual property owners, then the 50% rebuild rehabilitation cost would apply.

Vice Mayor Pierce does not know how it would apply to an existing development that did not already have affordable units. She thinks that's problematic. Before this item comes back, Vice Mayor Pierce asked for an answer to that question. Vice Mayor Pierce also requested the addition of occupancy permit requirements to 17.92.040, item 6. She also inquired on section 17.92.030; on item B, if there were consideration to include an in lieu fee for offsite to something more significant to encourage building of the units within the same project instead of farming them out somewhere else?

Ms. Gentry responded staff is currently working with a consultant to determine the cost of an in lieu fee. Staff is anticipating a presentation made by both staff and the consultant seeking direction from Council of a policy decision with regards of how much the in lieu fee should be.

Mayor Catalano inquired if there is a decision to have an offsite in lieu fee in terms of the construction or leasing those offsite units a lot of times? She has seen language the offsite units have to have their certificate of occupancy issued prior to the primary project. She also believes there is a current nexus study regarding the in lieu fee. Mayor Catalano asked Ms. Gentry if she had an idea of the timing of the study or when she will come back with that information. Ms. Gentry responded she believes that information will come back in early 2019.

Mayor Catalano opened the Public Hearing.

Brian Buddell, inquired as to "why" and "why now" on the presumption the community and the people of Clayton generally do not favor or want more low-income housing in the City. He also felt the proposed Ordinance would likely increase the likelihood of more low-income housing in Clayton. Mr. Buddell pointed out that Ms. Gentry advised the City is already in compliance with the Housing Element requirements for low income housing; the current Housing Element extends to 2023 and five years from now the state may experience a drastic change, it may decide what's done now is not enough. He also is concerned by the question raised by Vice Mayor Pierce regarding if a building is destroyed by a fire and has to be reconstructed and how is that going to apply. Without having that concern addressed, he thinks passing the Ordinance for that reason alone is a mistake. He urges the Council to vote "no" on this ordinance and seek further clarification.

With no other speakers, Mayor Catalano closed the Public Hearing.

Vice Mayor Pierce remarked currently the City does not have a surplus of housing. We are required to have 141 units completed by 2022 to stay in compliance of the Housing Element; currently there are ten (10) units completed at this point. If rental housing is included in the inclusionary zoning, some of these units will be at an affordable rate to live in Clayton. Vice Mayor Pierce thinks a higher inclusionary percentage makes some sense but is okay with staying at 10%. Vice Mayor Pierce would rather have a higher in lieu fee. She also thinks this is good public policy as developments are proposed within our community, they are doing their fair share of trying to provide housing for everyone.

Councilmember Wan confirmed to comply with RHNA we need to have 141 units completed by 2022; isn't the requirement they need to be provided for and the actual building of the units are not required?

Vice Mayor Pierce replied the City has to plan for inclusionary housing units by making zoning choices to allow for them to be built; then the City is further judged on how the units were constructed and occupied. We also need to make our RHNA number culminate rather than rolling it each time; for example, if there were 500 units in one site and 10 were completed, and there was a new assignment to be completed, whatever was leftover in your previous RHNA assignment is added to your new RHNA assignment.

Councilmember Wan wanted to clarify as a matter of law whether or not the statement that we need to complete 141 units by 2022 or we would be out of compliance. The City has to provide zoning for the units but is not responsible for the actual building of the units. Vice Mayor Pierce responded the City is not legally responsible for the construction of the units; morally, they should be constructed.

Councilmember Wan inquired if this only applies to the Silver Oaks and the downtown properties? Ms. Gentry advised this would apply to any future development project that is to come forward; there are other vacant and underutilized properties in Clayton that this would also apply to. There are vacant properties off south Mitchell Canyon Road and the Easley Ranch land is underutilized.

Councilmember Wan commented he looked at the Housing Element noting there is a small number that had greater than 10 units. Ms. Gentry responded the properties identified in the Housing Element aren't necessarily inclusive of all properties in the city that could be considered underutilized; that listing was just used to plan and demonstrate to HCD that we are meeting our RHNA allocation, and we have a surplus of land inventory.

Mayor Catalano confirmed the proposed ordinance is setting policy at a policy level of having inclusionary requirements; they apply to ownership units, should they also apply to rental units? That is the question before Council, not a specific project. It is setting those perimeters to 10 or more units - what is the code and requirement.

Councilmember Wolfe asked if the rental units are to be built or are these existing properties? Ms. Gentry confirmed this requirement would apply for new development, unless there is reconstruction that exceeds 50% of fair market value.

Mayor Catalano advised there is a whole Housing Element aspect to provide a certain amount of affordable housing to ownership and apply to rental units; this is also if we choose not to do anything, to not apply it to rental properties we are making a policy statement effectively where we favor rental projects by not applying them to rental units. If it is the Council's preference, then be sure we should not apply this to rental housing, but she does not think we as a Council should be directing whether residential projects in our town are rental or ownership. The law changed due to the "Palmer Fix;" without that change we were not allowed to impose inclusionary requirements on rental projects, and now we are allowed and a lot of cities are making the change. She thinks it is fairly common using a 10% inclusionary requirement but we are starting to see some state legislation referencing different thresholds Senator Wiener just proposed legislation SB 50, a little bit different in that it's going to apply some income thresholds which is yet to be seen on what it is. In terms of affordable housing in Contra Costa County, "low income" is a fairly high household income. For example: a single teacher in our elementary or middle school probably does not have an income of \$104,000; we are not talking about Section 8 housing, we are talking about people who actually work, earn a living but the housing costs and cost of living in the Bay Area are so high. Mayor Catalano does not want to make a policy statement favoring rental housing and steering projects towards escaping inclusionary unit requirements by constructing them over for-purchase units.

Councilmember Wan commented he doesn't think it would favor rental housing. In the rule if there is a greater than 15% requirement, that could trigger HCD's review.

Vice Mayor Pierce added if we are not producing the number of units the City is zoned for and have a high inclusionary number, HCD can require a feasibility study and see if our number is impeding construction; and if it is, they can require you to change it at the expense of the City.

Ms. Gentry added if the City requires more than 15% of the total units to be affordable, at households of 80% of less than the area median income it could then trigger HCD's review of the City's inclusionary housing ordinance; but it only has the authority to do so if it meets the two triggers: if the City has failed to meet the 75% of its share of the RHNA for above moderate-income households over at least a 5 year period or the jurisdiction has failed to submit its progress report for at least two consecutive years with the last year not in compliance.

Councilmember Wan indicated he is opposed to how the proposed Ordinance is written and would like to eliminate the 10 unit line item that gives developers an option by right to do something. We are required to comply for a certain number of inclusionary units, in defining those units as owner occupied or for rent; he prefers owner-occupied units as it creates greater stability and investment in the community.

Mayor Catalano feels if the Council does not include rental housing, that void means the developer can come in and if required on ownership units only, they then are required to have one inclusionary unit per 10 units; however, if they are able to consider rental units without inclusionary affordable housing units, their profits would be higher. She does not want to steer public policy towards one type of project over another.

Councilmember Wan noted given the few places in Clayton for development that could become rental properties with over 10 units, he does not think that will be an issue in Clayton. Councilmember Wan would also like to staff to bring back an ordinance with a higher percentage of 15%, to see what that does.

Mayor Catalano clarified when putting a City-wide policy in place, the Code is set for all projects until an ordinance change is made.

Vice Mayor Pierce added there are several properties that are already zoned as Housing Opportunity Sites with a higher density, located at the corner of south Mitchell Canyon Road and Clayton Road with a potential of twenty units, Easley Ranch zoned for Single Family Low density, default would be to home ownership, and Silver Oak Estates zoned for single family detached medium density. Vice Mayor Pierce does not see the benefit of leaving rental units out of the overall picture.

Vice Mayor Pierce inquired the "by right by the developer for under 10 units," is that something required by law? Ms. Gentry advised the in lieu fee is not a requirement by law.

City Attorney Subramanian commented the suggestions provided this evening could be revised into the proposed Ordinance. If suggestions are significant, this item would require further review by the Planning Commission before coming back to the City Council for approval.

Councilmember Wolfe commented he would like to do what's best for the City and would like to do what is economically feasible; there needs to be some conclusion amongst ourselves with a viable number that works for us and are we going to get to the 141 unit requirement in time and what are the consequences if we do not.

Councilmember Wan added if there is a higher percentage for rental development property for those with lesser needs, they would be able to rent rather than purchase, so we are actually encouraging those folks to enter the City via a rental unit. Vice Mayor Pierce noted that option may discourage development. City Manager Napper added that statement is a post-construction consideration versus a pre-construction one. Councilmember Wan concurred with that analysis.

Mayor Catalano advised there were a few suggestions made to bring it back to the next meeting as a second reading to adopt, or amend the proposed ordinance.

It was moved by Vice Mayor Pierce, seconded by Councilmember Wolfe, to have the City Clerk read Ordinance No 484 by title and number only and waive further reading. (Passed; 5-0 vote).

The City Clerk read Ordinance No. 484 by title and number only.

It was moved by Vice Mayor Pierce, seconded by Mayor Catalano, to approve the Introduction of Ordinance No. 484 to amend Clayton Municipal Code Section 17.92 (Inclusionary Housing Requirements) for the purpose of incorporating rental housing projects into this local housing requirement, as allowed for by AB 1505 (ZOA-02-18), and as amended this evening. (Passed 4-1 vote; Wan, no).

8. ACTION ITEMS

- (a) Presentation of the City's financial status report regarding its public employee pension system provided through the California Public Employees Retirement System ("CalPERS"), based on the latest actuarial data as of June 30, 2017.

Finance Manager Mizuno presented the report advising the City's pension administrator (CalPERS) annually publishes an updated actuarial report for each of the City's pension plans with the most recent ones published August 2018, dated June 30, 2017, including the Annual Required Contributions for FY 19-20. The purpose of this annual staff report is to provide an update on the City's pension plans and fiscal impacts to demonstrate accountability, transparency, and responsibility. Heightened awareness surfaced after the great recession of 2008 through several actions taken by the local City Council, the state legislature and CalPERS to address those matters. The City Council directed the City Manager and thereby staff to provide an analysis annually once these actuarial reports are published.

In lieu of Social Security the City of Clayton has participated in the California Public Employees Retirement System (CalPERS) since July 1, 1975. Five measures have been taken since that time to address the City's exposure to pension expenses: 1). The City proactively established a second tier in 2011, resulting in the closure of any new members to the Classic Plan; 2). In 2013, the state legislature adopted the Public Employee Pension Reform Act (PEPRA) creating a third tier for all new members of CalPERS; 3). Thereafter, CalPERS reduced the discount rate from 7.5% to 7% over a three year process from FY 2019-2021; 4). CalPERS implemented a fixed dollar unfunded actuarial liability (UAL) contribution requirement in FY 2016; and 5). The City in FY 2018 established a Pension Rate Stabilization Fund, an internal service fund that acts as a hedge against ARC contributions and hikes caused by any market fluctuations or actuarial assumptions approved by the CalPERS board. These reports are available to the public at www.calpers.ca.gov

Mr. Mizuno provided brief information about each safety and miscellaneous group tier. Currently, 56% of the City's employees are members of the PEPRA tier. He provided a summary of the contribution requirements of each of the City's six plans noting there used to be a Normal Cost, a percentage of payroll methodology for each dollar of pensionable income earned. That was a rate approved by CalPERS Board that said each employer was required to contribute that amount annually to its plan. Thereafter, in FY 2016, CalPERS also created a UAL fixed dollar amount to address the increases to the unfunded status of the Classic tier. The most important thing to note when reviewing the comparison table is the largest increase was noted in the Classic Plan for sworn police officers, approximately 26%.

Mr. Mizuno summarized the Employer Pension Cost Trend Analysis noting a decrease between FY 2012-2015 due to the payoff of the Classic Tier I public safety side fund. In two years it is expected to see a decrease of approximately \$64,000.00 because of the anticipated payoff of the Classic Tier I Miscellaneous side fund. CalPERS has created a thirty year amortization schedule for the unfunded liability amounts; it is projected to be

zero in thirty years from now, just like a home mortgage. The City simply does not have the funds to make the payoff any earlier.

Mr. Mizuno summarized the Tier I Unfunded Actuarial Liability Historical Trend obligations for past, present and future. The Tier II and PEPRA retirement plans are operating as designed, not necessitating further analysis at this time. To note as of June 30, 2017, CalPERS posted a return of 11.2% which exceeds their discount rate at that time, and recently as of June 30, 2018, CalPERS posted a return of 8.6%.

Councilmember Diaz inquired on how many Safety members the City currently employs? Mr. Mizuno responded the City currently has a total of twenty-seven full time employees, two of whom are prorated at 60%. There are eleven Safety employees; the remainder is classified as Miscellaneous members.

Councilmember Wan inquired if there is a cost built into the rates for retirees. Mr. Mizuno responded the retiree contribution requirement is built into the fixed dollar UAL payment calculated by CalPERS.

Councilmember Wan inquired if the City contributes to the Pension Rate Stabilization Fund on an annual basis? Mr. Napper responded the Pension Rate Stabilization Fund was established two years ago and has been contributed to on an annual basis from excess General Funds. It currently has a balance of \$167,000. Mr. Mizuno added there is not an established rate; if the City had excess funds available after an audit it could be the Council's discretion to authorize a certain amount to the Pension Rate Stabilization Fund; policy has not been established for a certain dollar amount.

Councilmember Diaz wanted to know the differences between the safety Classic, Tier II and PEPRA members break down. Mr. Mizuno responded four members are in the Safety Classic plan and seven in the Safety PEPRA plan.

City Manager Napper added the Tier II plan enrollment depends on the member's status with CalPERS when they come into Clayton's plan. He noted a tidbit that was discovered today as a reason we are not rushing to pay off our UAL: Assistant to the City Manager Laura Hoffmeister found in 1999 the city manager at the time recommended the City contribute \$1.4 million to pay off its UAL because the thinking at that time is when you do that your UAL disappears forever. Of course, CalPERS has proven that is not the case and that is why his assessment is do not rush to pay more to CalPERS than requested. The City pays fully each year what CalPERS require.

No action was taken.

- (b) Review and approval of Mayoral determination of City Council ad-hoc committee, inter-governmental and regional board assignments for 2019.

Mayor Catalano presented the staff report noting after everyone's review of the City Council ad-hoc, committee, inter-governmental and regional board assignments, it was time to look at other assignments as well. Ms. Catalano thought it would be good for Councilmembers to take on other assignments and provide input to those committees. A number of recommendations were made in the packet and Mayor Catalano hoped for her colleagues' approval of her assignments for them.

Mayor Catalano opened the item to public comment; no comments were offered.

Councilmember Diaz expressed his interests in having City elected officials be the first to have regional board positions assigned to them.

Councilmember Wan indicated his desire to have a brief description be created for each committee or board to assist in understanding the assignments. City Manager Napper responded that idea makes sense and staff will do so.

It was moved by Vice Mayor Pierce, seconded by Councilmember Wan, to approve the Mayor Catalano's proposed City Council member assignments for calendar year 2019. (Passed; 5-0 vote).

9. COUNCIL ITEMS

Councilmember Wan inquired if the Parolee Housing item had been confirmed and scheduled for an upcoming City Council meeting. He was advised the earliest this item would come back would be January 15, 2019. City Manager Napper responded after inquiry he had sent an email to Councilmember Wan indicating items he was tracking for the January 15th City Council meeting included the Parolee Housing item, noting he also sent an email on that question to Councilmember Diaz, as he is the lead on the Parolee Housing item, to determine if the January 15th City Council meeting would be an appropriate time to bring it back.

Councilmember Diaz indicated he will need more time to gather information on this item before it is brought back to the City Council for further discussion, and he will advise when it is ready. Councilmember Wan inquired if he could ask for the Parolee Housing items then as a future agenda item.

Councilmember Wan also requested a future agenda item to consider the semi-annual status of goals and objectives as directed by Council on achievements and outlines when achievement is expected. Councilmember Wan would like to review the items to determine, if they are still valid or if they should be eliminated; if there has been no activity for a certain period perhaps the goal should be dropped.

Vice Mayor Pierce wondered if Councilmember Wan's request would be best discussed at the upcoming Council Goals Setting Session explaining why some of those goals are there. The findings could be announced at an upcoming public meeting. Councilmember Wan responded he would still like the topic as a separate public report.

Mr. Napper added at its next meeting of January 15, 2019, an item would be coming for the City Council to set a special public meeting for its annual Council Goals Setting Session.

10. CLOSED SESSIONS – None.

11. ADJOURNMENT– on call by Mayor Catalano, the City Council adjourned its meeting at 10:05 p.m.

The next regularly scheduled meeting of the City Council is January 15, 2019.

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Respectfully submitted,

Janet Calderon, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL

Tuija Catalano, Mayor

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Agenda Date: 01/15/19

Agenda Item: 5b

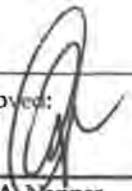
STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: KEVIN MIZUNO, FINANCE MANAGER

DATE: 01/15/19

SUBJECT: FINANCIAL DEMANDS AND OBLIGATIONS OF THE CITY

Approved: 
Gary A. Wapper
City Manager

RECOMMENDATION:

It is recommended the City Council, by minute motion, approve the financial demands and obligations of the City for the purchase of services and goods in the ordinary course of operations.

Cash Requirements Report	Accounts Payable	Report dated	1/11/2019	\$ 343,789.62
Cash Requirements Report	Payroll, Taxes	Pay period ending	12/16/2018	\$ 89,710.40
Cash Requirements Report	Payroll, Taxes	Pay period ending	12/30/2018	\$ 91,355.62
Total Required				\$ 524,855.64

Attachments:

Cash Requirements reports, dated 01/11/19 (8 pages)

Paychex Cash Requirements, weeks 51 & 53(6 pages)

City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Advanced Elevator Solutions, Inc								
Advanced Elevator Solutions, Inc	1/15/2019	1/15/2019	34271	Elevator service	\$119.00	\$0.00		\$119.00
				<i>Totals for Advanced Elevator Solutions, Inc:</i>	<u>\$119.00</u>	<u>\$0.00</u>		<u>\$119.00</u>
All City Management Services, Inc.								
All City Management Services, Inc.	12/31/2018	12/31/2018	58531	School crossing guard svcs 12/16/18-12/29/18	\$297.30	\$0.00		\$297.30
All City Management Services, Inc.	12/31/2018	12/31/2018	58495	School crossing guard svcs 12/2/18-12/15/18	\$594.60	\$0.00		\$594.60
				<i>Totals for All City Management Services, Inc.:</i>	<u>\$891.90</u>	<u>\$0.00</u>		<u>\$891.90</u>
ASCAP								
ASCAP	1/15/2019	1/15/2019	Concerts2019	Licensing for Concerts in the Grove 2019	\$357.00	\$0.00		\$357.00
				<i>Totals for ASCAP:</i>	<u>\$357.00</u>	<u>\$0.00</u>		<u>\$357.00</u>
AT&T (CalNet3)								
AT&T (CalNet3)	12/31/2018	12/31/2018	12371626	Phones 11/22/18-12/21/18	\$1,650.63	\$0.00		\$1,650.63
				<i>Totals for AT&T (CalNet3):</i>	<u>\$1,650.63</u>	<u>\$0.00</u>		<u>\$1,650.63</u>
Bassam Atwal								
Bassam Atwal	12/31/2018	12/31/2018	PC-12-18	Planning Commission stipend December	\$120.00	\$0.00		\$120.00
				<i>Totals for Bassam Atwal:</i>	<u>\$120.00</u>	<u>\$0.00</u>		<u>\$120.00</u>
Bay Area Barricade Serv.								
Bay Area Barricade Serv.	1/15/2019	1/15/2019	0360280	U-clamps for street signs	\$97.82	\$0.00		\$97.82
Bay Area Barricade Serv.	12/31/2018	12/31/2018	0360121	Street signs	\$1,631.25	\$0.00		\$1,631.25
Bay Area Barricade Serv.	12/31/2018	12/31/2018	0360122	Street signs	\$1,492.60	\$0.00		\$1,492.60
Bay Area Barricade Serv.	12/31/2018	12/31/2018	0360114	Speed limit signs	\$831.94	\$0.00		\$831.94
Bay Area Barricade Serv.	1/15/2019	1/15/2019	0360415	Signs, flagstand, sign braces	\$554.52	\$0.00		\$554.52
				<i>Totals for Bay Area Barricade Serv.:</i>	<u>\$4,608.13</u>	<u>\$0.00</u>		<u>\$4,608.13</u>
Bay Area News Group								
Bay Area News Group	12/31/2018	12/31/2018	1168080	Legal ad - inclusionary rental	\$172.00	\$0.00		\$172.00
				<i>Totals for Bay Area News Group:</i>	<u>\$172.00</u>	<u>\$0.00</u>		<u>\$172.00</u>
CalPERS Health								
CalPERS Health	1/15/2019	1/15/2019	15526772	Medical for January	\$30,700.39	\$0.00		\$30,700.39
				<i>Totals for CalPERS Health:</i>	<u>\$30,700.39</u>	<u>\$0.00</u>		<u>\$30,700.39</u>
CalPERS Retirement								
CalPERS Retirement	12/31/2018	12/31/2018	123018	Retirement PPE 12/30/18	\$17,016.00	\$0.00		\$17,016.00
CalPERS Retirement	12/31/2018	12/31/2018	121618	Retirement PPE 12/16/18	\$15,983.92	\$0.00		\$15,983.92
CalPERS Retirement	12/31/2018	12/31/2018	CC122418	CC retirement ending 12/24/18	\$75.62	\$0.00		\$75.62
				<i>Totals for CalPERS Retirement:</i>	<u>\$33,075.54</u>	<u>\$0.00</u>		<u>\$33,075.54</u>
Caltronics Business Systems, Inc								
Caltronics Business Systems, Inc	12/31/2018	12/31/2018	2610289	Copier usage 8/30/18-9/29/18	\$283.58	\$0.00		\$283.58
Caltronics Business Systems, Inc	12/31/2018	12/31/2018	2633644	Copier usage 9/30/18-10/29/18	\$214.07	\$0.00		\$214.07

City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Caltronics Business Systems, Inc	12/31/2018	12/31/2018	2674140	Copier usage 11/30/18-12/29/18	\$339.96	\$0.00		\$339.96
				<i>Totals for Caltronics Business Systems, Inc:</i>	<i>\$837.61</i>	<i>\$0.00</i>		<i>\$837.61</i>
Anthony Chippero								
Anthony Chippero	12/31/2018	12/31/2018	PC-12-18	Planning Commission stipend December	\$120.00	\$0.00		\$120.00
				<i>Totals for Anthony Chippero:</i>	<i>\$120.00</i>	<i>\$0.00</i>		<i>\$120.00</i>
City of Concord								
City of Concord	12/31/2018	12/31/2018	72898	Dispatch services for December	\$20,089.50	\$0.00		\$20,089.50
				<i>Totals for City of Concord:</i>	<i>\$20,089.50</i>	<i>\$0.00</i>		<i>\$20,089.50</i>
CLEARs, Inc.								
CLEARs, Inc.	1/15/2019	1/15/2019	CLEARs19	CLEARs membership 2019	\$50.00	\$0.00		\$50.00
				<i>Totals for CLEARs, Inc.:</i>	<i>\$50.00</i>	<i>\$0.00</i>		<i>\$50.00</i>
Peter Cloven								
Peter Cloven	12/31/2018	12/31/2018	PC-12-18	Planning Commission stipend December	\$120.00	\$0.00		\$120.00
				<i>Totals for Peter Cloven:</i>	<i>\$120.00</i>	<i>\$0.00</i>		<i>\$120.00</i>
CME Lighting Supply, Inc								
CME Lighting Supply, Inc	12/31/2018	12/31/2018	229932	Library lamps	\$303.63	\$0.00		\$303.63
CME Lighting Supply, Inc	12/31/2018	12/31/2018	230002	Lighting ballasts	\$106.07	\$0.00		\$106.07
CME Lighting Supply, Inc	12/31/2018	12/31/2018	229028	Library lamps	\$676.38	\$0.00		\$676.38
CME Lighting Supply, Inc	12/31/2018	12/31/2018	229933	City Hall lamps	\$163.04	\$0.00		\$163.04
CME Lighting Supply, Inc	12/31/2018	12/31/2018	228982	EH ballasts	\$118.10	\$0.00		\$118.10
CME Lighting Supply, Inc	12/31/2018	12/31/2018	229934	The Grove lamps	\$144.27	\$0.00		\$144.27
				<i>Totals for CME Lighting Supply, Inc:</i>	<i>\$1,511.49</i>	<i>\$0.00</i>		<i>\$1,511.49</i>
Cole Supply Company								
Cole Supply Company	1/15/2019	1/15/2019	296050	Trash can liners	\$176.99	\$0.00		\$176.99
				<i>Totals for Cole Supply Company:</i>	<i>\$176.99</i>	<i>\$0.00</i>		<i>\$176.99</i>
Comcast								
Comcast	1/15/2019	1/15/2019	010519	Internet 1/10/19-2/9/19	\$386.08	\$0.00		\$386.08
				<i>Totals for Comcast:</i>	<i>\$386.08</i>	<i>\$0.00</i>		<i>\$386.08</i>
Concord Uniforms								
Concord Uniforms	12/31/2018	12/31/2018	14888	Uniform pants, PD	\$90.21	\$0.00		\$90.21
Concord Uniforms	12/31/2018	12/31/2018	14849	Uniform, PD	\$922.32	\$0.00		\$922.32
Concord Uniforms	12/31/2018	12/31/2018	14815	Police patches	\$37.90	\$0.00		\$37.90
				<i>Totals for Concord Uniforms:</i>	<i>\$1,050.43</i>	<i>\$0.00</i>		<i>\$1,050.43</i>
Contra Costa County - Office of the Sheriff								
Contra Costa County - Office of the She	12/31/2018	12/31/2018	CL 17/18	CLETS 17/18 annual fee	\$624.02	\$0.00		\$624.02
				<i>Totals for Contra Costa County - Office of the Sheriff:</i>	<i>\$624.02</i>	<i>\$0.00</i>		<i>\$624.02</i>
Contra Costa County Department of Conservation & Development								

City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Contra Costa County Department of Co	12/31/2018	12/31/2018	Q2FY19	Q2 FY19 CASp fees	\$258.40	\$0.00		\$258.40
<i>Totals for Contra Costa County Department of Conservation & Development:</i>					<i>\$258.40</i>	<i>\$0.00</i>		<i>\$258.40</i>
Contra Costa County Office of the Sheriff (Training)								
Contra Costa County Office of the Sheri	1/15/2019	1/15/2019	5590-33590-18-004	Training class, PD	\$408.00	\$0.00		\$408.00
<i>Totals for Contra Costa County Office of the Sheriff (Training):</i>					<i>\$408.00</i>	<i>\$0.00</i>		<i>\$408.00</i>
Contra Costa Powersports								
Contra Costa Powersports	12/31/2018	12/31/2018	173642	Motorcycle repair, PD	\$382.70	\$0.00		\$382.70
<i>Totals for Contra Costa Powersports:</i>					<i>\$382.70</i>	<i>\$0.00</i>		<i>\$382.70</i>
Contra Costa Tractor Mobile Svc								
Contra Costa Tractor Mobile Svc	12/31/2018	12/31/2018	017926	U80C Tractor maintenance	\$488.67	\$0.00		\$488.67
Contra Costa Tractor Mobile Svc	12/31/2018	12/31/2018	017927	NHE30B Excavator maintenance	\$395.67	\$0.00		\$395.67
<i>Totals for Contra Costa Tractor Mobile Svc:</i>					<i>\$884.34</i>	<i>\$0.00</i>		<i>\$884.34</i>
Cropper Accountancy Corp								
Cropper Accountancy Corp	1/15/2019	1/15/2019	1588	SCO report for CFA	\$550.00	\$0.00		\$550.00
<i>Totals for Cropper Accountancy Corp:</i>					<i>\$550.00</i>	<i>\$0.00</i>		<i>\$550.00</i>
CSAC Excess Insurance Authority								
CSAC Excess Insurance Authority	1/15/2019	1/15/2019	19401288	EAP Q3 FY 19	\$296.40	\$0.00		\$296.40
<i>Totals for CSAC Excess Insurance Authority:</i>					<i>\$296.40</i>	<i>\$0.00</i>		<i>\$296.40</i>
De Lage Landen Financial Services, Inc.								
De Lage Landen Financial Services, Inc.	1/15/2019	1/15/2019	61950967	Copier contract 1/15/19-2/14/19	\$304.59	\$0.00		\$304.59
<i>Totals for De Lage Landen Financial Services, Inc.:</i>					<i>\$304.59</i>	<i>\$0.00</i>		<i>\$304.59</i>
Diablo View Cleaning								
Diablo View Cleaning	12/31/2018	12/31/2018	23990	Hoyer Hall carpet cleaning	\$400.00	\$0.00		\$400.00
<i>Totals for Diablo View Cleaning:</i>					<i>\$400.00</i>	<i>\$0.00</i>		<i>\$400.00</i>
Dillon Electric Inc								
Dillon Electric Inc	12/31/2018	12/31/2018	3816	Streetlight repairs 12/11/18	\$299.43	\$0.00		\$299.43
Dillon Electric Inc	12/31/2018	12/31/2018	3818	Streetlight repairs 12/19/18	\$356.68	\$0.00		\$356.68
<i>Totals for Dillon Electric Inc:</i>					<i>\$656.11</i>	<i>\$0.00</i>		<i>\$656.11</i>
Division of the State Architect								
Division of the State Architect	12/31/2018	12/31/2018	Q2FY19	CASp fees to DSA Q2 FY 19	\$30.40	\$0.00		\$30.40
<i>Totals for Division of the State Architect:</i>					<i>\$30.40</i>	<i>\$0.00</i>		<i>\$30.40</i>
Economic & Planning Systems, Inc								
Economic & Planning Systems, Inc	12/31/2018	12/31/2018	181082-6	Affordable housing/Open space services for N	\$2,907.50	\$0.00		\$2,907.50
<i>Totals for Economic & Planning Systems, Inc:</i>					<i>\$2,907.50</i>	<i>\$0.00</i>		<i>\$2,907.50</i>
Adam Espinoza								
Adam Espinoza	1/15/2019	1/15/2019	HH111718	HH deposit refund 11/17/18, minus cleaning c	\$51.77	\$0.00		\$51.77

City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
<i>Totals for Adam Espinoza:</i>					<i>\$51.77</i>	<i>\$0.00</i>		<i>\$51.77</i>
William Gall								
William Gall	12/31/2018	12/31/2018	PC-12-18	Planning commission stipend for December	\$120.00	\$0.00		\$120.00
<i>Totals for William Gall:</i>					<i>\$120.00</i>	<i>\$0.00</i>		<i>\$120.00</i>
Globalstar LLC								
Globalstar LLC	12/31/2018	12/31/2018	9943255	Sat phone 11/16/18-12/15/18	\$90.00	\$0.00		\$90.00
<i>Totals for Globalstar LLC:</i>					<i>\$90.00</i>	<i>\$0.00</i>		<i>\$90.00</i>
Hammons Supply Company								
Hammons Supply Company	12/31/2018	12/31/2018	104468	Library janitorial supplies	\$385.08	\$0.00		\$385.08
<i>Totals for Hammons Supply Company:</i>					<i>\$385.08</i>	<i>\$0.00</i>		<i>\$385.08</i>
Harris & Associates, Inc.								
Harris & Associates, Inc.	1/15/2019	1/15/2019	38942-1	CAP inspections from invoice 38942 (remain	\$125.67	\$0.00		\$125.67
<i>Totals for Harris & Associates, Inc.:</i>					<i>\$125.67</i>	<i>\$0.00</i>		<i>\$125.67</i>
Health Care Dental Trust								
Health Care Dental Trust	1/15/2019	1/15/2019	254197	Dental for January	\$2,101.55	\$0.00		\$2,101.55
<i>Totals for Health Care Dental Trust:</i>					<i>\$2,101.55</i>	<i>\$0.00</i>		<i>\$2,101.55</i>
Elyse Hunt								
Elyse Hunt	1/15/2019	1/15/2019	EH102718	EH deposit refund 12/15/18	\$500.00	\$0.00		\$500.00
<i>Totals for Elyse Hunt:</i>					<i>\$500.00</i>	<i>\$0.00</i>		<i>\$500.00</i>
J&R Floor Services								
J&R Floor Services	12/31/2018	12/31/2018	12 2018	Janitorial services for December	\$4,985.00	\$0.00		\$4,985.00
<i>Totals for J&R Floor Services:</i>					<i>\$4,985.00</i>	<i>\$0.00</i>		<i>\$4,985.00</i>
Michael Johnson								
Michael Johnson	1/15/2019	1/15/2019	HH120818	HH deposit refund 12/8/18	\$200.00	\$0.00		\$200.00
<i>Totals for Michael Johnson:</i>					<i>\$200.00</i>	<i>\$0.00</i>		<i>\$200.00</i>
LarryLogic Productions								
LarryLogic Productions	12/31/2018	12/31/2018	1780	City council meeting production 12/18/18	\$480.00	\$0.00		\$480.00
<i>Totals for LarryLogic Productions:</i>					<i>\$480.00</i>	<i>\$0.00</i>		<i>\$480.00</i>
League of CA Cities East Bay Division								
League of CA Cities East Bay Division	1/15/2019	1/15/2019	4619	LCC dues for 2019	\$535.00	\$0.00		\$535.00
<i>Totals for League of CA Cities East Bay Division:</i>					<i>\$535.00</i>	<i>\$0.00</i>		<i>\$535.00</i>
Lexipol LLC								
Lexipol LLC	12/31/2018	12/31/2018	27358	Law enforcement policy updates for 2019	\$6,545.00	\$0.00		\$6,545.00
<i>Totals for Lexipol LLC:</i>					<i>\$6,545.00</i>	<i>\$0.00</i>		<i>\$6,545.00</i>
Marken Mechanical								

City of Clayton

Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Marken Mechanical	12/31/2018	12/31/2018	10555	CH HVAC maintenance, valves for Decem	\$942.00	\$0.00		\$942.00
Marken Mechanical	12/31/2018	12/31/2018	10466	HVAC filters for Library	\$408.00	\$0.00		\$408.00
Marken Mechanical	12/31/2018	12/31/2018	10464	HVAC filters for CH	\$244.00	\$0.00		\$244.00
Marken Mechanical	12/31/2018	12/31/2018	10556	Library HVAC maintenance, controls for Dece	\$942.00	\$0.00		\$942.00
Marken Mechanical	12/31/2018	12/31/2018	10566	HVAC filter change due to smoke, Camp fire	\$213.05	\$0.00		\$213.05
Marken Mechanical	12/31/2018	12/31/2018	6644	CH water valve, controls repairs	\$7,000.00	\$0.00		\$7,000.00
Marken Mechanical	12/31/2018	12/31/2018	10601	CH replace backflow preventer, program cont	\$4,295.00	\$0.00		\$4,295.00
<i>Totals for Marken Mechanical:</i>					<i>\$14,044.05</i>	<i>\$0.00</i>		<i>\$14,044.05</i>
Martell Water Systems, Inc.								
Martell Water Systems, Inc.	12/31/2018	12/31/2018	25807	Lydia Lane Park well pump repair	\$1,996.13	\$0.00		\$1,996.13
<i>Totals for Martell Water Systems, Inc.:</i>					<i>\$1,996.13</i>	<i>\$0.00</i>		<i>\$1,996.13</i>
Municipal Code Corporation								
Municipal Code Corporation	1/15/2019	1/15/2019	00322491	Muni code supplements	\$1,122.99	\$0.00		\$1,122.99
<i>Totals for Municipal Code Corporation:</i>					<i>\$1,122.99</i>	<i>\$0.00</i>		<i>\$1,122.99</i>
NBS Govt. Finance Group								
NBS Govt. Finance Group	1/15/2019	1/15/2019	1218000038	CFD Admin fees Q3 FY 19	\$4,606.27	\$0.00		\$4,606.27
<i>Totals for NBS Govt. Finance Group:</i>					<i>\$4,606.27</i>	<i>\$0.00</i>		<i>\$4,606.27</i>
Neopost (add postage)								
Neopost (add postage)	1/15/2019	1/15/2019	010919	Postage added	\$300.00	\$0.00		\$300.00
<i>Totals for Neopost (add postage):</i>					<i>\$300.00</i>	<i>\$0.00</i>		<i>\$300.00</i>
Pacific Telemanagement Svc								
Pacific Telemanagement Svc	1/15/2019	1/15/2019	2009210	Courtyard pay phone for January	\$73.00	\$0.00		\$73.00
<i>Totals for Pacific Telemanagement Svc:</i>					<i>\$73.00</i>	<i>\$0.00</i>		<i>\$73.00</i>
Painting by Ken								
Painting by Ken	12/31/2018	12/31/2018	KH	Exterior painting of Keller House	\$6,995.00	\$0.00		\$6,995.00
<i>Totals for Painting by Ken:</i>					<i>\$6,995.00</i>	<i>\$0.00</i>		<i>\$6,995.00</i>
Paychex								
Paychex	12/31/2018	12/31/2018	2018123101	Payroll fees PPE 12/30/18	\$229.99	\$0.00		\$229.99
Paychex	12/31/2018	12/31/2018	2018121701	Payroll fees PPE 12/16/18	\$188.86	\$0.00		\$188.86
<i>Totals for Paychex:</i>					<i>\$418.85</i>	<i>\$0.00</i>		<i>\$418.85</i>
PG&E								
PG&E	12/31/2018	12/31/2018	121418	Energy 11/15/18-12/13/18	\$18,253.02	\$0.00		\$18,253.02
PG&E	12/31/2018	12/31/2018	122018	Energy 11/21/18-12/20/18	\$4,390.54	\$0.00		\$4,390.54
<i>Totals for PG&E:</i>					<i>\$22,643.56</i>	<i>\$0.00</i>		<i>\$22,643.56</i>
Pond M Solutions								
Pond M Solutions	12/31/2018	12/31/2018	444	Fountain maintenance	\$650.00	\$0.00		\$650.00
<i>Totals for Pond M Solutions:</i>					<i>\$650.00</i>	<i>\$0.00</i>		<i>\$650.00</i>

City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Quest Media & Supplies								
Quest Media & Supplies	12/31/2018	12/31/2018	477029	Network equipment, PD	\$12,092.66	\$0.00		\$12,092.66
				<i>Totals for Quest Media & Supplies:</i>	<u>\$12,092.66</u>	<u>\$0.00</u>		<u>\$12,092.66</u>
Rex Lock & Safe, Inc.								
Rex Lock & Safe, Inc.	12/31/2018	12/31/2018	121571	Library lock repair	\$186.25	\$0.00		\$186.25
Rex Lock & Safe, Inc.	12/31/2018	12/31/2018	121799	Library keys	\$33.17	\$0.00		\$33.17
				<i>Totals for Rex Lock & Safe, Inc.:</i>	<u>\$219.42</u>	<u>\$0.00</u>		<u>\$219.42</u>
Riso Products of Sacramento								
Riso Products of Sacramento	1/15/2019	1/15/2019	191008	Copier lease pmt 22 of 60	\$106.09	\$0.00		\$106.09
Riso Products of Sacramento	12/31/2018	12/31/2018	190738	Copier usage 11/20/18-12/19/18	\$122.18	\$0.00		\$122.18
				<i>Totals for Riso Products of Sacramento:</i>	<u>\$228.27</u>	<u>\$0.00</u>		<u>\$228.27</u>
Roto-Rooter Sewer/Drain Service								
Roto-Rooter Sewer/Drain Service	12/31/2018	12/31/2018	19320592400	Stormwater cleaning with vacuum machine	\$3,304.00	\$0.00		\$3,304.00
				<i>Totals for Roto-Rooter Sewer/Drain Service:</i>	<u>\$3,304.00</u>	<u>\$0.00</u>		<u>\$3,304.00</u>
Servi-Tech Controls, Inc								
Servi-Tech Controls, Inc	12/31/2018	12/31/2018	Reso45-2018	Retention release CH HVAC replacement	\$25,339.80	\$0.00		\$25,339.80
				<i>Totals for Servi-Tech Controls, Inc:</i>	<u>\$25,339.80</u>	<u>\$0.00</u>		<u>\$25,339.80</u>
Sierra Nevada Construction, Inc.								
Sierra Nevada Construction, Inc.	12/31/2018	12/31/2018	56694	Neighborhood street repairs	\$95,823.96	\$0.00		\$95,823.96
				<i>Totals for Sierra Nevada Construction, Inc.:</i>	<u>\$95,823.96</u>	<u>\$0.00</u>		<u>\$95,823.96</u>
Sprint Comm (PD)								
Sprint Comm (PD)	12/31/2018	12/31/2018	703335311-205	Cell phones 11/16/18-12/25/18	\$645.82	\$0.00		\$645.82
				<i>Totals for Sprint Comm (PD):</i>	<u>\$645.82</u>	<u>\$0.00</u>		<u>\$645.82</u>
Staples Business Credit								
Staples Business Credit	12/31/2018	12/31/2018	1622275210	Office supplies for December	\$317.12	\$0.00		\$317.12
				<i>Totals for Staples Business Credit:</i>	<u>\$317.12</u>	<u>\$0.00</u>		<u>\$317.12</u>
State Water Resources Control Board								
State Water Resources Control Board	12/31/2018	12/31/2018	SW-0159534	Annual permit fee through 9/30/19	\$8,539.00	\$0.00		\$8,539.00
				<i>Totals for State Water Resources Control Board:</i>	<u>\$8,539.00</u>	<u>\$0.00</u>		<u>\$8,539.00</u>
Stericycle Inc								
Stericycle Inc	12/31/2018	12/31/2018	3004519086	Medical waste disposal	\$106.18	\$0.00		\$106.18
				<i>Totals for Stericycle Inc:</i>	<u>\$106.18</u>	<u>\$0.00</u>		<u>\$106.18</u>
Swenson's Mobile Fleet Repair								
Swenson's Mobile Fleet Repair	12/31/2018	12/31/2018	1001102	Service to dump trailer	\$172.50	\$0.00		\$172.50
Swenson's Mobile Fleet Repair	12/31/2018	12/31/2018	1001101	Service to dump trailer	\$115.00	\$0.00		\$115.00
Swenson's Mobile Fleet Repair	12/31/2018	12/31/2018	1001100	Service to 07 F450	\$115.00	\$0.00		\$115.00

City of Clayton

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Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
<i>Totals for Swenson's Mobile Fleet Repair:</i>					<i>\$402.50</i>	<i>\$0.00</i>		<i>\$402.50</i>
US Bank - Corp Pmt System CalCard								
US Bank - Corp Pmt System CalCard	12/31/2018	12/31/2018	Stmnt end 12/24/18	Storage unit rent	\$152.00	\$0.00		\$152.00
US Bank - Corp Pmt System CalCard	12/31/2018	12/31/2018	Stmnt end 12/24/18	Lcague of CA cities registration, cake	\$1,209.99	\$0.00		\$1,209.99
US Bank - Corp Pmt System CalCard	12/31/2018	12/31/2018	Stmnt end 12/24/18	Employee recognition, name plates, Land's E	\$757.79	\$0.00		\$757.79
US Bank - Corp Pmt System CalCard	12/31/2018	12/31/2018	Stmnt end 12/24/18	Recording fee, Verna Way	\$644.50	\$0.00		\$644.50
US Bank - Corp Pmt System CalCard	12/31/2018	12/31/2018	Stmnt end 12/24/18	PC832 Arrest & Control class	\$225.00	\$0.00		\$225.00
US Bank - Corp Pmt System CalCard	12/31/2018	12/31/2018	Stmnt end 12/24/18	Parking for training	\$6.25	\$0.00		\$6.25
US Bank - Corp Pmt System CalCard	12/31/2018	12/31/2018	Stmnt end 12/24/18	CPA license, CPE subscription	\$271.10	\$0.00		\$271.10
US Bank - Corp Pmt System CalCard	12/31/2018	12/31/2018	Stmnt end 12/24/18	Fuel	\$332.50	\$0.00		\$332.50
US Bank - Corp Pmt System CalCard	12/31/2018	12/31/2018	Stmnt end 12/24/18	Fuel	\$449.75	\$0.00		\$449.75
US Bank - Corp Pmt System CalCard	12/31/2018	12/31/2018	Stmnt end 12/24/18	Fuel	\$150.00	\$0.00		\$150.00
US Bank - Corp Pmt System CalCard	12/31/2018	12/31/2018	Stmnt end 12/24/18	Fuel	\$267.99	\$0.00		\$267.99
US Bank - Corp Pmt System CalCard	12/31/2018	12/31/2018	Stmnt end 12/24/18	Light bulbs for trucks	\$45.64	\$0.00		\$45.64
US Bank - Corp Pmt System CalCard	12/31/2018	12/31/2018	Stmnt end 12/24/18	Tarp, sand, bulbs, tools, Pest license	\$535.52	\$0.00		\$535.52
US Bank - Corp Pmt System CalCard	12/31/2018	12/31/2018	Stmnt end 12/24/18	Lumber for gazebo	\$64.75	\$0.00		\$64.75
US Bank - Corp Pmt System CalCard	12/31/2018	12/31/2018	Stmnt end 12/24/18	Ballast, Children reading painting	\$156.40	\$0.00		\$156.40
US Bank - Corp Pmt System CalCard	12/31/2018	12/31/2018	Stmnt end 12/24/18	Batteries for dump truck, smog checks	\$522.63	\$0.00		\$522.63
US Bank - Corp Pmt System CalCard	12/31/2018	12/31/2018	Stmnt end 12/24/18	Fuel	\$117.97	\$0.00		\$117.97
US Bank - Corp Pmt System CalCard	12/31/2018	12/31/2018	Stmnt end 12/24/18	Cell phone dash mount	\$15.99	\$0.00		\$15.99
US Bank - Corp Pmt System CalCard	12/31/2018	12/31/2018	Stmnt end 12/24/18	Sawzall blade, rakes, irrigation supplies	\$411.76	\$0.00		\$411.76
US Bank - Corp Pmt System CalCard	12/31/2018	12/31/2018	Stmnt end 12/24/18	Sprinkler repair for new landscaping in median	\$891.74	\$0.00		\$891.74
US Bank - Corp Pmt System CalCard	12/31/2018	12/31/2018	Stmnt end 12/24/18	Long matches for EH	\$4.99	\$0.00		\$4.99
US Bank - Corp Pmt System CalCard	12/31/2018	12/31/2018	Stmnt end 12/24/18	Rebuild step on back porch EH	\$155.03	\$0.00		\$155.03
US Bank - Corp Pmt System CalCard	12/31/2018	12/31/2018	Stmnt end 12/24/18	Fuel	\$447.29	\$0.00		\$447.29
US Bank - Corp Pmt System CalCard	12/31/2018	12/31/2018	Stmnt end 12/24/18	Out of service signs, patrol cars	\$128.42	\$0.00		\$128.42
US Bank - Corp Pmt System CalCard	12/31/2018	12/31/2018	Stmnt end 12/24/18	Fuel	\$63.67	\$0.00		\$63.67
US Bank - Corp Pmt System CalCard	12/31/2018	12/31/2018	Stmnt end 12/24/18	Vehicle Gas	\$500.21	\$0.00		\$500.21
US Bank - Corp Pmt System CalCard	12/31/2018	12/31/2018	Stmnt end 12/24/18	Vehicle Gas	\$448.71	\$0.00		\$448.71
US Bank - Corp Pmt System CalCard	12/31/2018	12/31/2018	Stmnt end 12/24/18	Transunion search	\$66.00	\$0.00		\$66.00
US Bank - Corp Pmt System CalCard	12/31/2018	12/31/2018	Stmnt end 12/24/18	ID cards, keys, counter top	\$311.19	\$0.00		\$311.19
US Bank - Corp Pmt System CalCard	12/31/2018	12/31/2018	Stmnt end 12/24/18	Vehicle Gas	\$318.90	\$0.00		\$318.90
US Bank - Corp Pmt System CalCard	12/31/2018	12/31/2018	Stmnt end 12/24/18	Battery, fuses, bulbs, antenna, bracket	\$498.85	\$0.00		\$498.85
US Bank - Corp Pmt System CalCard	12/31/2018	12/31/2018	Stmnt end 12/24/18	Fuel	\$88.24	\$0.00		\$88.24
US Bank - Corp Pmt System CalCard	12/31/2018	12/31/2018	Stmnt end 12/24/18	Lunch, training	\$22.81	\$0.00		\$22.81
US Bank - Corp Pmt System CalCard	12/31/2018	12/31/2018	Stmnt end 12/24/18	Fuel	\$70.84	\$0.00		\$70.84
US Bank - Corp Pmt System CalCard	12/31/2018	12/31/2018	Stmnt end 12/24/18	Vehicle Gas	\$212.95	\$0.00		\$212.95
US Bank - Corp Pmt System CalCard	12/31/2018	12/31/2018	Stmnt end 12/24/18	Lunch, training	\$42.65	\$0.00		\$42.65
US Bank - Corp Pmt System CalCard	12/31/2018	12/31/2018	Stmnt end 12/24/18	Vehicle Gas	\$567.85	\$0.00		\$567.85
US Bank - Corp Pmt System CalCard	12/31/2018	12/31/2018	Stmnt end 12/24/18	Web hosting subscription	\$47.88	\$0.00		\$47.88
US Bank - Corp Pmt System CalCard	12/31/2018	12/31/2018	Stmnt end 12/24/18	Office supplies	\$169.74	\$0.00		\$169.74
US Bank - Corp Pmt System CalCard	12/31/2018	12/31/2018	Stmnt end 12/24/18	Vehicle Gas	\$214.39	\$0.00		\$214.39
US Bank - Corp Pmt System CalCard	12/31/2018	12/31/2018	Stmnt end 12/24/18	New hire supplies	\$551.71	\$0.00		\$551.71
US Bank - Corp Pmt System CalCard	12/31/2018	12/31/2018	Stmnt end 12/24/18	Fuel	\$453.45	\$0.00		\$453.45

City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
US Bank - Corp Pmt System CalCard	12/31/2018	12/31/2018	Stmnt end 12/24/18	Training	\$770.00	\$0.00		\$770.00
US Bank - Corp Pmt System CalCard	12/31/2018	12/31/2018	Stmnt end 12/24/18	Name badges for rain gear	\$87.00	\$0.00		\$87.00
<i>Totals for US Bank - Corp Pmt System CalCard:</i>					<i>\$13,472.04</i>	<i>\$0.00</i>		<i>\$13,472.04</i>
Verizon Wireless								
Verizon Wireless	12/31/2018	12/31/2018	9821350802	Cell phones 12/2/18-1/1/19	\$151.62	\$0.00		\$151.62
Verizon Wireless	12/31/2018	12/31/2018	9819417814	Cell phones 11/2/18-12/1/18	\$214.96	\$0.00		\$214.96
<i>Totals for Verizon Wireless:</i>					<i>\$366.58</i>	<i>\$0.00</i>		<i>\$366.58</i>
Workers.com								
Workers.com	12/31/2018	12/31/2018	123802	Seasonal workers week end 12/30/18	\$1,685.32	\$0.00		\$1,685.32
Workers.com	12/31/2018	12/31/2018	123694	Seasonal workers week end 12/16/18	\$3,889.48	\$0.00		\$3,889.48
Workers.com	12/31/2018	12/31/2018	123750	Seasonal workers week end 12/23/18	\$2,583.00	\$0.00		\$2,583.00
Workers.com	12/31/2018	12/31/2018	123538	Seasonal workers week end 11/25/18	\$2,066.40	\$0.00		\$2,066.40
<i>Totals for Workers.com:</i>					<i>\$10,224.20</i>	<i>\$0.00</i>		<i>\$10,224.20</i>
GRAND TOTALS:					\$343,789.62	\$0.00		\$343,789.62

CASH REQUIREMENTS

(Prior to Processing)

CASH REQUIRED FOR NEGOTIABLE CHECKS &/OR ELECTRONIC FUNDS TRANSFERS (EFT) FOR CHECK DATE 01/02/19: \$91,789.66**TRANSACTION SUMMARY****SUMMARY BY TRANSACTION TYPE -**

TOTAL ELECTRONIC FUNDS TRANSFER (EFT)	91,355.62
TOTAL NEGOTIABLE CHECKS	434.04
CASH REQUIRED FOR NEGOTIABLE CHECKS &/OR EFT	91,789.66
TOTAL REMAINING DEDUCTIONS / WITHHOLDINGS / LIABILITIES	12,751.52
CASH REQUIRED FOR CHECK DATE 01/02/19	104,541.18

TRANSACTION DETAIL**ELECTRONIC FUNDS TRANSFER** - Your financial institution will initiate transfer to Paychex at or after 12:01 A.M. on transaction date.

<u>TRANS. DATE</u>	<u>BANK NAME</u>	<u>ACCOUNT NUMBER</u>	<u>PRODUCT</u>	<u>DESCRIPTION</u>		BANK DRAFT AMOUNTS & OTHER TOTALS
01/02/19	BANK OF AMERICA, NA	xxxxxx4799	Direct Deposit	Net Pay Allocations	68,056.19	
01/02/19	BANK OF AMERICA, NA	xxxxxx4799	Direct Deposit	Deductions with Direct Deposit	543.50	68,599.69
01/02/19	BANK OF AMERICA, NA	xxxxxx4799	Readychex®	Check Amounts	438.66	438.66
01/02/19	BANK OF AMERICA, NA	xxxxxx4799	Garnishment	Employee Deductions	47.20	47.20
01/02/19	BANK OF AMERICA, NA	xxxxxx4799	Taxpay®	Employee Withholdings		
				Social Security	86.49	
				Medicare	1,370.94	
				Fed Income Tax	10,354.56	
				CA Income Tax	3,954.71	
				Total Withholdings	15,766.70	
				Employer Liabilities		
				Social Security	86.49	
				Medicare	1,370.94	
				Fed Unemploy	560.66	
				CA Unemploy	4,391.84	
				CA Emp Train	93.44	
				Total Liabilities	6,503.37	22,270.07
				EFT FOR 01/02/19		91,355.62
				TOTAL EFT		91,355.62

CASH REQUIREMENTS

(Prior to Processing)

CASH REQUIRED FOR NEGOTIABLE CHECKS &/OR ELECTRONIC FUNDS TRANSFERS (EFT) FOR CHECK DATE 01/02/19: \$91,789.66**NEGOTIABLE CHECKS** - Check amounts will be debited when payees cash checks. Funds must be available on check date.

<u>TRANS. DATE</u>	<u>BANK NAME</u>	<u>ACCOUNT NUMBER</u>	<u>PRODUCT</u>	<u>DESCRIPTION</u>		<u>TOTAL</u>
01/02/19	BANK OF AMERICA, NA	xxxxxx4799	Payroll	Check Amounts	434.04	
TOTAL NEGOTIABLE CHECKS						434.04

REMAINING DEDUCTIONS / WITHHOLDINGS / LIABILITIES - Paychex does not remit these funds. You must ensure accurate and timely payment of applicable items.

<u>TRANS. DATE</u>	<u>BANK NAME</u>	<u>ACCOUNT NUMBER</u>	<u>PRODUCT</u>	<u>DESCRIPTION</u>		<u>TOTAL</u>
01/02/19	Refer to your records for account information		Payroll	Employee Deductions		
				1959 Surv. Ben.	11.16	
				414h2 EE PD ER Cont.	71.80	
				414h2 Pretax	6,298.90	
				457b EE Pretax	103.85	
				DC ICMA Pretax	2,029.80	
				FSA Dep Care Pretax	441.90	
				Health Prem Pretax	2,830.92	
				Nationwide Pretax	720.00	
				Supp Ins Post Tax	127.95	
				Supplemental Ins	115.24	
				Total Deductions	12,751.52	
TOTAL REMAINING DEDUCTIONS / WITHHOLDINGS / LIABILITIES						12,751.52

PAYCHEX WILL MAKE THESE TAX DEPOSIT(S) ON YOUR BEHALF - This information serves as a record of payment.

<u>DUE DATE</u>	<u>PRODUCT</u>	<u>DESCRIPTION</u>	
01/09/19	Taxpay®	FED IT PMT Group	13,269.42
01/09/19	Taxpay®	CA IT PMT Group	3,954.71

CASH REQUIREMENTS**CASH REQUIRED FOR NEGOTIABLE CHECKS &/OR ELECTRONIC FUNDS TRANSFERS (EFT) FOR CHECK DATE 12/19/18: \$88,884.42****TRANSACTION SUMMARY****SUMMARY BY TRANSACTION TYPE -**

TOTAL ELECTRONIC FUNDS TRANSFER (EFT)	88,884.42
CASH REQUIRED FOR NEGOTIABLE CHECKS &/OR EFT	88,884.42
TOTAL REMAINING DEDUCTIONS / WITHHOLDINGS / LIABILITIES	12,159.13
CASH REQUIRED FOR CHECK DATE 12/19/18	101,043.55

TRANSACTION DETAIL**ELECTRONIC FUNDS TRANSFER** - Your financial institution will initiate transfer to Paychex at or after 12:01 A.M. on transaction date.

<u>TRANS. DATE</u>	<u>BANK NAME</u>	<u>ACCOUNT NUMBER</u>	<u>PRODUCT</u>	<u>DESCRIPTION</u>		BANK DRAFT AMOUNTS & OTHER TOTALS
12/18/18	BANK OF AMERICA, NA	xxxxxx4799	Direct Deposit	Net Pay Allocations	69,466.98	
12/18/18	BANK OF AMERICA, NA	xxxxxx4799	Direct Deposit	Deductions with Direct Deposit	543.50	70,010.48
12/18/18	BANK OF AMERICA, NA	xxxxxx4799	Readychex®	Check Amounts	274.73	274.73
12/18/18	BANK OF AMERICA, NA	xxxxxx4799	Garnishment	Employee Deductions	83.60	83.60
				EFT FOR 12/18/18		70,368.81
12/19/18	BANK OF AMERICA, NA	xxxxxx4799	Taxpay®	Employee Withholdings		
				Social Security	46.35	
				Medicare	1,467.23	
				Fed Income Tax	11,008.21	
				CA Income Tax	4,376.65	
				Total Withholdings	16,898.44	
				Employer Liabilities		
				Social Security	46.35	
				Medicare	1,394.29	
				Fed Unemploy	19.62	
				CA Unemploy	153.64	
				CA Emp Train	3.27	
				Total Liabilities	1,617.17	18,515.61
				EFT FOR 12/19/18		18,515.61
				TOTAL EFT		88,884.42

CASH REQUIREMENTS**CASH REQUIRED FOR NEGOTIABLE CHECKS &/OR ELECTRONIC FUNDS TRANSFERS (EFT) FOR CHECK DATE 12/19/18: \$88,884.42****REMAINING DEDUCTIONS / WITHHOLDINGS / LIABILITIES** - Paychex does not remit these funds. You must ensure accurate and timely payment of applicable items.

<u>TRANS. DATE</u>	<u>BANK NAME</u>	<u>ACCOUNT NUMBER</u>	<u>PRODUCT</u>	<u>DESCRIPTION</u>	<u>TOTAL</u>
12/19/18	Refer to your records for account	Information	Payroll	Employee Deductions	
				1959 Surv. Ben.	10.23
				414h2 EE PD ER Cont.	79.56
				414h2 Pretax	5,863.32
				457 EE Catch Up	933.65
				DC ICMA Pretax	1,200.00
				FSA Dep Care Pretax	411.14
				Health Prem Pretax	2,745.15
				Nationwide Pretax	720.00
				Supp Ins Post Tax	89.57
				Supplemental Ins	106.51
				Total Deductions	12,159.13

TOTAL REMAINING DEDUCTIONS / WITHHOLDINGS / LIABILITIES**12,159.13****PAYCHEX WILL MAKE THESE TAX DEPOSIT(S) ON YOUR BEHALF** - This information serves as a record of payment.

<u>DUE DATE</u>	<u>PRODUCT</u>	<u>DESCRIPTION</u>	
12/27/18	Taxpay®	FED IT PMT Group	13,962.43
12/27/18	Taxpay®	CA IT PMT Group	4,376.65

CASH REQUIREMENTS**CASH REQUIRED FOR NEGOTIABLE CHECKS &/OR ELECTRONIC FUNDS TRANSFERS (EFT) FOR CHECK DATE 12/19/18: \$825.98****TRANSACTION SUMMARY**

SUMMARY BY TRANSACTION TYPE -	TOTAL ELECTRONIC FUNDS TRANSFER (EFT)	825.98
	CASH REQUIRED FOR NEGOTIABLE CHECKS &/OR EFT	825.98
	TOTAL REMAINING DEDUCTIONS / WITHHOLDINGS / LIABILITIES	110.81
	CASH REQUIRED FOR CHECK DATE 12/19/18	936.79

TRANSACTION DETAIL**ELECTRONIC FUNDS TRANSFER** - Your financial institution will initiate transfer to Paychex at or after 12:01 A.M. on transaction date.

<u>TRANS. DATE</u>	<u>BANK NAME</u>	<u>ACCOUNT NUMBER</u>	<u>PRODUCT</u>	<u>DESCRIPTION</u>		BANK DRAFT AMOUNTS & OTHER TOTALS
12/18/18	BANK OF AMERICA, NA	xxxxxx4799	Direct Deposit	Net Pay Allocations	718.75	718.75
				EFT FOR 12/18/18		718.75
12/19/18	BANK OF AMERICA, NA	xxxxxx4799	Taxpay®	Employee Withholdings		
				Medicare	13.39	
				Fed Income Tax	73.11	
				CA Income Tax	7.34	
				Total Withholdings	93.84	
				Employer Liabilities		
				Medicare	13.39	
				Total Liabilities	13.39	107.23
				EFT FOR 12/19/18		107.23
				TOTAL EFT		825.98

REMAINING DEDUCTIONS / WITHHOLDINGS / LIABILITIES - Paychex does not remit these funds. You must ensure accurate and timely payment of applicable items.

<u>TRANS. DATE</u>	<u>BANK NAME</u>	<u>ACCOUNT NUMBER</u>	<u>PRODUCT</u>	<u>DESCRIPTION</u>		<u>TOTAL</u>
12/19/18	Refer to your records for account Information		Payroll	Employee Deductions		
				414h2 Pretax	110.81	
				Total Deductions	110.81	
				TOTAL REMAINING DEDUCTIONS / WITHHOLDINGS / LIABILITIES		110.81

PAYCHEX WILL MAKE THESE TAX DEPOSIT(S) ON YOUR BEHALF - This information serves as a record of payment.

<u>DUE DATE</u>	<u>PRODUCT</u>	<u>DESCRIPTION</u>		
12/27/18	Taxpay®	FED IT PMT Group	14,062.32	REPLACEMENT

CASH REQUIREMENTS

CASH REQUIRED FOR NEGOTIABLE CHECKS &/OR ELECTRONIC FUNDS TRANSFERS (EFT) FOR CHECK DATE 12/19/18: \$825.98

PAYCHEX WILL MAKE THESE TAX DEPOSIT(S) ON YOUR BEHALF (cont.) - This information serves as a record of payment.

DUE DATE
12/27/18

PRODUCT
Taxpay@

DESCRIPTION
CA IT PMT Group

4,383.99

REPLACEMENT



Agenda Date: 1-15-2019

Agenda Item: 5c

Approved:


Gary A. Napper, City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Laura Hoffmeister, Asst. to the City Manager 

MEETING DATE: January 15, 2019

SUBJECT: Receive the 2017-18 Annual Citizens Oversight Report by the Trails and Landscape Committee for Measure B, Citywide Landscape Maintenance District

REQUEST

Receive the Annual Report for 2017-18 from the Citizens Oversight Committee [Trails and Landscape Committee (TLC)] as stipulated in Measure H as approved by the voters for the Community Facilities District Funding of the City of Clayton roadway landscaping, trail and openspace maintenance (Landscape Maintenance District).

BACKGROUND

Measure B was passed by the voters of Clayton in June 2007 which established special district funding for the Citywide Landscape Maintenance District through June 31, 2017. Measure H passed by the voters in June 2016, extended the Citywide Landscape Maintenance District special tax through June 31, 2027. The measure called for the preparation of an Annual Report by a Citizens Oversight Committee to be prepared and submitted to the City Council. The Trails and Landscaping Committee (TLC) is the local name approved by the City Council to refer to the Citizens Oversight Committee called for in the measure.

The TLC has prepared the attached Annual Report. The report includes highlights of the Fiscal Year 17-18 Landscape Maintenance District activities, and FY 17-18 year end budget information on how the revenue received by the special tax (Measure H) was spent on Landscape Maintenance District activities as established by the voters. The TLC independently prepared the report and at its December 10, 2018 meeting, reviewed and unanimously approved the report to be forwarded to the City Council for its acceptance (vote 5-0).

The report provides information and highlights of the Fiscal Year 17-18 Landscape Maintenance District activities.

Attachments:

Citizens Oversight Committee FY 17-18 Annual Report for the Citywide Landscape Maintenance District

City of Clayton – Trails and Landscape Committee (TLC) – Annual Report of the Landscape Maintenance District
Fiscal Year 2017-2018

Reviewed and Approved by the TLC members at its Public Meeting on December 10, 2018

Howard Kaplan - Chair

Ted Sudderth - Vice Chair

Carin Kaplan

Doris Ward

Bill Wiggins

Dear Clayton City Council and Citizens,

One of the most significant things about the fiscal year 2017-2018 was hiring a new Maintenance Supervisor. We feel he is a good pick for the position, as he shows an understanding of managing people to help them get the work done efficiently. He recognizes trade-offs in spending our money and getting good results.

In the past year the TLC asked City Council to review our role as a Citizens Oversight Committee (COC) pursuant to Measure H (Trails and Landscape) passed in 2017 by Clayton City voters. The scope of duties that they provided was to simply confirm that all the monies collected by the Measure were used solely for the purpose of Landscape Maintenance of the trails, open space, and roadway medians in the City. We countered to City Council that we felt this was an audit function and none of us are auditors. The City Council asked staff to draft a more detailed description of the COC responsibilities, which they did, and that description was unanimously approved by City Council. The COC feels the approved description does not fully reflect a role for COC that the voting public had intended as "Oversight" when voting for the Measure.

Two Committee members met with the Finance Manager to review how Measure funds were being spent. The Audit Engagement Letter showed that the funds allotted the Measure were enough to warrant random detailed review. This detail provided us with a higher level of confidence on how the funds were being spent.

Landscape has been adequately maintained to meet current standards during the year. There are two capital expenditures that have been approved but not yet executed: 1) removal of 18 Eucalyptus trees that pose a threat to homes if they fall, and 2) the replacement of the planter boxes on Main Street downtown. We acknowledge that the multiple bid requirement, the relatively small scale of these projects, and the limited availability of those skilled in doing the work have contributed to these two activities not being completed over the two years since they were approved, and funding made available:

We on the COC would recommend City Council instruct staff to review/pursue the following in collaboration with this Oversight Committee:

- 1) the extent of fire suppression activities for adequacy,
- 2) the feasibility of installing some trash collection sites along the trails,
- 3) the possible installation of fencing along the trail between Mt. Diablo Elementary School and Clayton Road below,

- 4) use of water wise planting to ensure maximizing budgeted water use during times of drought to hopefully decrease the loss of plants and need for replanting,
- 5) the removal of trees on Main Street to facilitate reconstruction of the planter boxes based on the most effective use of capital improvement funds.

Clayton Trails and Landscape Citizens Oversight Committee 12/18/18

2017-18 TLC Members

Citizens and their respective terms who served during the FY 2017-18 as members of the TLC:

Carol Herrington	December 2015 - December 2017
Dane Horton	December 2015 - December 2017
Carin Kaplan	December 2015 - December 2017
	December 2017 - December 2019
Howard Kaplan	December 2015 - December 2017
	December 2017 - December 2019
Nancy Morgan	December 2015 - December 2017
	December 2017 – July 2018 (resigned - moved from the area)
Maryann Carroll-Moser	December 2015 - December 2017
	December 2017 - December 2019
Ted Sudderth	March 2018 - December 2018
Doris Ward	March 2018 - December 2018
Bill Wiggins	March 2018 - December 2018

In addition the follow City Council Liaisons served during 2017-2018:

Ex Officio Keith Haydon (Vice Mayor) January 2017- December 2017
Ex-Officio David Shuey (Vice Mayor) January 2018- December 2018
Ex Officio Alternate Tuija Catalano (Council Member) January 2017- December 2017
January 2018- December 2018



TRAILS & LANDSCAPING MAINTENANCE DISTRICT ACTIVITY REPORT

6/15/2017 to 9/25/2017

- Spot spray and pull weeds in the Landscape District Citywide on a continuing basis.
- Repairing irrigation system throughout the district from broken sprinkler heads, mainline breaks, to controller wiring.
- Continued with the Cities semi-annual trimming of the Landscape throughout the City.
- Safety trimmed numerous trees along Marsh Creek Road and Clayton Road. Trimmed Oak Trees in the downtown area, started to trim Ash Trees along Clayton Road outbound from Mitchell Canyon Rd. Trimmed Pears along Center Street, removed dead wood from Privet and Ash trees on Eagle Peak Dr. Removed a few dead trees in open space along trails and behind houses.
- The Maintenance Department over the last few months with the City Clerk/HR completed recruitment for two positions. One position is Senior Maintenance Worker (this position was formerly the second Maintenance Supervisor position where the city had a resignation in November 2016). The other is Maintenance Worker I position where a recent hire left the city. Both new employees just started on Monday September 18th. Another recent hire for a vacant position is off work due to an injury. That employee will not be able to return until the doctor clears. So overall current staff is short one full time permanent employee.



TRAILS & LANDSCAPING MAINTENANCE DISTRICT

ACTIVITY REPORT

9/25/2017 to 12/04/2017

- Spot spray and pull weeds in the Landscape District Citywide on a continuing basis. Spray pre-emergent herbicide throughout the landscape within the District for control of winter weeds.
- Repairing irrigation system throughout the district from broken sprinkler heads, mainline breaks, to controller wiring.
- Continued with the semi-annual trimming of the landscape district: Keller Ridge Drive, Eagle Peak Drive, parts of Oakhurst Drive, and the Downtown area.
- Finished trimming the Ash Trees along Clayton Road outbound from Mitchell Canyon Road to Lydia Lane. Elevated Elm trees between Atchinson Stage Road and Mitchell Canyon Road inbound. Safety trimmed the Ash trees along Pine Hollow Road, other trees along Marsh Creek Road in front of the Stranahan subdivision, and the eucalyptus trees on Clayton Road before Mitchell Canyon Road. Removed two dead pine trees on Mitchell Canyon Road and Four Oaks Lane. Trimmed the trees in the Planter Box along Center Street. Elevated the trees along the pathway between Peacock Creek Drive and Marsh Creek Road.
- Contractor made repairs to Cardient asphalt trail in Westwood Park by patching areas uplifted from tree roots along the trail causing a tripping hazard.
- Fertilizer all the lawns within the district.



TRAILS & LANDSCAPING MAINTENANCE DISTRICT

ACTIVITY REPORT

12/04/2017 to 02/12/2018

- With the recent lack of rains city maintenance staff is spot spraying and pulling weeds in the Landscape District Citywide on a continuing basis.
- Repairing irrigation system throughout the district from broken sprinkler heads, mainline breaks, to controller wiring issues.
- Continued with the Cities semi-annual trimming of the Landscape working on Clayton Road, Marsh Creek Road, and Eagle Peak Drive. Started the annual pruning of the Crape Myrtle trees and the Rose bushes on Main Street/Oak Street median island downtown.
- A large eucalyptus tree fell along the Cardinet Trail by Lydia Lane Park and another was removed because of immediate danger of falling.
- Installed signage along Peacock Creek Trail warning of the dangers of wildlife and their pets.
- Removed the dead Holiday/Christmas tree in the downtown lawn and replace with a new tree.



Landscape Maintenance District Staff Activity Report

2/12/2018 to 05/21/2018

- Sprayed pre-emergent herbicide (brand name "Evade and Gallery") throughout the Landscape District and continue to spot spray (brand name "Round-Up") on existing weed foliage growth and pull larger weeds in the Landscape District Citywide on a continuing basis.
- Turning on all irrigation systems for the season and continue to repair irrigation system throughout the district from broken sprinkler heads, mainline breaks, to controller wiring issues. Note irrigation systems are turned off during rainy season.
- Continued with the cities semi-annual trimming of the Landscape areas on Clayton Road, Oakhurst Drive, Downtown area, and Eagle Peak Drive.
- Started the weed abatement with outside contractor (Warner Bros.) the work is forecasted to be completed by the end of May.
- Oriented the new Maintenance Supervisor on Citywide maintenance items including some overview of the Landscape Maintenance District.
- Canopy tree lifting and some side trimming by outside contractor (Warner Bros.) on Clayton Road (Sycamores) & old Marsh Creek Road (Bradford pears).

City of Clayton

Landscape Maintenance District Fund 210 (CFD 2007-1)

Budget

Account Number	Account Name	2016-17	2017-18	2017-18	2018-19
		Actual	Adopted Budget	Year End (June 30) Final	Adopted Budget
7111	Salaries/Regular	164,465	202,000	182,771	211,000
7112	Temporary Help	126,766	149,000	126,722	46,000
7113	Overtime	474	1,000	575	1,000
7218	LTD/STD Insurance	1,588	3,500	2,034	2,400
7220	PERS Retirement - Normal Cost	20,683	23,300	21,034	25,200
7221	PERS Retirement - Unfunded Liability	21,777	24,300	24,124	28,290
7231	Workers Comp Insurance	11,934	12,700	12,175	11,600
7232	Unemployment Insurance	2,251	5,000	3,969	2,900
7233	FICA Taxes	4,337	10,500	4,595	6,600
7246	Benefit Insurance	33,875	44,700	38,425	43,400
7301	Recruitment/Pre-employment	-	1,000	393	1,000
7311	General Supplies	44,245	50,100	27,807	50,000
7316	Landscape Replacement Material	17,896	40,000	2,516	40,000
7335	Gas & Electric Serv.	29,072	30,000	26,981	29,600
7338	Water Service	139,832	130,000	161,261	157,000
7341	Buildings/Grounds Maintenance	10,304	20,000	8,921	20,000
7342	Machinery/Equipment Maint.	10,402	19,000	6,761	12,000
7343	Vehicle Maintenance	19,128	18,000	17,310	20,000
7344	Vehicle Gas, Oil, and Supplies	12,594	13,000	12,641	13,000
7381	Property Tax Admin Cost	3,735	4,000	3,735	4,000
7382	Election Services	-	-	-	-
7411	Professional Services Retainer (Legal)	1,996	2,000	-	2,000
7419	Other Prof. Services	5,829	6,560	5,670	7,000
7429	Animal/Pest Control Services	3,095	5,000	1,075	5,000
7435	Contract Seasonal Labor	-	-	-	100,000
7440	Tree Trimming Services	29,300	25,000	50,205	60,000
7445	Weed Abatement Services	106,560	122,000	119,088	128,100
7486	CERF Charges/Depreciation	14,500	14,500	14,500	20,070
7520	Project/Program costs	77,739	483,000	69,329	487,157
7615	Property Taxes	2,709	2,800	2,791	2,900
8101	Fund Admin - Transfer to GF	34,780	36,095	36,095	37,258
8111	Transfer to CIP Fund	-	-	-	-
8113	Transfer to Stormwater Fund	1,008	1,008	1,008	1,050
Total Expenditures		952,874	1,499,063	984,511	1,575,525
4604	Clayton LMD Special Parcel Tax	1,058,798	1,089,277	1,089,074	1,121,746
5601	Interest	14,454	12,000	18,836	15,000
5606	Unrealized Inv Gain/Loss	(11,061)	-	(16,247)	-
Total Revenue		1,062,191	1,101,277	1,091,663	1,136,746
Increase (Decrease) in Fund Balance		109,317	(397,786)	107,152	(438,779)
Beginning Fund Balance		986,766	1,111,621	1,096,083	1,231,798
Ending Fund Balance		1,096,083	713,835	1,203,235	793,019

City of Clayton
Landscape Maintenance District Fund 210 (CFD 2007-1)
Budget

Account Number	Account Name	2016-17 Actual	2017-18 Adopted Budget	2017-18 Year End (June 30) Final	2018-19 Adopted Budget
7311	<u>General Supplies</u>				
	Bay Area Barricade	4,953	4,000	5,014	4,000
	Cole Supply	1,671	1,600	520	-
	Concord Garden Equipment	294	500	235	500
	Contra Costa Topsoil	1,775	-	1,310	1,500
	Crop production services	6,998	4,000	6,809	5,000
	Fertilizer	-	5,000	-	5,000
	Grainger	-	-	317	-
	Herbicides	-	8,000	-	8,000
	Ross Recreation	-	8,000	779	8,000
	Site One Landscape	19,558	8,000	7,491	8,000
	Zee Medical Supply	-	-	-	-
	Misc Supplies (Calcard - US Bank)	8,996	11,000	5,332	10,000
		44,245	50,100	27,807	50,000
7341	<u>Building/Grounds Maintenance</u>				
	Martell Water Systems (Well pump repair)	-	5,000	-	5,000
	Pond M Solutions (\$650x12 water feature maintenance)	9,283	8,000	7,800	8,000
	Pond M Solutions (extra repairs)	-	5,000	-	5,000
	Spraytec Maintenance (wastewater)	979	2,000	1,121	2,000
	Supplies for maintenance	42	-	-	-
		10,304	20,000	8,921	20,000
7342	<u>Machinery/Equipment Maintenance</u>				
	Concord Garden Equip/Supplies	6,803	7,000	3,635	5,000
	Concord Trailer World	1,935	5,000	800	2,000
	Contra Costa Tractor	-	5,000	687	2,000
	Site One Landscape	-	-	538	1,000
	US Bank (Calcard)	1,664	2,000	1,101	2,000
		10,402	19,000	6,761	12,000
7419	<u>Other Professional Services</u>				
	CCC Fire Protection - Operation Permit	-	600	-	1,000
	EBRCSA-Radio Mtn PW radio's	1,300	1,500	1,300	1,500
	NBS Admin Fees+Del letters	4,269	4,200	4,370	4,500
	Misc	260	260	-	-
		5,829	6,560	5,670	7,000
7445	<u>Weed Abatement Services</u>				
	Envirotech Enterprises (non-native invasive weed abatement - Oakhurst Mitigation EIR)	57,560	62,000	64,088	65,100
	Warner Bros Svc 1 x per yr+2 x trails (Fire Protection)	49,000	60,000	55,000	63,000
		106,560	122,000	119,088	128,100
7520	<u>Project/Program costs</u>				
	Upgrade irrigation controllers (annual until all complete)	-	20,000	27,514	20,000
	Sub Division/City Entry Signs (contingency)	-	2,000	-	2,000
	LMD2015-1 - Downtown Planters (\$35,000 increased to \$300,000)	19,069	270,000	774	280,157
	LMD2015-2 - Jeffrey Ranch Relandscaping (\$6,000)	-	6,000	3,374	-
	LMD2015-3 - Keller Ridge Tree rep. (B-\$46,000)	58,670	-	-	-
	LMD 2018-1 - Removal of 18 Eucalyptus trees in Open Space Hills (\$185,000)	-	185,000	9,333	185,000
	LMD 2018-2 - Cardinet Trail Repairs Behind Westwood (\$20,000)	-	-	28,334	-
		77,739	483,000	69,329	487,157

Replacement Projects Landscape Maintenance District (Measure B 2007-08 through 2016-17; Measure H 2017-18 through 2026-27)	amount -apx.	year -apx
Completed:		
Landscaping		
median tree replacement clayton road mitchell cyn to Atchinson stage (14 sycamore trees) donations paid for these	\$ 2,500	2008
Oakhurst Drive decorative pavers in narrow median noses, redo irrigation and replanting	\$ 70,000	2010
Clayton Water Feature replanting/redo irrigation	\$ 114,000	2010
March Creek Circle landscape berm mitigation irrigation upgrades replanting	\$ 19,400	2011
Clayton Road median (Oakhurst to Mitchell Cyn) and retaining wall from CVS to Daffodil Hill irrigation installation and new landscaping	\$ 328,011	2012
Daffodil Hill new irrigation and new planting (\$27,500 donated by C&CA)	\$ 29,000	2012
Deferred Tree Trimming City Wide (\$20,000 annually)	\$ 160,000	2010-2018
Peacock Creek Dr. Median Tree replacement (partial cost of LMD remainder from traffic accident/insurance recovery fund)	\$ 2,000	2016
Keller Ridge Drive street tree replacements	\$ 58,670	2016
Peacock Creek entry sign replanting project	\$ 11,100	2016
Jeffrey Ranch/Caulfield Ct Island replant/hardscape	\$ 6,000	2018
subtotal \$800,681		
Trails:		
Peacock Creek install new headboards, apply new 1/4 x dust gravel and compact, install waterboard weir drainage	\$ 20,000	2008
Upper Easley - Bruce Lee - Trail from old Marsh Ck to Center Street ; and Lower Easley - El Molino- from old Marsh Ck rd to Weatherly	\$ 60,000	2013
trail crack sealing/repair	\$ 10,000	2013
Lower Easley old Marsh Ck to Village Oaks	\$ 30,000	2015
Mt Diablo Elem School Hill Trail	\$ 19,800	2015
pedestrian Trail Bridge surface replacement	\$ 79,000	2015
Cardinet Trail erosion repair	\$ 75,000	2016
subtotal \$ 293,800		
Other:		
Purchase New Irrigation Control Vehicle (Capital Equipment and Replacement Fund)	\$ 35,000	2007/08
open space tree canopy trim and lifting	\$ 30,000	2012/13-15
Purchase new Tractor \$75,000 with 50% from LMD)	\$ 37,500	2016
Master Remote Computer Controller for all Irrigation Systems	\$ 30,000	2012/13
replace irrigation system central control field panel	\$ 20,000	2016
replace irrigation system central control field panel	\$ 20,000	2017
replace irrigation system central control field panel	\$ 20,000	2018
subtotal \$ 192,500		
Adopt a Trail (from donations only) project suspended by TLC in July 2017		
trail sponsorship signs and plaques (incl posts/signs and installation)	\$ 3,827	2009
installation of new uplights and electrical at oak trees - cardinet trail east side of library	\$ 4,400	2011/12
subtotal \$ 8,227		
To be done:		
Landscaping		
various subdivision entry redesign relandscape including hardscape	\$ -	project postponed
downtown Main St planter boxes	\$ 300,000	2018
deferred Tree Trimming City Wide 2018-19 (\$20,000 annually)	\$ 20,000	2019
general various replacement planting	\$ 40,000	2018/19
subtotal \$ 360,000		
Other:		
replace irrigation system central control field panel	\$ 20,000	2019
replace subdivision/city entry sign if needed (contingency)	\$ 2,000	
eucalyptus tree removal in various open space	\$ 185,000	2018
subtotal \$ 207,000		
total reinvestment to Landscape Maintenance District through 6/30/18	\$ 1,295,208	
total additional reinvestment planned through 2017-18	\$ 567,000	
total est reinvestment through 6/30/19	\$ 1,862,208	



Agenda Date: 1-15-2019

Agenda Item: 5d

Approved:

Gary A. Napper
City Manager

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Janet Calderon, City Clerk

DATE: January 15, 2019

SUBJECT: Adopt a Resolution appointing Three (3) Citizens to the Trails and Landscaping Committee for terms of office commencing January 15, 2019 through December 31, 2020.

BACKGROUND

On December 31, 2018 the terms of appointed office expired for Trails and Landscape Committee members Ted Sudderth, Doris Ward, and William Wiggins. Applications were received by the City Clerk on various dates from the three (3) incumbents (Ted Sudderth, Doris Ward, and William Wiggins) to serve on the Trails and Landscape Committee.

The Council's Trails and Landscaping interview sub-committee (Mayor Catalano and Vice Mayor Pierce) has recommended each of the three (3) incumbents be reappointed to the TLC (Ted Sudderth; Doris Ward; William Wiggins).

There are currently four (4) persons serving on the Trails and Landscaping Committee. The reappointment of these three (3) citizens will bring the total membership to seven (7) for this advisory committee (11 maximum).

RECOMMENDATION

Upon recommendation of the City Council sub-committee, it is proposed by minute motion, the City Council adopt the attached Resolution reappointing Ted Sudderth, Doris Ward, and William Wiggins to this citizens' advisory Committee.

FISCAL IMPACT

None; TLC members serve without compensation or stipend.

Attachments: Resolution- 1 page
Applications of (3) applicants- 3 pages

TLC ROSTER

	<u>Appointed</u>	<u>Term Expires</u>
Howard Kaplan	1/18	12/19
Carin Kaplan	1/18	12/19
Maryann Carroll-Moser	1/18	12/19
Nancy Morgan	1/18	12/19
Ted Sudderth	3/18	12/18
Doris Ward	3/18	12/18
William Wiggins	3/18	12/18

RESOLUTION NO. - 2019

**A RESOLUTION REAPPOINTING THREE CITIZENS
TO THE TRAILS AND LANDSCAPING CITIZENS ADVISORY COMMITTEE**

**THE CITY COUNCIL
City of Clayton, California**

WHEREAS, in 2006, the City Council of Clayton adopted Resolution No. 8-2006 establishing and appointing a permanent citizens' advisory committee entitled "Trails and Landscaping Committee" ("TLC") for oversight of the 1997 Citywide Landscape Maintenance District (CFD 2007-1); and

WHEREAS, in 2007, the City Council of Clayton adopted Resolution No. 38-2007 appointing up to eleven (11) citizen members as the Citizens Oversight Committee for the Citywide Landscape Maintenance District (CFD 2007-1); and

WHEREAS, in 2011, the City Council of Clayton adopted Resolution No. 4-2011 revising the ending date to December 31 for the term of office for members of Trails and Landscape Committee (the Citizens' Oversight Committee) to the Citywide Landscape Maintenance District (CFD 2007-1) and extending the current members terms accordingly; and

WHEREAS, on December 31, 2018 three terms of office expired for 3 citizens serving on the TLC, and on various dates the City Clerk received applications from three (3) incumbents (Ted Sudderth, Doris Ward, and William Wiggins) expressing willingness to continue service on the Trails and Landscaping Committee; and

WHEREAS, the City Council's TLC Interview Sub-Committee has considered and does recommend each incumbent be reappointed to the Trails and Landscaping Committee.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California, does hereby reappoint Ted Sudderth, Doris Ward, and William Wiggins to the Trails and Landscaping Citizens' Advisory Committee of the City of Clayton for the term of appointed office to expire on December 30, 2020.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held the 15th day of January 2019 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

Tuija Catalano, Mayor

ATTEST:

Janet Calderon, City Clerk



RECEIVED

NOV 28 2018

City of Clayton

APPLICATION FOR
TRAILS AND LANDSCAPING COMMITTEE

Name WILLIAM WIGGINS Address 1043 KENSTON DR
Home Phone 925-997-1371 Business Phone N/A
E-mail address: BWIGGINS8@GMAIL Length of residency in Clayton 9 YEARS
Occupation RETIRED Present employer N/A
Why are you interested in serving on this Committee? CIVIC DUTY

What is your vision for the trails and public landscaped areas of our City? TO BE PROPERLY MAINTAINED & IMPROVED WHEN POSSIBLE IN RESPONSIBLE MANNER

Please share your interests and hobbies, special training or education: GOLF, HIKING

List 3 references with phone numbers: 1. JOE RONCO 872-3049
2. TOD SVOERTH 216-9383
3. JOHN BEKAKIS 876-2556

Signature: William Wiggins

Date: 11-27-18



RECEIVED

DEC 11 2018

City of Clayton

APPLICATION FOR
TRAILS AND LANDSCAPING COMMITTEE

Name DORIS WARD Address 974 Tiffin Dr.
Home Phone 925/890-0885 Business Phone _____
E-mail address: doris-ward@comcast.net Length of residency in Clayton 23 years
Occupation _____ Present employer _____
Why are you interested in serving on this Committee? _____

ADDITIONAL TERM

What is your vision for the trails and public landscaped areas of our City? _____

Please share your interests and hobbies, special training or education: _____

List 3 references with phone numbers: 1. _____

2. _____

3. _____

Signature: D. Ward

Date: 11/28/18



RECEIVED

DEC 12 2018

City of Clayton

APPLICATION FOR
TRAILS AND LANDSCAPING COMMITTEE

Name Ter Sudderth Address 1031 Kenston DR
Home Phone 672-4377 Business Phone Cell 216-9383
E-mail address: UNKTer@aol.com Length of residency in Clayton 41 yrs
Occupation Retired ^{mtg} Banker Present employer _____
Why are you interested in serving on this Committee? _____

Now Serving

What is your vision for the trails and public landscaped areas of our City? _____

Now Serving

Please share your interests and hobbies, special training or education: _____

Now Serving

List 3 references with phone numbers: 1. JULIE PREECE
2. ~~Keith~~ HAYDEN
3. KEITH ED HARTEN

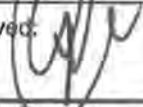
Signature: [Signature]

Date: 12/12/2018



Agenda Date: 1-15-2019

Agenda Item: 10a

Approved: 

Gary A. Nepper
City Manager

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: MINDY GENTRY, COMMUNITY DEVELOPMENT DIRECTOR *mdt*

DATE: JANUARY 15, 2019

SUBJECT: SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING CHAPTER 17.92 (INCLUSIONARY HOUSING REQUIREMENTS) OF THE CLAYTON MUNICIPAL CODE (ZOA-02-18)

RECOMMENDATION

It is recommended the City Council consider all information provided and submitted, allow and consider all public testimony, and if determined to be appropriate, take the following actions:

1. Motion to have Ordinance No. 484 read by title and number only and waive further reading; and
2. Following the City Clerk's reading, by motion adopt Ordinance No. 484 to amend the Clayton Municipal Code Chapter 17.92 (Inclusionary Housing Requirements) for the purpose of including rental housing projects into this local housing requirement as allowed for by AB 1505 with the finding that approval of the Ordinance will not result in a significant adverse environmental impact as these changes were considered as part of the November 18, 2014 City Council adoption of the IS/ND for the 2015-2023 Housing Element (ZOA-02-18) (**Attachment 1**).

BACKGROUND

At its meeting on December 18, 2018, the City Council introduced the subject Ordinance, which proposes to include rental housing projects into the previously established

inclusionary housing requirements as well as to specify the Ordinance applies to dwelling units defined and counted by HCD (**Attachment 2**). The City Council requested the following revisions to the Ordinance at its meeting on December 18, 2018, which have been incorporated and shown in **Attachment 3**:

- Provide clarifying language in Section 17.90.020.C to ensure individual single-family property owners would be exempt from the implementation of this Ordinance if a residential property was damaged or destroyed by 50% or more of its reasonable market value. Further, the proposed language modifications clarify the application of the Ordinance on qualifying destroyed or damaged (50% or more) residential development projects will be dictated by the original project approval date.
- Modified language in Section 17.92.040.A.6 to indicate the inclusionary units shall be completed prior the issuance of the first certificate of occupancy of the development.
- Deleted language in Section 17.92.040.B allowing developers of a residential development of ten units a by right option to pay a fee in lieu of developing an inclusionary housing unit on site. The effect of this deletion provides the City Council with full discretion on all qualifying projects to determine the instrument to satisfy the requirements of the Ordinance either by providing the inclusionary housing units onsite or by an alternative means such as payment of the in lieu fee.

ENVIRONMENTAL

Approval of the Ordinance will not result in a significant adverse environmental impact as these changes were considered as part of the November 18, 2014 City Council adoption of the IS/ND for the 2015-2023 Housing Element, which was prepared pursuant to the California Environmental Quality Act (CEQA). The IS/ND concluded there was no substantial evidence to suggest the 2015-2023 Housing Element document would have a significant effect on the environment and anticipated impacts have not changed nor is there new information that would alter those findings.

FISCAL IMPACTS

None.

ATTACHMENTS

1. Ordinance 484 with the following Exhibit:
 - a. Exhibit A – Clayton Municipal Code Section 17.92 – Inclusionary Housing Requirements [pp. 12]
2. Excerpt of the Staff Report and Minutes from the December 18, 2018 City Council Meeting [pp. 15]
3. Clayton Municipal Code Section 17.92 Redlines [pp. 9]

ATTACHMENT 1

ORDINANCE NO. 484

AN ORDINANCE AMENDING CHAPTER 17.92 OF THE CLAYTON MUNICIPAL CODE REGARDING INCLUSIONARY HOUSING REQUIREMENTS

THE CITY COUNCIL City of Clayton, California

THE CITY COUNCIL OF THE CITY OF CLAYTON DOES HEREBY FIND AS FOLLOWS:

WHEREAS, the City of Clayton desires to include rental housing within its Inclusionary Housing Requirements Ordinance as allowed for by Assembly Bill 1505 (Government Code Sections 65850 and 65850.01); and

WHEREAS, Implementation Measure I.2.1 of the Housing Element of the Clayton General Plan encourages the City to adopt an Inclusionary Housing Ordinance with desired targets of five percent low income and five percent very low income units for residential projects of ten units or more; and

WHEREAS, as noted in the City's Housing Element (2015-2023), there is a significant need for more affordable housing within the City, including for the following reasons:

(1) The State Legislature, through California Government Code Section 65580, declares the availability of housing of vital statewide importance and local governments have a responsibility to use powers vested in them to facilitate the adequate provision for the housing needs of all economic segments of the community;

(2) Rental units in Contra Costa County are not affordable to people with extremely low incomes, such as those who depend on General Assistance, Temporary Assistance to Needy Families, or Supplemental Security Income. Over 2,000 households within Contra Costa County are on a waiting list for Section 8 assistance, and not all affordable housing units qualify for Section 8 housing assistance. In addition, many persons or families cannot accumulate the money required to move into an apartment (i.e., first and last months' rent plus security deposit);

(3) The high cost of housing makes it difficult to find housing that is affordable for those working minimum wage jobs. For example, based on 2000 Census data, twenty-seven percent of low and very-low income households owning their home and twenty-seven percent of low and very-low income households renting their home overpaid for housing costs;

(4) Only households earning above moderate incomes could afford a home priced at or around median. Homeownership is out of reach in Clayton for most lower-income households. For example, moderate income households within the City could not afford the 2017 median home price of \$615,000. Recent appreciation in real estate prices has increased these concerns as through November 2018 the median sales price of a single family home sold in Clayton is \$832,000 and a townhouse-condo median sale price is \$613,000;

(5) The City has a significant need for new affordable housing. The Association of Bay Area Governments (ABAG) has allocated the following Regional Housing Needs Allocation (RHNA) to the City for the period 2014 to 2022: 51 extremely low- and very low-income units, 25 low-income units, 31 moderate-income units and 34 above moderate-income units; and

WHEREAS, the legal landscape surrounding the development of affordable housing in California is continually evolving; and

WHEREAS, the court in *Palmer/Sixth Street Properties v. City of Los Angeles* (2009) 175 Cal.App.4th 1396 determined that cities may no longer require developers to construct affordable housing units for rent; and

WHEREAS, the court in *California Building Industry Assn. v. City of San Jose* (2015) 61 Cal.4th 435 clarified that cities may require developers to construct affordable housing units for sale; and

WHEREAS, on August 16, 2016, the City Council adopted an Inclusionary Housing Requirements Ordinance requiring for-sale or homeownership projects of ten or more units to set aside ten percent of the units as affordable or by alternative means such as off-site development, payment of in lieu fee, and/or land dedication; and

WHEREAS, the State of California on September 19, 2017 passed into law Assembly Bill 1505, returning the authority to cities and counties to require the inclusion of affordable housing in new rental housing projects, thereby superseding the court's decision in *Palmer/Sixth Street Properties v. City of Los Angeles*; and

WHEREAS, on November 18, 2014, the City Council of the City of Clayton adopted an IS/ND for the 2015-2023 Housing Element, which was prepared pursuant to the California Environmental Quality Act (CEQA). The IS/ND concluded there was no substantial evidence to suggest the 2015-2023 Housing Element document would have a significant effect on the environment; and

WHEREAS, on May 22, 2018, the Planning Commission considered all information provided and submitted, took and considered all public testimony, and recommended the City Council approve the ordinance amending Chapter 17.92 – Inclusionary Housing Requirements of City of Clayton Municipal Code; and

WHEREAS, the City Council wishes to adopt this Inclusionary Housing Ordinance to further satisfy Housing Element Implementation Measure I.2.1 in compliance with applicable state and local laws; and

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

Section 1. Recitals. The above recitals are true and correct and are hereby incorporated into this Ordinance.

Section 2. Amendment. Chapter 17.92 of the Clayton Municipal Code is hereby amended to read in full as set forth in the attached Exhibit A, incorporated by this reference.

Section 3. 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 4. 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 5. Effective Date and Publication. This Ordinance shall become effective thirty (30) days from and after its passage. This Ordinance shall be published or posted as required by law.

The foregoing Ordinance was introduced at a noticed public hearing at a regular public meeting of the City Council of the City of Clayton held on December 18, 2018.

Passed, adopted, and ordered posted by the City Council of the City of Clayton at a regular public meeting thereof held on January 15, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Tuija Catalano, Mayor

ATTEST

Janet Calderon, City Clerk

APPROVED AS TO FORM

APPROVED BY ADMINISTRATION

Malathy Subramanian, City Attorney

Gary A. Napper, City Manager

I hereby certify that the foregoing Ordinance was duly introduced at a noticed public hearing of a regular meeting of the City Council of the City of Clayton held on December 18, 2018, and was duly adopted, passed, and ordered posted at a regular meeting of the City Council held on January 15, 2015.

Janet Calderon, City Clerk

EXHIBIT A

Chapter 17.92 - INCLUSIONARY HOUSING REQUIREMENTS

Sections:

17.92.000 - Intent

It is the intent of this Chapter to establish standards and procedures that facilitate the development and availability of housing affordable to a range of households with varying income levels to implement the City's Housing Element and as mandated by Government Code Section 65580. The purpose of this Chapter is to encourage the development and availability of such housing by ensuring the addition of affordable housing units to the City's housing stock is in proportion with the overall increase in new housing units.

17.92.010 - Definitions

Whenever the following terms are used in this Chapter, they shall have the meaning established by this Section:

- A. "Affordable Housing Costs" means
 - 1. For Very Low-Income Households, the product of 30 percent times 50 percent of the area median income adjusted for family size appropriate for the unit.
 - 2. For Low-Income Households, the product of 30 percent times 70 percent of the area median income adjusted for family size appropriate for the unit.
 - 3. For Moderate Income Households, Affordable Housing Cost shall not be less than 28 percent of the gross income of the household, nor exceed the product of 35 percent times 110 percent of area median income adjusted for family size appropriate for the unit.
- B. "Developer" means any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities, which seeks City approvals for all or part of a Residential Development. The term "Developer" also means the owner or owners for any such property for which such approvals are sought.
- C. "Director" means the City's Director of Community Development.
- D. "Discretionary Approval" means any entitlement or approval, including but not limited to a use permit, variance, design approval, and subdivision map.
- E. "Inclusionary Housing Agreement" means a legally binding, written agreement between a Developer and the City, in form and substance satisfactory to the Director and City Attorney, setting forth those provisions necessary to ensure that the requirements of this Chapter, whether through the provision of Inclusionary Units or through an alternative method, are satisfied.
- F. "Affordable Housing Plan" means the plan referenced in Section 17.92.050.
- G. "Inclusionary Housing Fund" shall have the meaning set forth in Section 17.92.080(A).
- H. "Inclusionary Units" means a dwelling unit developed pursuant to an Inclusionary Housing Agreement that will be offered for-sale or rent to Very Low, Low, and Moderate Income Households, at an Affordable Housing Cost, pursuant to this Chapter.

- I. "Low Income Households" means households who are not very low income households but whose gross income does not exceed the qualifying limits for lower income families as established from time to time pursuant to Section 8 of the United States Housing Act for Contra Costa County as set forth in Title 25 of the California Code of Regulations, Section 6932, or its successor provision and adjusted for family size and other factors by the United States Department of Housing and Urban Development.
- J. "Low Income Units" means Inclusionary Units restricted to occupancy by Low Income Households at an Affordable Housing Cost.
- K. "Moderate Income Households" means households who are not low income households but whose gross income does not exceed one hundred and twenty percent (120%) of the median income for Contra Costa County, adjusted for family size and other factors by the U.S. Department of Housing and Urban Development, as published annually in Title 25 of the California Code of Regulations, Section 6932, or its successor provision.
- L. "Moderate Income Units" means Inclusionary Units restricted to occupancy by Moderate Income Households at an Affordable Housing Cost.
- M. "Residential Development" means the construction of new projects requiring any specific plan, development agreement, planned unit development permit, tentative map, minor subdivision, conditional use permit, site plan review or building permit for which an application has been submitted to the City and which would create one or more additional dwelling units as defined and counted by the State Department of Housing and Community Development (HCD) to be offered for-sale or rent by the construction or alteration of structures. All new construction projects creating one or more additional dwelling units to be offered for-sale or rent on contiguous parcels of land by a single Developer shall constitute a single Residential Development subject to the requirements of this Ordinance, and any accompanying regulations, regardless of whether such projects are constructed all at once, serially, or in phases. The term "Residential Development" shall include the conversion of rental units to for-sale units.
- N. "Unrestricted Units" means those dwelling units in a Residential Development that are not Inclusionary Units.
- O. "Very Low Income Households" means households whose gross income does not exceed the qualifying limits for very low income families as established from time to time pursuant to Section 8 of the United States Housing Act for Contra Costa County as set forth in Title 25 of the California Code of Regulations, Section 6932, or its successor provision and adjusted for family size and other factors by the United States Department of Housing and Urban Development, adjusted for family size and other factors by the United States Department of Housing and Urban Development.
- P. "Very Low Income Units" means Inclusionary Units restricted to occupancy by Very Low Income Households at an Affordable Housing Cost.

17.92.020 - Applicability

This Chapter shall apply to all Residential Developments, except as provided below.

- A. Residential Developments proposed to contain less than ten (10) dwelling units.
- B. Residential Developments that obtained a current, valid building permit prior to the effective date of the ordinance adding this Chapter.

- C. Any Residential Development, of ten (10) or more units, which is damaged or destroyed by fire or natural catastrophes shall be subject to the inclusionary housing requirements in effect at the time the Residential Development was originally approved, so long as the use of the reconstructed building and number of dwelling units remain the same, the cost of such rehabilitation constitutes no more than fifty percent (50%) of its reasonable market value at the time of destruction or damage. Therefore, a Residential Development that requires reconstruction as described in this paragraph and was originally approved prior to the effective date of the ordinance adding this Chapter shall not be subject to any inclusionary housing requirements, and a Residential Development that was originally approved after the effective date of the ordinance adding this Chapter shall continue to comply with the inclusionary housing requirements imposed on that Residential Development at the time of its original approval of the Residential Development.

17.92.030 - Inclusionary Unit Requirement

- A. If the Residential Development includes ten (10) or more units, a minimum of ten percent (10%) of all newly constructed dwelling units in the Residential Development shall be developed, offered to, and sold or rented to Very Low, Low, and Moderate Income Households, in a ratio determined pursuant to Section 17.92.060, at an Affordable Housing Cost.
- B. The Inclusionary Unit requirement set forth in this Section may be reduced as follows: If only Low Income Units are provided in lieu of any Moderate Income units, a credit of 1.5 units to every 1 unit shall be provided. However, the credits may only be applied to the extent such credit equals a whole number.
- C. In the event the calculation for the number of Inclusionary Units results in a fraction of an Inclusionary Unit, the Developer shall have the option of either: (i) providing a full Inclusionary Unit at Affordable Housing Costs; or (ii) making an in lieu payment to the Inclusionary Housing Fund in an amount equal to the percentage represented by the fractional unit multiplied by the applicable in lieu fee.
- D. The number of Inclusionary Units required for a particular project will be determined at the time a land use application is filed by the Developer for a Residential Development with the City. If a change in the subdivision design results in a change in the total number of units, the number of Inclusionary Units required will be recalculated to coincide with the final approved project.
- E. For purposes of calculating the number of Inclusionary Units required by this Section, any additional units authorized as a density bonus under Chapter 17.90 and California Government Code Section 65915(b)(1) or (b)(2) will not be counted in determining the required number of Inclusionary Units.
- F. The number of Affordable Housing Units that are provided in order to secure a density bonus under Chapter 17.90 and California Government Code Section 65915(b)(1) or (b)(2) will be counted toward the required number of Inclusionary Housing Units.

17.92.040 - Alternatives

In lieu of including the Inclusionary Units in the Residential Development pursuant to Section 17.92.030, the requirements of this Chapter may be satisfied through the following alternatives set forth in this Section.

- A. Off-Site. As an alternative to providing Inclusionary Units upon the same site as the Residential Development, the Developer may elect, with the City Council's approval, which may be granted or denied in its sole discretion to construct Inclusionary Units off-site subject to the following requirements:

1. If the Developer constructs units off-site, the percentage of required Inclusionary Units shall be increased to fifteen percent (15%).
 2. The site of the Inclusionary Units has a General Plan designation that authorizes residential uses and is zoned for Residential Development at a density to accommodate at least the number of otherwise required Inclusionary Units, including the additional five percent (5%) for development off-site, within the Residential Development. The Developer shall obtain all required Discretionary Approvals and complete all necessary environmental review of such site.
 3. The site is suitable for development of the Inclusionary Units in terms of configuration, physical characteristics, location, access, adjacent uses, and other relevant planning and development criteria.
 4. Environmental review for the site has been completed for the presence of hazardous materials and geological review for the presence of geological hazards and all such hazards are or shall be mitigated to the satisfaction of the City prior to acceptance of the site by the City.
 5. The construction schedule for the off-site Inclusionary Units shall be included in the Affordable Housing Plan and the Inclusionary Housing Agreement.
 6. Construction of the off-site Inclusionary Units shall be completed prior to the issuance of the first certificate of occupancy of the Residential Development.
 7. Unless otherwise noted, all requirements applicable to on-site Inclusionary Units shall apply to off-site Inclusionary Units.
- B. In Lieu Fee. For all Residential Developments proposing ten (10) or more units, the Developer may request within the proposed Inclusionary Housing Plan to pay a fee in lieu of all or some of the Inclusionary Units otherwise required by the Ordinance in lieu of developing Inclusionary Units on-site. Developer's request may be approved or denied by the Council in its sole discretion. The fee shall be charged for each unit or fraction of a unit as set forth in Section 17.92.030(C), and the fee shall be paid as follows:
1. The amount of the fee to be paid by Developer pursuant to this subsection shall be the fee schedule established by Resolution of the City Council, and as adjusted from time to time by Resolution of the City Council.
 2. One-half (1/2) of the in-lieu fee required by this subsection shall be paid (or a letter of credit posted) prior to issuance of a building permit for all or any part of the Residential Development. The remainder of the fee shall be paid before a certificate of occupancy is issued for any unit in the Residential Development.
 3. The fees collected shall be deposited in the Inclusionary Housing Fund.
 4. No certificate of occupancy shall be issued for any corresponding Unrestricted Units in a Residential Development unless fees required under this Section have been paid in full to the City.
- C. Land Dedication. In lieu of building Inclusionary Units, a Developer may request to dedicate land to the City suitable for the construction of Inclusionary Units that the City Council reasonably determines to be equivalent or greater value than is produced by applying the City's in lieu fee to the Developer's inclusionary obligation and otherwise meets the following standards and requirements:

1. Marketable title to the site is transferred to the City, or an affordable housing developer approved by the City, prior to the commencement of construction of the Residential Development pursuant to an agreement between the Developer and the City and such agreement is in the best interest of the City.
2. The site has a General Plan designation that authorizes residential uses and is zoned for Residential Development at a density to accommodate at least the number of otherwise required Inclusionary Units within the Residential Development, and conforms to City development standards.
3. The site is suitable for development of the Inclusionary Units in terms of configuration, physical characteristics, location, access, adjacent uses, and other relevant planning and development criteria including, but not limited to, factors such as the cost of construction or development arising from the nature, condition, or location of the site.
4. Infrastructure to serve the dedicated site, including but not limited to streets and public utilities, must be available at the property line and have adequate capacity to serve the maximum allowable Residential Development pursuant to zoning regulations.
5. Environmental review of the site has been completed for the presence of hazardous materials and geological review for the presence of geological hazards and all such hazards are or will be mitigated to the satisfaction of the City prior to acceptance of the site by the City.
6. The City shall not be required to construct restricted income units on the site dedicated to the City, but may sell, transfer, lease, or otherwise dispose of the dedicated site. Any funds collected as the result of a sale, transfer, lease, or other disposition of sites dedicated to the City shall be deposited into the Inclusionary Housing Fund.

17.92.050 - Procedures

- A. At the times and in accordance with the standards and procedures set forth herein, Developer shall:
 1. Submit an Inclusionary Housing Plan, setting forth in detail the manner in which the provisions of this Chapter will be implemented for the proposed Residential Development. If land dedication or off-site units are proposed, the Inclusionary Housing Plan shall include information necessary to establish site location, suitability, development, constraints, and the number of Inclusionary Units assigned pursuant to this Chapter. Inclusionary Housing Plans that satisfy the express requirements of Section 17.92.030 may be approved by the Director. Inclusionary Housing Plans that include alternatives as set for the in Section 17.92.040 must be approved by the City Council.
 2. Execute and cause to be recorded an Inclusionary Housing Agreement, unless Developer is complying with this Chapter pursuant to Section 17.92.040(B) (in lieu fee) or Section 17.92.040(C) (land dedication).
- B. No Discretionary Approval shall be issued for all or any portion of a Residential Development subject to this Chapter until the Developer has submitted an Inclusionary Housing Plan.

- C. No building permit shall be issued for the Residential Development, or any portion thereof, subject to this Chapter unless the City Council has approved the Inclusionary Housing Plan and the Inclusionary Housing Agreement (if required) is recorded.
- D. No certificate of occupancy shall be issued for the Residential Development, or any portion thereof, subject to this Chapter unless the approved Inclusionary Housing Plan has been fully implemented.
- E. The City Manager or designee may establish and amend policies for the implementation of this Chapter.

17.92.060 - Standards

- A. Inclusionary Units shall be reasonably dispersed throughout the Residential Development; shall be proportional, in number of bedrooms, to the Unrestricted Units. If the Residential Development offers a variety of unit plans with respect to design, materials and optional interior amenities, the Inclusionary Units shall be identical with the Residential Development's base-plan in terms of design, appearance, materials, finished quality and interior amenities. If multiple floor plans with the same number of bedrooms are proposed, the Inclusionary Units may be the units with the smaller floor plans.
- B. All Inclusionary Units in a Residential Development shall be constructed concurrently with or prior to the construction of the Unrestricted Units. In the event the City approves a phased project, the Inclusionary Units required by this Chapter shall be constructed and occupied in proportion to the number of units in each phase of the Residential Development. In no case shall an Affordable Housing Unit be the final dwelling unit issued a Certificate of Occupancy of a Residential Development or its approved phase(s).
- C. Inclusionary Units shall be sold to Low and Moderate Income Households or rented to Very Low, Low, and Moderate Income Households at a ratio established pursuant to a Resolution adopted by the City Council, and shall be provided at the applicable Affordable Housing Cost.
- D. The number of bedrooms must be the same as those in the Unrestricted Units, except that if the Unrestricted Units provide more than four (4) bedrooms, the Inclusionary Units need not provide more than four (4) bedrooms.
- E. Inclusionary Units shall prohibit subsequent rental occupancy (for for-sale units) or subletting (for rental units), unless approved for hardship reasons by the City Manager or designee. Such hardship approval shall include provision for United States military personnel who are required to leave the country for active military duty.
- F. Prior the development of any units in a Residential Development, a deed restriction or other enforceable obligation approved by the City Attorney shall be recorded limiting the Developer and any successors, whenever an Inclusionary Unit is sold or leased, to sell such unit to persons meeting the income eligibility requirements for Low and Moderate Income Households or to rent such unit to persons meeting the income eligibility requirements for Very Low, Low, and Moderate Income Households as applicable for a period of fifty-five (55) years.

17.92.070 - Enforcement

- A. The provisions of this Chapter shall apply to all Developers and their agents, successors and assigns proposing a Residential Development. All Inclusionary Units shall be sold or leased in accordance with this Chapter. It shall be a misdemeanor to violate any provision of this Chapter. Without limiting the generality of the foregoing, it shall also be a misdemeanor for any person to sell or rent to another person an Inclusionary Unit under this Chapter at a price exceeding the maximum allowed under this Chapter or to sell or rent an Inclusionary Unit to a

Household not qualified under this Chapter. It shall further be a misdemeanor for any person to provide false or materially incomplete information to the City or to a seller or lessor of an Inclusionary Unit to obtain occupancy of housing for which he or she is not eligible.

- B. Any individual who sells, rents, or sublets an Inclusionary Unit in violation of the provisions of this Chapter shall be required to forfeit all monetary amounts so obtained. Recovered funds shall be deposited into the Inclusionary Housing Fund.
- C. The City may institute any appropriate legal actions or proceedings necessary to ensure compliance with this Chapter, including but not limited to: (1) actions to revoke, deny or suspend any permit, including a building permit, certificate of occupancy, or discretionary approval; (2) civil actions for injunctive relief or damages; (3) actions to recover from any violator of this Chapter civil fines, restitution to prevent unjust enrichment, and/or enforcement costs; and (4) any other action, civil or criminal, authorized by law or by any regulatory document, restriction, or agreement under this Chapter.
- D. In any action to enforce this Chapter or an Inclusionary Housing Agreement recorded hereunder, the City shall be entitled to recover its reasonable attorney's fees and costs.
- E. Failure of any official or agency to fulfill the requirements of this Chapter shall not excuse any person, owner, Developer or household from the requirements of this Chapter.
- F. The remedies provided for herein shall be cumulative and not exclusive and shall not preclude the City from any other remedy or relief to which it would otherwise be entitled under law or equity.

17.92.080 - General Provisions

A. Inclusionary Housing Fund

There is hereby established a separate fund of the City, to be known as the Inclusionary Housing Fund. All monies collected pursuant to 17.92.040, 17.92.060 and 17.92.070 shall be deposited in the Inclusionary Housing Fund. Additional monies from other sources may be deposited in the Inclusionary Housing Fund. The monies deposited in the Inclusionary Housing Fund shall be subject to the following conditions:

1. Monies deposited into the Inclusionary Housing Fund must be used to increase and improve the supply of housing affordable to Very Low, Low, and Moderate Income Households in the City. Monies may also be used to cover reasonable administrative or related expenses associated with the administration of this Section.
2. The fund shall be administered, subject to the approval by the City Manager, by the Director of Community Development, or his or her designee, who may develop procedures to implement the purposes of the Inclusionary Housing Fund consistent with the requirements of this Chapter and through the adopted budget of the City.
3. Monies deposited in accordance with this Section shall be used in accordance with the City's Housing Element, or subsequent plan adopted by the City Council to construct, rehabilitate, or subsidize affordable housing or assist other government entities, private organizations, or individuals to do so. Permissible uses include, but are not limited to, assistance to housing development corporations, equity participation loans, grants, pre-home ownership co-investment, pre-development loan funds, participation leases, or other public-private partnership arrangements. The Inclusionary Housing Fund may be used for the benefit of both rental and owner-occupied housing. In no case is the City obligated to actually construct affordable housing units on its own.

B. Administrative Fees

The City Council may by Resolution establish reasonable fees and deposits, which shall fund the City's costs associated with the administration and monitoring of the Inclusionary Units and administration of the Inclusionary Housing Fund.

C. Appeal

Within ten (10) calendar days after the date of any decision of the Director under this Chapter, an appeal may be filed with the City Clerk. Within ninety (90) calendar days of the request for an appeal is filed or a later time as agreed to by the appellant, the City Council shall consider the appeal. The City Council's decision shall be final.

D. Waiver

1. Notwithstanding any other provision of this Chapter, the requirements of this Chapter may be waived, adjusted, or reduced if a Developer shows, based on substantial evidence, that there is no reasonable relationship between the impact of a proposed Residential Development and the requirements of this Chapter, or that applying the requirements of this Chapter would take property in violation of the United States or California Constitutions.
2. Any request for a waiver, adjustment, or reduction under this Section shall be submitted to the City concurrently with the Affordable Housing Plan required by Section 17.92.050. The request for a waiver, adjustment, or reduction shall set forth in detail the factual and legal basis for the claim.
3. The request for a waiver, adjustment, or reduction shall be reviewed and considered in the same manner and at the same time as the Affordable Housing Plan, and is subject to the appeal process in subsection (C) above.
4. In making a determination on an application for waiver, adjustment, or reduction, the Developer shall bear the burden of presenting substantial evidence to support the claim. The City may assume each of the following when applicable:
 - (i) That the Developer will provide the most economical Inclusionary Units feasible, meeting the requirements of this Chapter and any implementing regulations.
 - (ii) That the Developer is likely to obtain housing subsidies when such funds are reasonably available.

The waiver, adjustment or reduction may be approved only to the extent necessary to avoid an unconstitutional result, after adoption of written findings, based on substantial evidence, supporting the determinations required by this Section.

ATTACHMENT 2



Agenda Date: 12-18-2018

Agenda Item: 7a



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: MINDY GENTRY, COMMUNITY DEVELOPMENT DIRECTOR *WAG*

DATE: DECEMBER 18, 2018

SUBJECT: PUBLIC HEARING TO CONSIDER THE INTRODUCTION OF AN ORDINANCE TO AMEND CHAPTER 17.92 (INCLUSIONARY HOUSING REQUIREMENTS) OF THE CLAYTON MUNICIPAL CODE (ZOA-02-18)

RECOMMENDATION

It is recommended the City Council consider all information provided and submitted, open the Public Hearing and take and consider all public testimony, and if determined to be appropriate, take the following actions:

- 1) Following closure of the Public Hearing, subject to any changes by the City Council, adopt a motion to have the City Clerk read Ordinance No. 484 by title and number only and waive further reading; and
- 2) Following the City Clerk's reading, by motion approve Ordinance No. 484 for Introduction to amend the Clayton Municipal Code Chapter 17.92 (Inclusionary Housing Requirements) for the purpose of including rental housing projects into this local housing requirement as allowed for by AB 1505 (ZOA-02-18) (Attachment 1).

BACKGROUND

On August 16, 2016, the City Council adopted Ordinance No. 464 implementing inclusionary requirements for affordable housing on new homeownership or for-sale housing developments. The current threshold identified in both Clayton's State HCD-certified 2015-

2023 Housing Element and as adopted by that Ordinance, residential projects containing ten or more units shall provide ten percent of the units as affordable housing units (**Attachment 2**).

Ordinance No. 464 specifically precluded residential rental housing projects due to State law and prevailing rulings in two specific court cases. Rental housing was excluded from consideration in Clayton's Inclusionary Housing Ordinance because of the decision in *Palmer/Sixth Street Properties v. City of Los Angeles (2009)*, which determined that cities may no longer require developers to construct affordable housing units. The court had concluded the City of Los Angeles's inclusionary housing ordinance conflicted with and was preempted by the vacancy decontrol provisions of the Costa-Hawkins Rental Housing Act, which allows residential landlords to set the initial rents at the commencement of a tenancy.

That court case was followed by an outcome in the case of the *California Building Industry Association (CBIA) v. City of San Jose (2015)*. In this particular case, the outcome of the court's decision impacted inclusionary housing ordinances statewide and resulted in a finding that inclusionary housing ordinances do not constitute an unjust taking of property. The result of the court's decision upheld existing inclusionary housing ordinances; it allowed jurisdictions to adopt inclusionary housing ordinances but only for homeownership or for-sale development projects. When the City Council adopted Clayton's Inclusionary Housing Ordinance, the court's decision in *Palmer/Sixth Street Properties v. City of Los Angeles* was still relevant; therefore, rental housing units were excluded due to the conflict with the Costa-Hawkins Rental Housing Act.

NEW STATE LAW

On September 29, 2017, Governor Brown signed a comprehensive package of 15 housing-related bills as the Legislature's response to address California's housing supply shortage. One of these bills, AB 1505 (**Attachment 3**), known as the "Palmer fix," restores the authority of cities and counties to require the inclusion of affordable housing in new rental housing projects, thereby superseding the court's decision in *Palmer/Sixth Street Properties v. City of Los Angeles*. AB 1505 authorizes cities and counties to adopt ordinances that require, as a local condition of development of residential rental units, to include a certain percentage of residential rental units affordable to moderate-, low-, very low-, and extremely low-income. AB 1505 also requires cities and counties to provide alternative means of compliance that may include in lieu fees, land dedication, off-site construction, or acquisition or rehabilitation of existing units.

On April 17, 2018, staff engaged a policy discussion before the City Council to determine if rental housing units/projects should be considered to be incorporated into the City's existing inclusionary housing requirements due to the changes brought about by the passage of AB 1505 (**Attachment 4**). At that time the Council provided direction to staff to draft an amendment to the City's Inclusionary Housing Ordinance to include rental housing projects, as allowed for by AB 1505, for local application of the same standards required for

homeownership projects, and apply it to all housing types as defined and counted by the State Department of Housing and Community Development (HCD). In response to that direction, staff is now returning to the City Council with those changes reflected in the draft Ordinance.

On May 22, 2018, the Planning Commission heard and considered the proposed amendments to the Zoning Ordinance and recommended approval to the City Council (4-0, with one Commissioner absent) (**Attachment 5**).

It should be noted, as identified in the Ordinance, staff will subsequently initiate a policy discussion with the City Council concerning an eventually-proposed Resolution (based on direction received) regarding the appropriate amount for an affordable housing in lieu fee as well as to determine the appropriate affordability ratio of very low-, low-, and moderate-income units to achieve compliance with the City's inclusionary housing requirements. The in lieu fee can be requested to be paid for all on-site units as well as the required fractional units at the request of a developer with review and approval by the City Council.

OVERVIEW AND DISCUSSION

State law requires that local governments identify and plan for the existing and projected housing needs of all economic segments of the community in its Housing Elements. The law acknowledges that, in order for the private market to adequately address housing needs and demand, local governments must adopt land use plans and regulatory systems that provide opportunities for, and do not unduly constrain, housing development of all types and variations (Government Code Section 65580).

State law also requires the HCD to forecast statewide housing needs and allocate the anticipated need to regions throughout the state. For the Bay Area, HCD provides the regional need to the Association of Bay Area Governments (ABAG), which then allocates the Regional Housing Needs Assessment (RHNA) to the cities and counties within the ABAG region. ABAG allocates housing production goals for cities and counties based on their projected share of the region's household growth, the state of the local housing market, land inventories and vacancies, and the jurisdiction's housing replacement needs.

For the 2014-2022 projection period, ABAG has allocated the City of Clayton a total of 141 new housing units which are broken down as follows by income category: 51 extremely low- and very low-income units, 25 low-income units, 31 moderate-income units, and 34 above moderate-income units. Clayton's number of newly constructed housing units for this Housing Element cycle is as follows: two low-income units, which were constructed as accessory dwelling units and eight above moderate-income units for a total of ten housing units.

Below is a table reflecting the City's current status in addressing its RHNA allocation:

	RHNA	Number of Permits Issued
Very Low-Income Units	51	0
Low-Income Units	25	2
Moderate-Income Units	31	0
Above Moderate-Income Units	34	8
TOTAL	141	10

Given the City's RHNA allocation and the State's clear and repetitive declarations of housing being an issue of statewide concern, coupled with the Legislature's push for local governments to identify actions that will make sites available for affordable housing as well as assist in the development of such housing, the City identified a goal (Goal I) in its State HCD-certified Housing Element to provide for adequate sites and promote the development of new housing to accommodate Clayton's fair share housing allocation. The City also adopted Policy I.2, which states:

"The City shall actively support and participate in the development of extremely low-, very low-, low-, and moderate-income housing to meet Clayton's fair share housing allocation. To this end, the City shall help facilitate the provision of affordable housing through the granting of regulation concessions and available financial assistance".

To meet Goal I and Policy I.2, Implementation Measure I.2.1 was identified to require residential projects of ten or more units to develop an Affordable Housing Plan, which requires a minimum of ten percent of the units to be built or created as affordable housing units. To promote the goal of actively supporting and participating in the provision of housing for all economic segments, the City Council adopted the current Inclusionary Housing Ordinance, which facilitates the fulfillment of Implementation Measure I.2.1 (**Attachment 6**). The adoption of the Inclusionary Housing Ordinance implements Measure I.2.1 by codifying the requirements and providing details regarding the process and standards for the City and developers to follow. Adoption of the Inclusionary Housing Ordinance to incorporate residential rental units, as allowed for by AB 1505, will further the City's goal of accommodating its fair share housing allocation and will help fulfill Housing Element Policy I.2.

AB 1505

As indicated earlier, the passage of AB 1505 once again allows cities and counties, as a condition of development of residential units, to require the development to include a certain percentage of units be affordable to and occupied by moderate-, low-, very low-, or extremely low- income households (**Attachment 7**). The law also requires cities that adopt inclusionary housing ordinances to provide alternative means for compliance such as an in lieu fee, dedication of land, the construction of affordable units off-site, or the acquisition and rehabilitation of existing units.

It is further noted AB 1505 does provide HCD with the authority to review a jurisdiction's inclusionary housing ordinance if the jurisdiction requires, as a condition of development, more than 15 percent of the total number of units to be affordable to households at 80 percent or less of the area median income. However, HCD is only granted this authority if the jurisdiction has: 1) failed to meet at least 75 percent of its share of the RHNA for above moderate-income households over at least a five year period; or 2) the jurisdiction has failed to submit its annual Housing Element progress report for at least two consecutive years. If HCD determines any of the two aforementioned conditions exist, then HCD may request an economic feasibility study demonstrating the Ordinance does not unduly constrain the production of housing.

From staff's perspective, HCD's pronounced threshold (for an economic feasibility study of 15 percent of the total number of units to be affordable to households at 80 percent or less of area median income) is significant because it infers the economic feasibility for developers is manageable up to and around this threshold. Therefore, local developers have little substance to an assertion or claim of an economic hardship meeting the City's current and proposed inclusionary housing requirements. Since the City's current inclusionary housing requirements fall under the State's economic feasibility threshold it further infers the proposed requirements are not unduly burdensome as to place an obstacle or governmental constraint in preventing housing production. Only if the desire to require affordability to extremely low-income households or require a significant ratio of very low-income households would a feasibility study be advisable and possibly trigger a review of the City's Inclusionary Housing Ordinance by HCD.

Proposed Ordinance Amendments

The majority of the amendments to the proposed Ordinance are to incorporate rental housing units in addition to the previously established for-sale housing units as well as to specify the Ordinance applies to dwelling units defined and counted by HCD (Attachment 8). In addition, very-low income units were added to the proposed Ordinance as an option for rental housing, pursuant to a ratio eventually to be considered by the City Council. Previously, due to income constraints and the associated costs to upkeep and maintain a home, very-low income units had been previously excluded as an option because the Ordinance was strictly for homeownership.

Other proposed changes are to provide more discretion to the City Council regarding the approval process as it pertains to the use of alternatives in lieu of constructing the affordable housing units onsite as well as to clarify the Community Development Director only has the authority to approve Inclusionary Housing Plans that include the construction of the required affordable housing units onsite and in the identified ratio.

Lastly, the Ordinance will specify, in accordance with case law (*Latinos Unidos del Valle de Napa Y Solano v. County of Napa*), the Affordable Housing Units provided under Density Bonus law would be counted toward the required number of Inclusionary Housing Units.

Project Impacts

Currently in the City's development project pipeline, there is one project this Ordinance could impact, which is the Clayton Senior Housing project, an 81-unit senior apartment complex to be located on the eastern portion of High Street behind the United States Post Office and fronting onto old Marsh Creek Road, south of the AT&T switch station building.

The Clayton Senior Housing project is requesting a 35 percent Density Bonus, as allowed for under State law and the Clayton Municipal Code, which is proposed to produce seven units dedicated to very-low income households. However, the decision in the court case *Latinos Unidos v. County of Napa* clarified that jurisdictions are required to count the units granted under the Density Bonus to also be counted toward the inclusionary housing unit requirements; meaning the project will be meeting the Inclusionary housing requirements by default. The project is proposing seven very-low income units and the requirements under the existing inclusionary housing ordinance would be 5.9 units; therefore, the amendments to the Ordinance would not result in any additional impacts beyond what was already contemplated under the Density Bonus Law.

Nonetheless, if the Clayton Senior Housing project proposal is modified and the developer removes or amends the request for the use of a density bonus, then this Ordinance could require the project to provide affordable housing units.

Building Industry Association Comment Letter

Prior to the April 17, 2018 hearing where the City Council considered and discussed the policy direction on whether to include rental housing projects in the Inclusionary Housing Ordinance, a letter was sent to the City from the Building Industry Association (BIA) (**Attachment 9**). The letter encouraged Clayton to provide developers with a by-right in lieu fee option as well as to grandfather residential development projects currently in the City's project pipeline.

ENVIRONMENTAL

Approval of the Ordinance will not result in a significant adverse environmental impact as these changes were considered as part of the November 18, 2014 City Council adoption of the IS/ND for the 2015-2023 Housing Element, which was prepared pursuant to the California Environmental Quality Act (CEQA). The IS/ND concluded there was no substantial evidence to suggest the 2015-2023 Housing Element document would have a significant effect on the environment and anticipated impacts have not changed nor is there new information that would alter those findings.

OPTIONS

1. The City Council could choose to not take action on the proposed Ordinance, thereby resulting in only a partial implementation of its 2015-2023 Housing Element (Implementation Measure I.1.2). Staff believes the City has fulfilled its State requirements under the 2015-2023 Housing Element with the current Ordinance because AB 1505 allows, but does not require, jurisdictions to include rental housing within its inclusionary housing ordinances. If the Council does not take action, staff does not anticipate any non-compliance or certification issues with its Housing Element; however, by not including rental housing within the Ordinance, it could become the favored housing type over for-sale because it would not require the set aside of below market rate units or the payment of an in lieu fee. In addition, this does not preclude any action that could be taken by the State at a future time, such as during the next state-mandated Housing Element cycle.

FISCAL IMPACTS

None.

ATTACHMENTS

1. Ordinance No. 484 with the following Exhibit:
 - a. Exhibit A – Clayton Municipal Code Section 17.92 – Inclusionary Housing Requirements [pp. 12]
2. Ordinance 464 [pp. 13]
3. AB 1505 [pp. 4]
4. Excerpt from the April 17, 2018 City Council Staff Report and Minutes [pp. 8]
5. Excerpt from May 22, 2018 Planning Commission Staff Report and Minutes [pp. 9]
6. Excerpt from Clayton's State-certified 2015-2023 Housing Element [pp. 4]
7. HCD Income Limits for 2018 [pp. 1]
8. Clayton Municipal Code Section 17.92 Redlines [pp. 8]
9. Letter from the BIA, dated April 17, 2018 [pp. 2]

Vice Mayor Pierce attended the Balfour Road Ribbon Cutting, the Bay Area Council Economic Institute meeting, several Metropolitan Transportation Commission meetings, the Transportation Partnership and Cooperation (TRANSPAC) Board meeting, and the Association of Bay Area Governments workshop "CASA Project" by the Committee to House the Bay Area.

Mayor Catalano attended the Contra Costa County Mayors' Conference, the Clayton Historical Society's 8th Annual Christmas Homes Tour, and the Trails and Landscape Committee's meeting.

- (e) Other – None.

6. PUBLIC COMMENT ON NON - AGENDA ITEMS

Brian Buddell, inquired on the City's use of glyphosate based herbicides, also known as Round-Up or Ranger. The State of California has recognized these herbicides as a known carcinogen. Recently, a lawsuit was filed against the manufacturer of Round-Up in San Francisco resulting in an award of \$289 million including punitive damages; reduced to \$78 million by Judge Suzanne Ramos Bolanos. Mr. Buddell's concern is Clayton's use of a glyphosate-based herbicide as a weed killer; after discussion with the city manager it seems to be limited to median areas and not so much in contact with pets and people, which is a good step. Mr. Buddell believes the City is still potentially exposed to liability, by its own workers who at some point may file a workers compensation claim or a more serious claim based on exposure to this herbicide as it has been linked to the development to non-Hodgkin lymphoma. Although it is a very efficient weed killer and probably nothing out there that is as good, there are some alternatives. Mr. Buddell recommends and requests the City looks to adopt a resolution or ordinance which bans the use of glyphosate-based weed killers within Clayton and look for a suitable alternative, if nothing else than to shield itself from liability.

Ann Stanaway, 1553 Haviland Place, thanked Mr. Buddell adding the Westwood Park Landscape Maintenance Agreement with the HOA has its contractor applying Round-Up. It is in Westwood Park where children, residents and pets all sit around in Westwood Park and utilize the areas where "Round-Up" is applied routinely.

7. PUBLIC HEARINGS

- (a) Public Hearing to consider the Introduction and First Reading of a proposed City-Initiated Ordinance No. 484 amending Clayton Municipal Code Section 17.92 (Inclusionary Housing Requirements) for the purpose of incorporating rental housing projects into this local housing requirement.

Community Development Director Gentry provided a brief background beginning with August 2016 when the City Council adopted an Ordinance to implement inclusionary housing requirements on new homeownership or for-sale housing only. The Ordinance specifically precluded rental units due to state law and the outcomes of two specific court cases *Palmer/Sixth Street Properties v. City of Los Angeles* and *California BIA v. City of San Jose*. The *Palmer* Case no longer required developers to construct affordable housing units; the court concluded the inclusionary housing ordinances conflicted with

and were preempted by the vacancy decontrol provisions of the Costa-Hawkins Rental Housing Act, which allowed residential landlords to set the initial rents.

In the *California BIA v City of San Jose* case it resulted in the determination inclusionary housing ordinances do not constitute an unjust taking of property; the result of the court's decision allowed jurisdictions to allow to adopt inclusionary housing ordinances but only for home ownership or for-sale development projects due to the implications of the *Palmer* decision.

In September 2017, Governor Brown signed into law AB1505, known as the "Palmer Fix," which restores the authority to cities and counties to require the inclusion of affordable housing into new rental housing projects thereby superseding the court's decision in the *Palmer* case. AB1505 also requires alternative means of compliance such as in-lieu fees, land dedication, offsite construction or the acquisition or rehabilitation of existing units.

On April 17, 2018 the City Council directed staff to prepare an Ordinance to include rental housing projects into the City's inclusionary housing requirements as allowed for by AB1505 and essentially apply the same standards that were applied to home ownership projects, and housing types that are defined and counted by the State Department of Housing and Community Development (HCD).

Ms. Gentry advised state law requires local governments identify and plan for the existing and projected housing needs of all economic segments of the community in its Housing Element. State law also requires HCD to allocate the anticipated needs to regions throughout the state. For the Bay Area, HCD provides the regional need to the Association of Bay Area Governments (ABAG) which then allocates the Regional Housing Needs Assessment (RHNA) to the cities and counties within the ABAG region.

Clayton was allocated a total of 141 new housing units for this housing element cycle which is 8 years; the break down is 51 very-low income units, 25 low-income units, 31 moderate-income units and 34 above moderate-income units. Since the start of this Housing Element cycle the City has issued 2 permits for low-income units which were for two accessory dwelling units, and 8 permits issued for above moderate-income units which were the two housing developments located at Verna Way and the St. John's subdivision. Staff noted the income ratio of the required inclusionary housing units have yet to be determined by the City Council and has been identified in the Ordinance and staff has subsequently initiated a policy discussion for Council to establish the appropriate amount for both affordable housing in lieu fee as well as determine the appropriate affordability ratio of very low-income and moderate-income units to achieve compliance with the City's inclusionary housing requirements.

Given Clayton's RHNA status and the state's clear repetitive declarations of housing unit issues statewide concern coupled with the legislators' push for local governments to identify actions that will make sites available for affordable housing as well as assist the developments as such housing the City's state-certified Housing Element identified an implementation measure to require residential property projects of ten or more units to provide a minimum of 10% of the units to be affordable housing units. The adoption of the inclusionary housing ordinance implements the goals and policies of the Housing Element by codifying the requirements and providing details of the process and the standards for both the City and the developers to follow. Adoption of the inclusionary housing ordinance to incorporate residential rental units, as allowed for by AB 1505, will further the City's goals of accommodating its fair share housing allocation and help fulfill its Housing element policies.

A majority of the amendments in the proposed ordinance are mainly to incorporate rental housing units in addition to the previously established for-sale housing units as well as to specify the Ordinance applies to dwelling units defined and counted by HCD. Other proposed changes include providing more discretion to the City Council regarding the approval process as it pertains to the use of alternative in lieu of constructing the affordable housing units onsite; also, the very low-income category was also added as an option for rental housing units. This was specifically precluded in the inclusionary housing ordinance due to concerns of income requirements in order to maintain a home for home ownership purposes.

The impacts this Ordinance will have on projects currently in the development pipeline: currently there is one project that could be impacted, that is the Clayton Senior Housing Project which has been "deemed complete" by staff. However, the project does not have vested rights and therefore the proposed ordinance would be applicable to the project. Further, the 81-unit project is requesting a 35% Density Bonus under the state density bonus law which would produce 7 units dedicated to very low-income households. However, for this project case law would apply, clarifying jurisdictions are required to count the units granted under the density bonus law to be counted towards the inclusionary housing unit requirements meaning that the project will be meeting inclusionary housing requirements by default. The project is proposing 7 very-low income units and will be working with the requirements under the existing inclusionary housing ordinance, which would be 5.9 units currently proposed this evening. Therefore, it will not result in any additional impacts beyond what was already contemplated under Density Bonus law.

City Manager Napper asked Ms. Gentry to explain the meaning of the project being "deemed complete by staff." Ms. Gentry responded "deemed complete" is part of the Permit Streamlining Act which essential states that once an application has been submitted to a city, and the city staff determines there is adequate information to start to process that application. The verbiage does not mean the project has been approved or been before the hearing body of the city.

Ms. Gentry continued her presentation advising there is a staff recommendation however the City Council has options to choose to not take action on the proposed Ordinance thereby resulting in a partial implantation of its Housing Element. Staff believes the City has fulfilled its state requirements in the current ordinance because AB1505 allows but does not require jurisdictions to include rental housing in its inclusionary housing ordinance. However, by not including rental housing it could become the favored housing type over for-sale because it would not have the requirement of the set aside of below market rate units or the payment of an in lieu fee. In addition it does not preclude any future action by the state such as during the next state-mandated Housing Element cycle.

Councilmember Wan asked if we establish an in lieu fee does that payment satisfy the RHNA requirement? Ms. Gentry responded the in lieu fee payment will satisfy the inclusionary requirements but does not require the City to construct those units; only the actual construction of the units will satisfy the RHNA requirements.

Councilmember Wan asked if the Density Bonus covers the inclusionary requirement for the Clayton Senior Housing Project if it were at a different rate for example at 15% rather than 10%? Ms. Gentry responded it would probably be nine units, exceeding state density bonus law.

Councilmember Wan asked if the City is allowed to have a different inclusionary requirement for rental units versus the units for purchase. Ms. Gentry responded "yes," that is an option.

Councilmember Wan asked if the City does not include rental units in the inclusionary rule, can we favor development on units for purchase because that would help towards our RHNA requirement rather than renting units that would not.

Mayor Catalano added the City may get in trouble with the Housing Accountability Act pretty quickly if we started favoring one type of development over another.

City Attorney Subramanian advised prior to 11 and half months ago legally we were not allowed to require inclusionary housing units that were rental. Most of the cities that had inclusionary housing ordinances are updating them to include rental housing due to the Palmer Fix.

Councilmember Wan inquired if the Council does not pass the proposed ordinance, does it take away options they may have? City Attorney Subramanian responded if the City Council chooses not to apply Inclusionary Housing Requirements to rental housing, then it would not adopt the ordinance. If a rental project came before the Council and it complied with our zoning, general plan and other requirements, the Council could not prefer a single family home as opposed to the multifamily home. She considers the only issue before him is if you want to include rental units, the ordinance, or not.

Councilmember Wan asked at the 2014 meeting if it was determined the original ordinance would not result in adverse environmental impact, essentially was not CEQA applicable, does this proposed ordinance change that impact of that assessment at all or what was the basis for that? Ms. Gentry responded there was an initial Negative Declaration that was done to evaluate the possibility of environmental impacts of the City's Housing Element; there were no identifiable impacts, and substance of this particular ordinance was addressed during the adoption of that original environmental document back in 2014.

Vice Mayor Pierce requested clarification of Section 17.92.02 regarding *"any dwelling unit or residential development which is damaged or destroyed by fire or natural catastrophes so long as the use of the reconstructed building and number of dwelling units remain the same, and the cost of such rehabilitation constitutes no more than 50% of its reasonable market value at the time of destruction or damage."* Assuming before the catastrophe the market value of a home is \$1 million; rebuild costs cannot exceed 50% of the market value which would be \$500,000.00? Ms. Gentry responded if the damage was greater than 50% of the market value, then it would apply.

Vice Mayor Pierce inquired on how the cost of the rehab of 50% was based? For example, if she had to rebuild her home from the ground up, the cost would exceed the 50% theoretically, which would mean the inclusionary zoning would apply to a single unit. Ms. Gentry responded this provision would only apply to units of ten or greater.

Vice Mayor Pierce then asked, for example, if Diablo Ridge burned down and had to be rebuilt and a developer came in instead of individuals doing it, it would probably cost more than the 50% of the fair market value to replace each home. Would that situation then apply to that neighborhood? Ms. Gentry commented if the rebuild were to be done by a single developer rather than by individual property owners, then the 50% rebuild rehabilitation cost would apply.

Vice Mayor Pierce does not know how it would apply to an existing development that did not already have affordable units. She thinks that's problematic. Before this item comes back, Vice Mayor Pierce asked for an answer to that question. Vice Mayor Pierce also requested the addition of occupancy permit requirements to 17.92.040. item 6. She also inquired on section 17.92.030; on item B, if there were consideration to include an in lieu fee for offsite to something more significant to encourage building of the units within the same project instead of farming them out somewhere else?

Ms. Gentry responded staff is currently working with a consultant to determine the cost of an in lieu fee. Staff is anticipating a presentation made by both staff and the consultant seeking direction from Council of a policy decision with regards of how much the in lieu fee should be.

Mayor Catalano inquired if there is a decision to have an offsite in lieu fee in terms of the construction or leasing those offsite units a lot of times? She has seen language the offsite units have to have their certificate of occupancy issued prior to the primary project. She also believes there is a current nexus study regarding the in lieu fee. Mayor Catalano asked Ms. Gentry if she had an idea of the timing of the study or when she will come back with that information. Ms. Gentry responded she believes that information will come back in early 2019.

Mayor Catalano opened the Public Hearing.

Brian Buddell, inquired as to "why" and "why now" on the presumption the community and the people of Clayton generally do not favor or want more low-income housing in the City. He also felt the proposed Ordinance would likely increase the likelihood of more low-income housing in Clayton. Mr. Buddell pointed out that Ms. Gentry advised the City is already in compliance with the Housing Element requirements for low income housing; the current Housing Element extends to 2023 and five years from now the state may experience a drastic change, it may decide what's done now is not enough. He also is concerned by the question raised by Vice Mayor Pierce regarding if a building is destroyed by a fire and has to be reconstructed and how is that going to apply. Without having that concern addressed, he thinks passing the Ordinance for that reason alone is a mistake. He urges the Council to vote "no" on this ordinance and seek further clarification.

With no other speakers, Mayor Catalano closed the Public Hearing.

Vice Mayor Pierce remarked currently the City does not have a surplus of housing. We are required to have 141 units completed by 2022 to stay in compliance of the Housing Element; currently there are ten (10) units completed at this point. If rental housing is included in the inclusionary zoning, some of these units will be at an affordable rate to live in Clayton. Vice Mayor Pierce thinks a higher inclusionary percentage makes some sense but is okay with staying at 10%. Vice Mayor Pierce would rather have a higher in lieu fee. She also thinks this is good public policy as developments are proposed within our community, they are doing their fair share of trying to provide housing for everyone.

Councilmember Wan confirmed to comply with RHNA we need to have 141 units completed by 2022; isn't the requirement they need to be provided for and the actual building of the units are not required?

Vice Mayor Pierce replied the City has to plan for inclusionary housing units by making zoning choices to allow for them to be built; then the City is further judged on how the units were constructed and occupied. We also need to make our RHNA number culminate rather than rolling it each time; for example, if there were 500 units in one site and 10 were completed, and there was a new assignment to be completed, whatever was leftover in your previous RHNA assignment is added to your new RHNA assignment.

Councilmember Wan wanted to clarify as a matter of law whether or not the statement that we need to complete 141 units by 2022 or we would be out of compliance. The City has to provide zoning for the units but is not responsible for the actual building of the units. Vice Mayor Pierce responded the City is not legally responsible for the construction of the units; morally, they should be constructed.

Councilmember Wan inquired if this only applies to the Silver Oaks and the downtown properties? Ms. Gentry advised this would apply to any future development project that is to come forward; there are other vacant and underutilized properties in Clayton that this would also apply to. There are vacant properties off south Mitchell Canyon Road and the Easley Ranch land is underutilized.

Councilmember Wan commented he looked at the Housing Element noting there is a small number that had greater than 10 units. Ms. Gentry responded the properties identified in the Housing Element aren't necessarily inclusive of all properties in the city that could be considered underutilized; that listing was just used to plan and demonstrate to HCD that we are meeting our RHNA allocation, and we have a surplus of land inventory.

Mayor Catalano confirmed the proposed ordinance is setting policy at a policy level of having inclusionary requirements; they apply to ownership units, should they also apply to rental units? That is the question before Council, not a specific project. It is setting those perimeters to 10 or more units - what is the code and requirement.

Councilmember Wolfe asked if the rental units are to be built or are these existing properties? Ms. Gentry confirmed this requirement would apply for new development, unless there is reconstruction that exceeds 50% of fair market value.

Mayor Catalano advised there is a whole Housing Element aspect to provide a certain amount of affordable housing to ownership and apply to rental units; this is also if we choose not to do anything, to not apply it to rental properties we are making a policy statement effectively where we favor rental projects by not applying them to rental units. If it is the Council's preference, then be sure we should not apply this to rental housing, but she does not think we as a Council should be directing whether residential projects in our town are rental or ownership. The law changed due to the "Palmer Fix;" without that change we were not allowed to impose inclusionary requirements on rental projects, and now we are allowed and a lot of cities are making the change. She thinks it is fairly common using a 10% inclusionary requirement but we are starting to see some state legislation referencing different thresholds Senator Wiener just proposed legislation SB 50, a little bit different in that it's going to apply some income thresholds which is yet to be seen on what it is. In terms of affordable housing in Contra Costa County, "low income" is a fairly high household income. For example: a single teacher in our elementary or middle school probably does not have an income of \$104,000; we are not talking about Section 8 housing, we are talking about people who actually work, earn a living but the housing costs and cost of living in the Bay Area are so high. Mayor Catalano does not want to make a policy statement favoring rental housing and steering projects towards escaping inclusionary unit requirements by constructing them over for-purchase units.

Councilmember Wan commented he doesn't think it would favor rental housing. In the rule if there is a greater than 15% requirement, that could trigger HCD's review.

Vice Mayor Pierce added if we are not producing the number of units the City is zoned for and have a high inclusionary number, HCD can require a feasibility study and see if our number is impeding construction; and if it is, they can require you to change it at the expense of the City.

Ms. Gentry added if the City requires more than 15% of the total units to be affordable, at households of 80% of less than the area median income it could then trigger HCD's review of the City's inclusionary housing ordinance; but it only has the authority to do so if it meets the two triggers: if the City has failed to meet the 75% of its share of the RHNA for above moderate-income households over at least a 5 year period or the jurisdiction has failed to submit its progress report for at least two consecutive years with the last year not in compliance.

Councilmember Wan indicated he is opposed to how the proposed Ordinance is written and would like to eliminate the 10 unit line item that gives developers an option by right to do something. We are required to comply for a certain number of inclusionary units, in defining those units as owner occupied or for rent; he prefers owner-occupied units as it creates greater stability and investment in the community.

Mayor Catalano feels if the Council does not include rental housing, that void means the developer can come in and if required on ownership units only, they then are required to have one inclusionary unit per 10 units; however, if they are able to consider rental units without inclusionary affordable housing units, their profits would be higher. She does not want to steer public policy towards one type of project over another.

Councilmember Wan noted given the few places in Clayton for development that could become rental properties with over 10 units, he does not think that will be an issue in Clayton. Councilmember Wan would also like to staff to bring back an ordinance with a higher percentage of 15%, to see what that does.

Mayor Catalano clarified when putting a City-wide policy in place, the Code is set for all projects until an ordinance change is made.

Vice Mayor Pierce added there are several properties that are already zoned as Housing Opportunity Sites with a higher density, located at the corner of south Mitchell Canyon Road and Clayton Road with a potential of twenty units, Easley Ranch zoned for Single Family Low density, default would be to home ownership, and Silver Oak Estates zoned for single family detached medium density. Vice Mayor Pierce does not see the benefit of leaving rental units out of the overall picture.

Vice Mayor Pierce inquired the "by right by the developer for under 10 units," is that something required by law? Ms. Gentry advised the in lieu fee is not a requirement by law.

City Attorney Subramanian commented the suggestions provided this evening could be revised into the proposed Ordinance. If suggestions are significant, this item would require further review by the Planning Commission before coming back to the City Council for approval.

Councilmember Wolfe commented he would like to do what's best for the City and would like to do what is economically feasible; there needs to be some conclusion amongst ourselves with a viable number that works for us and are we going to get to the 141 unit requirement in time and what are the consequences if we do not.

Councilmember Wan added if there is a higher percentage for rental development property for those with lesser needs, they would be able to rent rather than purchase, so we are actually encouraging those folks to enter the City via a rental unit. Vice Mayor Pierce noted that option may discourage development. City Manager Napper added that statement is a post-construction consideration versus a pre-construction one. Councilmember Wan concurred with that analysis.

Mayor Catalano advised there were a few suggestions made to bring it back to the next meeting as a second reading to adopt, or amend the proposed ordinance.

It was moved by Vice Mayor Pierce, seconded by Councilmember Wolfe, to have the City Clerk read Ordinance No 484 by title and number only and waive further reading. (Passed; 5-0 vote).

The City Clerk read Ordinance No. 484 by title and number only.

It was moved by Vice Mayor Pierce, seconded by Mayor Catalano, to approve the Introduction of Ordinance No. 484 to amend Clayton Municipal Code Section 17.92 (Inclusionary Housing Requirements) for the purpose of incorporating rental housing projects into this local housing requirement, as allowed for by AB 1505 (ZOA-02-18), and as amended this evening. (Passed 4-1 vote; Wan, no).

8. **ACTION ITEMS**

- (a) Presentation of the City's financial status report regarding its public employee pension system provided through the California Public Employees Retirement System ("CalPERS"), based on the latest actuarial data as of June 30, 2017.

Finance Manager Mizuno presented the report advising the City's pension administrator (CalPERS) annually publishes an updated actuarial report for each of the City's pension plans with the most recent ones published August 2018, dated June 30, 2017, including the Annual Required Contributions for FY 19-20. The purpose of this annual staff report is to provide an update on the City's pension plans and fiscal impacts to demonstrate accountability, transparency, and responsibility. Heightened awareness surfaced after the great recession of 2008 through several actions taken by the local City Council, the state legislature and CalPERS to address those matters. The City Council directed the City Manager and thereby staff to provide an analysis annually once these actuarial reports are published.

In lieu of Social Security the City of Clayton has participated in the California Public Employees Retirement System (CalPERS) since July 1, 1975. Five measures have been taken since that time to address the City's exposure to pension expenses: 1). The City proactively established a second tier in 2011, resulting in the closure of any new members to the Classic Plan; 2). In 2013, the state legislature adopted the Public Employee Pension Reform Act (PEPRA) creating a third tier for all new members of CalPERS; 3). Thereafter, CalPERS reduced the discount rate from 7.5% to 7% over a three year process from FY 2019-2021; 4). CalPERS implemented a fixed dollar unfunded actuarial liability (UAL) contribution requirement in FY 2016; and 5). The City in FY 2018 established a Pension Rate Stabilization Fund, an internal service fund that acts as a hedge against ARC contributions and hikes caused by any market fluctuations or actuarial assumptions approved by the CalPERS board. These reports are available to the public at www.calpers.ca.gov

Mr. Mizuno provided brief information about each safety and miscellaneous group tier. Currently, 56% of the City's employees are members of the PEPRA tier. He provided a summary of the contribution requirements of each of the City's six plans noting there used to be a Normal Cost, a percentage of payroll methodology for each dollar of pensionable income earned. That was a rate approved by CalPERS Board that said each employer was required to contribute that amount annually to its plan. Thereafter, in FY 2016, CalPERS also created a UAL fixed dollar amount to address the increases to the unfunded status of the Classic tier. The most important thing to note when reviewing the comparison table is the largest increase was noted in the Classic Plan for sworn police officers, approximately 26%.

Mr. Mizuno summarized the Employer Pension Cost Trend Analysis noting a decrease between FY 2012-2015 due to the payoff of the Classic Tier I public safety side fund. In two years it is expected to see a decrease of approximately \$64,000.00 because of the anticipated payoff of the Classic Tier I Miscellaneous side fund. CalPERS has created a thirty year amortization schedule for the unfunded liability amounts; it is projected to be

ATTACHMENT 3

Chapter 17.92 - INCLUSIONARY HOUSING REQUIREMENTS

Sections:

17.92.000 - Intent

It is the intent of this Chapter to establish standards and procedures that facilitate the development and availability of housing affordable to a range of households with varying income levels to implement the City's Housing Element and as mandated by Government Code Section 65580. The purpose of this Chapter is to encourage the development and availability of such housing by ensuring the addition of affordable housing units to the City's housing stock is in proportion with the overall increase in new housing units.

17.92.010 - Definitions

Whenever the following terms are used in this Chapter, they shall have the meaning established by this Section:

- A. "Affordable Housing Costs" means
 - 1. For Very Low-Income Households, the product of 30 percent times 50 percent of the area median income adjusted for family size appropriate for the unit.
 - 2. For Low-Income Households, the product of 30 percent times 70 percent of the area median income adjusted for family size appropriate for the unit.
 - 3. For Moderate Income Households, Affordable Housing Cost shall not be less than 28 percent of the gross income of the household, nor exceed the product of 35 percent times 110 percent of area median income adjusted for family size appropriate for the unit.
- B. "Developer" means any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities, which seeks City approvals for all or part of a Residential Development. The term "Developer" also means the owner or owners for any such property for which such approvals are sought.
- C. "Director" means the City's Director of Community Development.
- D. "Discretionary Approval" means any entitlement or approval, including but not limited to a use permit, variance, design approval, and subdivision map.
- E. "Inclusionary Housing Agreement" means a legally binding, written agreement between a Developer and the City, in form and substance satisfactory to the Director and City Attorney, setting forth those provisions necessary to ensure that the requirements of this Chapter, whether through the provision of Inclusionary Units or through an alternative method, are satisfied.
- F. "Affordable Housing Plan" means the plan referenced in Section 17.92.050.
- G. "Inclusionary Housing Fund" shall have the meaning set forth in Section 17.92.080(A).
- H. "Inclusionary Units" means a dwelling unit developed pursuant to an Inclusionary Housing Agreement that will be offered for-sale or rent to Very Low, Low, and Moderate Income Households, at an Affordable Housing Cost, pursuant to this Chapter.

- I. "Low Income Households" means households who are not very low income households but whose gross income does not exceed the qualifying limits for lower income families as established from time to time pursuant to Section 8 of the United States Housing Act for Contra Costa County as set forth in Title 25 of the California Code of Regulations, Section 6932, or its successor provision and adjusted for family size and other factors by the United States Department of Housing and Urban Development.
- J. "Low Income Units" means Inclusionary Units restricted to occupancy by Low Income Households at an Affordable Housing Cost.
- K. "Moderate Income Households" means households who are not low income households but whose gross income does not exceed one hundred and twenty percent (120%) of the median income for Contra Costa County, adjusted for family size and other factors by the U.S. Department of Housing and Urban Development, as published annually in Title 25 of the California Code of Regulations, Section 6932, or its successor provision.
- L. "Moderate Income Units" means Inclusionary Units restricted to occupancy by Moderate Income Households at an Affordable Housing Cost.
- M. "Residential Development" means the construction of new projects requiring any specific plan, development agreement, planned unit development permit, tentative map, minor subdivision, conditional use permit, site plan review or building permit for which an application has been submitted to the City and which would create one or more additional dwelling units as defined and counted by the State Department of Housing and Community Development (HCD) to be offered for-sale or rent by the construction or alteration of structures. All new construction projects creating one or more additional dwelling units to be offered for-sale or rent on contiguous parcels of land by a single Developer shall constitute a single Residential Development subject to the requirements of this Ordinance, and any accompanying regulations, regardless of whether such projects are constructed all at once, serially, or in phases. The term "Residential Development" shall include the conversion of rental units to for-sale units.
- N. "Unrestricted Units" means those dwelling units in a Residential Development that are not Inclusionary Units.
- O. "Very Low Income Households" means households whose gross income does not exceed the qualifying limits for very low income families as established from time to time pursuant to Section 8 of the United States Housing Act for Contra Costa County as set forth in Title 25 of the California Code of Regulations, Section 6932, or its successor provision and adjusted for family size and other factors by the United States Department of Housing and Urban Development, adjusted for family size and other factors by the United States Department of Housing and Urban Development.
- P. "Very Low Income Units" means Inclusionary Units restricted to occupancy by Very Low Income Households at an Affordable Housing Cost.

17.92.020 - Applicability

This Chapter shall apply to all Residential Developments, except as provided below.

- A. Residential Developments proposed to contain less than ten (10) dwelling units.
- B. Residential Developments that obtained a current, valid building permit prior to the effective date of the ordinance adding this Chapter.

- C. Any dwelling unit or Residential Development of ten (10) or more units which is damaged or destroyed by fire or natural catastrophes shall be subject to the inclusionary housing requirements in effect at the time the Residential Development was originally approved, so long as the use of the reconstructed building and number of dwelling units remain the same, and the cost of such rehabilitation constitutes no more than fifty percent (50%) of the of its reasonable market value at the time of destruction or damage. Therefore a Residential Development that requires reconstruction as described in this paragraph and was originally approved prior to the effective date of the ordinance adding this Chapter shall not be subject to any inclusionary housing requirements, and a Residential Development that was originally approved after the effective date of the ordinance adding this Chapter shall continue to comply with the inclusionary housing requirements imposed on that Residential Development at the time of its original approval of the Residential Development.

17.92.030 - Inclusionary Unit Requirement

- A. If the Residential Development includes ten (10) or more units, a minimum of ten percent (10%) of all newly constructed dwelling units in the Residential Development shall be developed, offered to, and sold or rented to Very Low, Low, and Moderate Income Households, in a ratio determined pursuant to Section 17.92.060, at an Affordable Housing Cost.
- B. The Inclusionary Unit requirement set forth in this Section may be reduced as follows: If only Low Income Units are provided in lieu of any Moderate Income units, a credit of 1.5 units to every 1 unit shall be provided. However, the credits may only be applied to the extent such credit equals a whole number.
- C. In the event the calculation for the number of Inclusionary Units results in a fraction of an Inclusionary Unit, the Developer shall have the option of either: (i) providing a full Inclusionary Unit at Affordable Housing Costs; or (ii) making an in lieu payment to the Inclusionary Housing Fund in an amount equal to the percentage represented by the fractional unit multiplied by the applicable in lieu fee.
- D. The number of Inclusionary Units required for a particular project will be determined at the time a land use application is filed by the Developer for a Residential Development with the City. If a change in the subdivision design results in a change in the total number of units, the number of Inclusionary Units required will be recalculated to coincide with the final approved project.
- E. For purposes of calculating the number of Inclusionary Units required by this Section, any additional units authorized as a density bonus under Chapter 17.90 and California Government Code Section 65915(b)(1) or (b)(2) will not be counted in determining the required number of Inclusionary Units.
- F. The number of Affordable Housing Units that are provided in order to secure a density bonus under Chapter 17.90 and California Government Code Section 65915(b)(1) or (b)(2) will be counted toward the required number of Inclusionary Housing Units.

17.92.040 - Alternatives

In lieu of including the Inclusionary Units in the Residential Development pursuant to Section 17.92.030, the requirements of this Chapter may be satisfied through the following alternatives set forth in this Section.

- A. Off-Site. As an alternative to providing Inclusionary Units upon the same site as the Residential Development, the Developer may elect, with the City Council's approval, which

may be granted or denied in its , sole discretion to construct Inclusionary Units off-site subject to the following requirements:

1. If the Developer constructs units off-site, the percentage of required Inclusionary Units shall be increased to fifteen percent (15%).
2. The site of the Inclusionary Units has a General Plan designation that authorizes residential uses and is zoned for Residential Development at a density to accommodate at least the number of otherwise required Inclusionary Units, including the additional five percent (5%) for development off-site, within the Residential Development. The Developer shall obtain all required Discretionary Approvals and complete all necessary environmental review of such site.
3. The site is suitable for development of the Inclusionary Units in terms of configuration, physical characteristics, location, access, adjacent uses, and other relevant planning and development criteria.
4. Environmental review for the site has been completed for the presence of hazardous materials and geological review for the presence of geological hazards and all such hazards are or shall be mitigated to the satisfaction of the City prior to acceptance of the site by the City.
5. The construction schedule for the off-site Inclusionary Units shall be included in the Affordable Housing Plan and the Inclusionary Housing Agreement.
6. Construction of the off-site Inclusionary Units shall be completed prior to the issuance of the first certificate of occupancy ~~or concurrently with~~ the Residential Development.
7. Unless otherwise noted, all requirements applicable to on-site Inclusionary Units shall apply to off-site Inclusionary Units.

B. In Lieu Fee. For all Residential Developments proposing ten (10) or more units, the Developer may elect, by right, at the Developer's sole discretion to pay a fee in lieu of developing an Inclusionary Unit on-site. ~~The amount of the in lieu fee to be paid by Developer pursuant to this Section shall be the applicable in lieu fee set forth in the fee schedule adopted by the City Council. For all Residential Developments proposing eleven (11) units or more, the Developer may request within the proposed Inclusionary Housing Plan to pay a fee in lieu of all or some of the Inclusionary Units otherwise required by the Ordinance in lieu of developing Inclusionary Units on-site. Developer's request may be approved or denied by the Council in its sole discretion. The fee shall be charged for each unit or fraction of a unit as set forth in Section 17.92.030(C), and the fee shall be paid as follows:~~

1. The amount of the fee to be paid by Developer pursuant to this subsection shall be the fee schedule established by Resolution of the City Council, and as adjusted from time to time by Resolution of the City Council.
2. One-half (1/2) of the in-lieu fee required by this subsection shall be paid (or a letter of credit posted) prior to issuance of a building permit for all or any part of the Residential Development. The remainder of the fee shall be paid before a certificate of occupancy is issued for any unit in the Residential Development.
3. The fees collected shall be deposited in the Inclusionary Housing Fund.

4. No certificate of occupancy shall be issued for any corresponding Unrestricted Units in a Residential Development unless fees required under this Section have been paid in full to the City.
- C. Land Dedication. In lieu of building Inclusionary Units, a Developer may request to dedicate land to the City suitable for the construction of Inclusionary Units that the City Council reasonably determines to be equivalent or greater value than is produced by applying the City's in lieu fee to the Developer's inclusionary obligation and otherwise meets the following standards and requirements:
1. Marketable title to the site is transferred to the City, or an affordable housing developer approved by the City, prior to the commencement of construction of the Residential Development pursuant to an agreement between the Developer and the City and such agreement is in the best interest of the City.
 2. The site has a General Plan designation that authorizes residential uses and is zoned for Residential Development at a density to accommodate at least the number of otherwise required Inclusionary Units within the Residential Development, and conforms to City development standards.
 3. The site is suitable for development of the Inclusionary Units in terms of configuration, physical characteristics, location, access, adjacent uses, and other relevant planning and development criteria including, but not limited to, factors such as the cost of construction or development arising from the nature, condition, or location of the site.
 4. Infrastructure to serve the dedicated site, including but not limited to streets and public utilities, must be available at the property line and have adequate capacity to serve the maximum allowable Residential Development pursuant to zoning regulations.
 5. Environmental review of the site has been completed for the presence of hazardous materials and geological review for the presence of geological hazards and all such hazards are or will be mitigated to the satisfaction of the City prior to acceptance of the site by the City.
 6. The City shall not be required to construct restricted income units on the site dedicated to the City, but may sell, transfer, lease, or otherwise dispose of the dedicated site. Any funds collected as the result of a sale, transfer, lease, or other disposition of sites dedicated to the City shall be deposited into the Inclusionary Housing Fund.

17.92.050 - Procedures

- A. At the times and in accordance with the standards and procedures set forth herein, Developer shall:
1. Submit an Inclusionary Housing Plan, setting forth in detail the manner in which the provisions of this Chapter will be implemented for the proposed Residential Development. If land dedication or off-site units are proposed, the Inclusionary Housing Plan shall include information necessary to establish site location, suitability, development, constraints, and the number of Inclusionary Units assigned pursuant to this Chapter. Inclusionary Housing Plans that satisfy the express requirements of Section 17.92.030 may be approved by the Director.

Inclusionary Housing Plans that include alternatives as set for the in Section 17.92.040 must be approved by the City Council.

2. Execute and cause to be recorded an Inclusionary Housing Agreement, unless Developer is complying with this Chapter pursuant to Section 17.92.040(B) (in lieu fee) or Section 17.92.040(C) (land dedication).
- B. No Discretionary Approval shall be issued for all or any portion of a Residential Development subject to this Chapter until the Developer has submitted an Inclusionary Housing Plan.
 - C. No building permit shall be issued for the Residential Development, or any portion thereof, subject to this Chapter unless the City Council has approved the Inclusionary Housing Plan and the Inclusionary Housing Agreement (if required) is recorded.
 - D. No certificate of occupancy shall be issued for the Residential Development, or any portion thereof, subject to this Chapter unless the approved Inclusionary Housing Plan has been fully implemented.
 - E. The City Manager or designee may establish and amend policies for the implementation of this Chapter.

17.92.060 - Standards

- A. Inclusionary Units shall be reasonably dispersed throughout the Residential Development; shall be proportional, in number of bedrooms, to the Unrestricted Units. If the Residential Development offers a variety of unit plans with respect to design, materials and optional interior amenities, the Inclusionary Units shall be identical with the Residential Development's base-plan in terms of design, appearance, materials, finished quality and interior amenities. If multiple floor plans with the same number of bedrooms are proposed, the Inclusionary Units may be the units with the smaller floor plans.
- B. All Inclusionary Units in a Residential Development shall be constructed concurrently with or prior to the construction of the Unrestricted Units. In the event the City approves a phased project, the Inclusionary Units required by this Chapter shall be constructed and occupied in proportion to the number of units in each phase of the Residential Development. In no case shall an Affordable Housing Unit be the final dwelling unit issued a Certificate of Occupancy of a Residential Development or its approved phase(s).
- C. Inclusionary Units shall be sold to Low and Moderate Income Households or rented to Very Low, Low, and Moderate Income Households at a ratio established pursuant to a Resolution adopted by the City Council, and shall be provided at the applicable Affordable Housing Cost.
- D. The number of bedrooms must be the same as those in the Unrestricted Units, except that if the Unrestricted Units provide more than four (4) bedrooms, the Inclusionary Units need not provide more than four (4) bedrooms.
- E. Inclusionary Units shall prohibit subsequent rental occupancy (for for-sale units) or subletting (for rental units), unless approved for hardship reasons by the City Manager or designee. Such hardship approval shall include provision for United States military personnel who are required to leave the country for active military duty.
- F. Prior the development of any units in a Residential Development, a deed restriction or other enforceable obligation approved by the City Attorney shall be recorded limiting the Developer and any successors, whenever an Inclusionary Unit is sold or leased, to sell such unit to

persons meeting the income eligibility requirements for Low and Moderate Income Households or to rent such unit to persons meeting the income eligibility requirements for Very Low, Low, and Moderate Income Households as applicable for a period of fifty-five (55) years.

17.92.070 - Enforcement

- A. The provisions of this Chapter shall apply to all Developers and their agents, successors and assigns proposing a Residential Development. All Inclusionary Units shall be sold or leased in accordance with this Chapter. It shall be a misdemeanor to violate any provision of this Chapter. Without limiting the generality of the foregoing, it shall also be a misdemeanor for any person to sell or rent to another person an Inclusionary Unit under this Chapter at a price exceeding the maximum allowed under this Chapter or to sell or rent an Inclusionary Unit to a Household not qualified under this Chapter. It shall further be a misdemeanor for any person to provide false or materially incomplete information to the City or to a seller or lessor of an Inclusionary Unit to obtain occupancy of housing for which he or she is not eligible.
- B. Any individual who sells, rents, or sublets an Inclusionary Unit in violation of the provisions of this Chapter shall be required to forfeit all monetary amounts so obtained. Recovered funds shall be deposited into the Inclusionary Housing Fund.
- C. The City may institute any appropriate legal actions or proceedings necessary to ensure compliance with this Chapter, including but not limited to: (1) actions to revoke, deny or suspend any permit, including a building permit, certificate of occupancy, or discretionary approval; (2) civil actions for injunctive relief or damages; (3) actions to recover from any violator of this Chapter civil fines, restitution to prevent unjust enrichment, and/or enforcement costs; and (4) any other action, civil or criminal, authorized by law or by any regulatory document, restriction, or agreement under this Chapter.
- D. In any action to enforce this Chapter or an Inclusionary Housing Agreement recorded hereunder, the City shall be entitled to recover its reasonable attorney's fees and costs.
- E. Failure of any official or agency to fulfill the requirements of this Chapter shall not excuse any person, owner, Developer or household from the requirements of this Chapter.
- F. The remedies provided for herein shall be cumulative and not exclusive and shall not preclude the City from any other remedy or relief to which it would otherwise be entitled under law or equity.

17.92.080 - General Provisions

A. Inclusionary Housing Fund

There is hereby established a separate fund of the City, to be known as the Inclusionary Housing Fund. All monies collected pursuant to 17.92.040, 17.92.060 and 17.92.070 shall be deposited in the Inclusionary Housing Fund. Additional monies from other sources may be deposited in the Inclusionary Housing Fund. The monies deposited in the Inclusionary Housing Fund shall be subject to the following conditions:

1. Monies deposited into the Inclusionary Housing Fund must be used to increase and improve the supply of housing affordable to Very Low, Low, and Moderate Income Households in the City. Monies may also be used to cover reasonable administrative or related expenses associated with the administration of this Section.

2. The fund shall be administered, subject to the approval by the City Manager, by the Director of Community Development, or his or her designee, who may develop procedures to implement the purposes of the Inclusionary Housing Fund consistent with the requirements of this Chapter and through the adopted budget of the City.
3. Monies deposited in accordance with this Section shall be used in accordance with the City's Housing Element, or subsequent plan adopted by the City Council to construct, rehabilitate, or subsidize affordable housing or assist other government entities, private organizations, or individuals to do so. Permissible uses include, but are not limited to, assistance to housing development corporations, equity participation loans, grants, pre-home ownership co-investment, pre-development loan funds, participation leases, or other public-private partnership arrangements. The Inclusionary Housing Fund may be used for the benefit of both rental and owner-occupied housing. In no case is the City obligated to actually construct affordable housing units on its own.

B. Administrative Fees

The City Council may by Resolution establish reasonable fees and deposits, which shall fund the City's costs associated with the administration and monitoring of the Inclusionary Units and administration of the Inclusionary Housing Fund.

C. Appeal

Within ten (10) calendar days after the date of any decision of the Director under this Chapter, an appeal may be filed with the City Clerk. Within ninety (90) calendar days of the request for an appeal is filed or a later time as agreed to by the appellant, the City Council shall consider the appeal. The City Council's decision shall be final.

D. Waiver

1. Notwithstanding any other provision of this Chapter, the requirements of this Chapter may be waived, adjusted, or reduced if a Developer shows, based on substantial evidence, that there is no reasonable relationship between the impact of a proposed Residential Development and the requirements of this Chapter, or that applying the requirements of this Chapter would take property in violation of the United States or California Constitutions.
2. Any request for a waiver, adjustment, or reduction under this Section shall be submitted to the City concurrently with the Affordable Housing Plan required by Section 17.92.050. The request for a waiver, adjustment, or reduction shall set forth in detail the factual and legal basis for the claim.
3. The request for a waiver, adjustment, or reduction shall be reviewed and considered in the same manner and at the same time as the Affordable Housing Plan, and is subject to the appeal process in subsection (C) above.
4. In making a determination on an application for waiver, adjustment, or reduction, the Developer shall bear the burden of presenting substantial evidence to support the claim. The City may assume each of the following when applicable:
 - (i) That the Developer will provide the most economical Inclusionary Units feasible, meeting the requirements of this Chapter and any implementing regulations.

- (ii) That the Developer is likely to obtain housing subsidies when such funds are reasonably available.

The waiver, adjustment or reduction may be approved only to the extent necessary to avoid an unconstitutional result, after adoption of written findings, based on substantial evidence, supporting the determinations required by this Section.



Agenda Date: 1-15-2019

Agenda Item: 10b

Approved: 

Gary A. Napper
City Manager

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: Chief of Police Warren
DATE: January 15, 2019
SUBJECT: Regency Drive and Rialto Drive Neighborhood Request for On-Street Parking Permit Only Program

RECOMMENDATION

It is recommended the City Council provide policy direction to City staff on the following options to address the Mt. Diablo hikers parking and traffic complaints by residents of Regency Drive and Rialto Drive:

1. Fence off the access areas to Mt. Diablo State Park from Regency Drive and Rialto Drive.
2. Commence a residential on-street parking by City permit only program.
3. Do nothing, as each is a public street.

BACKGROUND

This issue was first brought to the City's attention on May 15, 2018 at the City Council meeting under Public Comments whereat neighborhood residents brought forth a petition to the City Council requesting residential permit parking only in their neighborhoods, Regency and Rialto Drives. Residents stated that visitors are using their streets to park while hiking to the waterfalls in Mt. Diablo State Park. Residents stated that on weekends and holidays these visitors take up all available on-street parking, block their driveways, leave trash, and generally create a diminishing quality of life issue for this neighborhood.

Since that meeting, Chief Warren purchased and had signs installed alerting visitors to respect the neighborhood, and not block driveways. Since those signs were installed, the unlawful parking problems have declined but that improvement can also be attributed to less desirable hiking weather following the summer/autumn months.

SUMMARY OF NEIGHBORHOOD ISSUES

On October 17, 2018, Chief of Police Warren met with the neighborhood lead spokesperson, Mr. Jeffrey Weiner, regarding the Regency Drive petition to have the City institute residential permit parking. He is the spokesperson for all residents who signed the petition, and the petition requests the entirety of Regency Drive be restricted since its northern end residents feel impacted by overflow parking from Clayton Community Park public usage.

In summary, Mr. Weiner states that in recent years, visitor and guest street parking and traffic on Regency and Rialto Drives have become an issue, particularly on the weekends. Each year, from Thanksgiving through June, visitors come to Mt. Diablo to hike to the waterfalls, and many of these visitors are parking on Regency Drive and Rialto Drive instead of using the Mt. Diablo State Park's parking lot off south Mitchell Canyon Road. Mr. Weiner stated in the last few years, social media sites and hiking clubs have directed hikers to park on these residential streets, and this awareness has created a quality of life issue for residents.

Mr. Weiner stated that on any given weekend during the peak hiking season he has seen in excess of 100 vehicles travel on Regency Drive throughout the day looking for free parking. He considers this increase in traffic has created a hazard, as these drivers often times exceed the speed limit, drive in an unsafe manner, backup on the roadway without looking, and create a generally unsafe environment for children to play outside.

Mr. Weiner stated that a majority of the vehicles are rental cars and visitors from out of the area. He stated many of these visitors are rude to the homeowners, block driveways and wedge residents' vehicles in when parking, making it impossible to pull their cars out. Additionally, these visitors leave behind trash, wipe their muddy shoes on the sidewalks, and let their dogs run on residents' lawns. Lastly, Mr. Weiner stated he spoke to a real estate agent who opined that anyone selling a home in this area must disclose this parking issue, which would negatively affect property values. Mr. Weiner did note that since the City put up its signs regarding "Respect the Neighborhood" and blocked driveway parking will result in citation, some of these issues have improved but have not been eliminated. He attributes the improvement mainly to less desirable hiking weather.

Mr. Weiner explained that while all homes in this neighborhood have two car garages and a minimum of two parking spaces in their driveways, most garages are full with personal belongings and storage, and therefore cannot accommodate 2 garaged vehicles and the driveways are not long enough to accommodate large trucks.

In addition to impacting residents directly, Mr. Weiner states the lack of available street parking has impacted delivery trucks, and workers such as gardeners, housekeepers and trades people. He stated that residents' visitors often cannot find parking nearby, and residents are unable to host social events during the day on weekends due to the lack of on-street parking.

Mr. Weiner and his neighbors surveyed the residents of Regency Drive from Marsh Creek Road to the end of Regency Drive, and all residents on Rialto Drive. All but three residents signed the petition presented to the City asking the City institute a residential permit parking only program. Ideally, the residents want the following:

- Permit parking on Regency Drive from Marsh Creek Road to the last house on Regency Drive.
- Permit parking on all of Rialto Drive, with the exception of the corner of Rialto and Regency where there are no homes.
- Permit parking Monday – Sunday from 8:00am – 6:00pm
- If Monday – Sunday permitting is unacceptable, then Permit parking on Weekends and Holidays from 8:00am – 6:00pm
- One permit per registered vehicle, and five guest permits per household.
- Costs minimal or free to residents

DISCUSSION

In October 2018, Chief of Police Warren met with representatives from the State of California Department of Parks and Recreation to discuss these concerns. Superintendent Ryen Goering stated the park district is aware of the Regency Drive parking concerns, but the options to mitigate them are limited. He explained there is sufficient parking at the south Mitchell Canyon parking lot entrance for visitors, and the District will be expanding that lot this spring 2019 to accommodate more vehicles. Mr. Goering stated that park visitors often choose to park on Regency Drive rather than in the Mitchell Canyon parking lot to avoid the \$6.00 state parking fee, and also to bring their dogs into the state park, which is prohibited. He furthered explained that by parking on Regency Drive, hikers have a shorter walk to the waterfalls and avoid the often-muddy trails that are between the Mitchell Canyon lot and the Regency Drive access point.

During the meeting the above options were discussed; Mr. Goering stated that professionally while he does not want to see access to the state park limited, he would not oppose fences at the end of Regency Drive and Rialto Drive to prohibit access there. There was general concurrence that a residential permit parking only program on these two streets will prompt visitors to merely park outside the restricted parking boundaries, thereby shifting these experienced problems to other neighborhoods and in return cause additional requests of the City for on-street permit parking only programs.

It should be noted that since the parking issues were brought to the Police Department's attention in April 2018, officers have written a total of 35 parking violation citations on Regency Drive. There have been no moving violation citations written on this street, and there have been no calls for service regarding reckless driving, visitor conflicts, littering or other issues related to these complaints.

During the week of December 24th through December 30th, patrol officers visited Regency Drive frequently and found that street parking was very limited during daytime hours as it appeared there were many people hiking the trails over the holidays. Mr. Weiner also sent Chief Warren an email relating the same information.

OPTIONS FOR COUNCIL POLICY CONSIDERATION

City staff has determined there are three viable options to address this problem:

1. Install a 6-foot high chain link fence at the end of Regency Drive and at the end of Rialto Drive, thereby prohibiting access to the state park for everyone from these locations.

This option would resolve the parking and traffic issues for this area, as no one would be able to access the park there. Conversely, this may push people to find other residential areas to park and access the park, thus pushing the problem to another residential area.

2. Institute residential parking permits for this neighborhood.

This option may alleviate the parking and traffic issues only if visitors adhere to the restrictions. The administration of this option will require added staff work to Police Department personnel, both administratively to issue the permits and by the police officers who would have to enforce the permits. This option may also push people to find other residential areas to park and access the state park, thus pushing the problem to another residential area. It may also present a response dichotomy between residents' expectations of police response to ticket a non-permit parked vehicle and police officers engaged in higher priority law enforcement activities.

Finally, if the City approves residential parking permits in this particular neighborhood, other neighborhoods may request similar treatment for their non-indigenous parking issues (e.g., school neighborhoods, City park neighborhoods, Kelok Way cul-de-sac, Brandywine Place, Pebble Beach lookout, etc.).

If City permits are to be issued, it is suggested that an annual fee be collected from the permit holders to cover the cost of administering the permits, and Council policy discussion regarding the appropriate number of permits per residence.

3. Do nothing, as it is a public street.

This option does not alleviate the state park access parking and traffic concerns of the residents but would allow continued unrestricted access to a public recreational area from a public roadway.

Some Contra Costa County cities do have residential parking permit programs and if the City Council elects to pursue this option, it is envisioned the program would be similar to that of our neighboring cities. Attached are copies of the City of Walnut Creek's and the City of Concord's residential parking permit ordinances.

FISCAL IMPACT

The fiscal impact of each option identified above is as follows:

1. A fence would cost: \$22,050, plus ongoing maintenance. A locked gate would be installed on the north side of the Regency Drive terminus for the existing access for emergency response vehicles and personnel.
2. Issuance and enforcement of City parking permits would cost approximately 1 hour of administrative staff time per residence (\$46.64). Supplies and materials would cost approximately (\$2.00).
3. The "Do nothing" option has no direct fiscal impact to the City, and police personnel will continue to enforce lawful parking situations on an as-available basis.

Attachments:

Diagram of Property Ownership at the end of Regency Drive
Petitions for residential on-street parking by City permit only program
City of Concord Parking Permit Information
City of Walnut Creek Parking Permit Information
May 15, 2018 City Council Meeting Minutes

FILE: APR 14, 2013 09:40 A 040 H0282827 2: CITY OF CLAYTON/ENGINEERING DEPARTMENT X-REFS: CITY OF CLAYTON BASE-VOLUME, J1304_4.DWG, J1304_4.DWG, J1304_4.DWG, J1304_4.DWG



Mr mayor and council members

My name is Jeffrey Weiner. I moved to Clayton in 1979 and been at my current Regency address for 30 years. I moved to regency Dr because of its quietness, scenery and the ability of my sons to grow up riding their bikes, playing ball in a safe environment.

I am here today to present to the city, a petition signed by an overwhelming majority of residents, to establish resident only parking (along with visitor parking) on regency and rialto from 8am-6 Pm.

Currently, regency Dr does not offer the same quality of life as when I moved here. The street, along with rialto dr has become THE parking lot for Mt Diablo. We experience NO parking, speeding, litter, unsafe driving, rudeness, disregard for personal property mainly due to out of towners who use our blocks as a parking lot instead of paying for parking at Mitchel Canyon. The State is losing \$1000s of lost parking revenue. These problems are Due to social and print media publicizing our blocks as free Mt Diablo parking, our beautiful, quiet block is now a destination for park visitors. We are not against hikers use of the beautiful trails. We are against hikers negatively impacting our enjoyment of our homes and neighborhood.

What used to be a minor inconvenience is now a Major deterrent to our peaceful enjoyment of the neighborhood we chose to move to. I feel bad for new families who want their children to have the same experiences as did mine

We must delay visitors, play musical cars, put up with speeders and related unsafe driving. We cannot safely leave our driveways without the potential of being hit by a driver who is looking for parking. We see drivers on the wrong side of the street ,distracted while looking for parking. What really bothers me is seeing Zip cars, rental cars , cars from out of state and cars displaying resident only stickers from other area cities taking up our parking. We cannot park on their streets, yet they clog ours. How ironic is it that on a Google site, it directs people to Regency dr to park, and a top user comment is that it is difficult to find parking on weekends. Try living here.

We residents expect action to address these issues. The problem is our streets are THE promoted parking lot for the park. We want to return to enjoying our neighborhood for the reasons we moved here.

To quote the new Police chief:

"Clayton is a beautiful, safe city and our police department strives to keep it that way..We are focused on addressing quality of life issues such as traffic, speeding and safety"

We urge you to allow the police chief to focus on these issues by limiting parking to residents and their guests for the reason stated in this petition. It's a quality of life issue that can no longer be ignored

These are some issues with hikers parking on Rialto Drive in the last 6-12 months that we have witnessed and experienced. These are in addition to the summary and background on the petition:

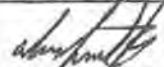
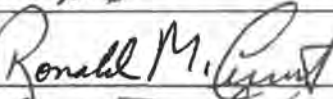
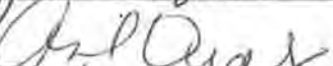
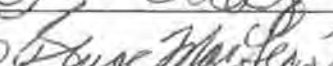
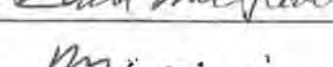
- Hikers sleeping overnight in vehicles in front of our homes
- Hikers leaving cars for multiple days/ nights on our street while on the mountain
- Hikers urinating frequently in our front yards
- Dumping portable commode waste in the street
- Excessive litter on homeowner's property and state property (water bottles, wrappers, beer cans, etc.)
- Blocking fire access gate to park and double parking at end of street
- Cleaning off muddy shoes on driveways, curbs, and kid's basketball hoop
- Taking multiple bags of fruit from our trees without permission leaving them bare

Thank you for considering our concerns on Rialto Drive.

Shirley and Jeff
Weiner

Peti . . . Establish Resident only Parking on Regency& Rialto Dr, Clayton CA

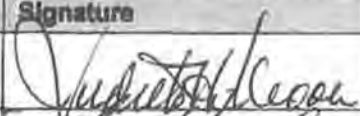
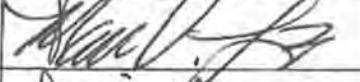
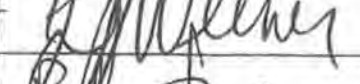
Petition summary and background	We, the residents of Regency and Rialto Dr , Clayton Ca, petition the City of Clayton to establish a resident only parking zone on this street. We are severely impacted by non residents who park their car in front of our homes for the purpose of using Mt Diablo State Park and and the Clayton community Park. Both in print and social media, Regency Dr is now recommended as a free parking lot for the state Park. Residential parking on Regency Dr has become impossible, as the impact from visitors to Mt Diablo State Park and the Clayton Park displaces all residential parking This has negatively impacted our neighborhood in many ways, including but not limited to: -We are unable to leave our home in the morning or afternoon and return to a parking space in front of, or near our home. -We cannot have visitors, contractors or deliveries during these times because they cannot park on Regency Dr. -There is a unacceptable increase in car traffic, noise, pollution, and garbage due to 100s of extra cars and people parking in our neighborhood. This has lowered our property values and upset our enjoyment of our home and neighborhood. -Park visitors drive over the speed limit, park in our driveways, back up the wrong way down the street and many are rude and walk on our lawns
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to establish a resident only parking zone on Regency and Rialto Dr from 8am to 6pm.

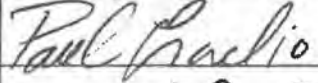
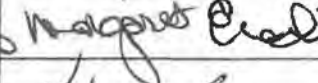
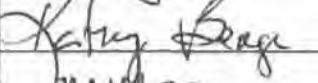
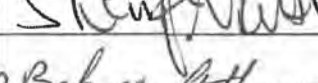
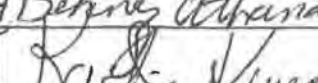
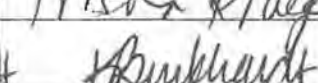
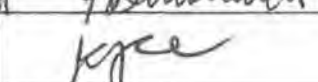
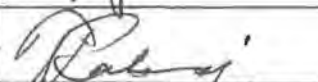
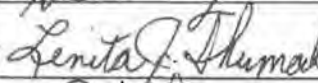
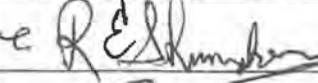
Printed Name	Signature	Address	Comment	Date
Alexander E. Swietho		2 Rialto Dr.		5/16/18
Ron Cerruti		20 Rialto Dr.		5/15/18
John Antaki		32 Rialto Dr		5/15/18
April Dudley		21 Rialto Dr.		5/15/18
Bruce MacLean		43 Rialto Dr		5/15/18
Michael WATSON		14 Rialto Dr.		5/15/18

[illegible]

Petition to Establish Resident only Parking on Regency Dr, Clayton CA

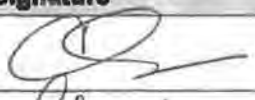
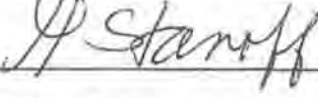
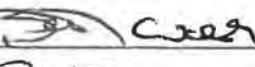
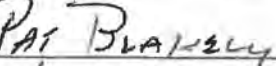
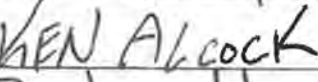
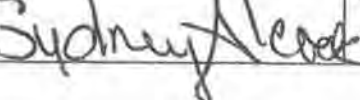
Petition summary and background	We, the residents of Regency Dr , Clayton Ca, petition the City of Clayton to establish a resident only parking zone on this street. We are severely impacted by non residents who park their car in front of our homes for the purpose of using Mt Diablo State Park and and the Clayton community Park. Both in print and social media, Regency Dr is now recommended as a free parking lot for the state Park. Residential parking on Regency Dr has become impossible, as the impact from visitors to Mt Diablo State Park and the Clayton Park displaces all residential parking This has negatively impacted our neighborhood in many ways, including but not limited to: -We are unable to leave our home in the morning or afternoon and return to a parking space in front of, or near our home. -We cannot have visitors, contractors or deliveries during these times because they cannot park on Regency Dr. -There is a unacceptable increase in car traffic, noise, pollution, and garbage due to 100s of extra cars and people parking in our neighborhood. This has lowered our property values and upset our enjoyment of our home and neighborhood. -Park visitors drive over the speed limit, park in our driveways, back up the wrong way down the street and many are rude and walk on our lawns
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to establish a resident only parking zone on Regency Dr from 8am to 6pm.

Printed Name	Signature	Address	Comment	Date
Judy Moore		121 Regency Dr	would like speed bumps too.	5/4/18
Marc Lewis		164 Regency Dr		5/4/18
Louis Simpson		157 Regency Dr.		5/4/18
Judy Hunt		145 Regency Dr	the curb needs to be painted Red A Fire Dept	5/4/18
Jeff Weiner		133 Regency Dr		5/4/18
Rick Lewis		170 Regency Dr		5/4/18

Printed Name	Signature	Address	Comment	Date
BROCKE ADAMS		134 Regency Dr		5/4/18
JONATHAN ADAMS		134 REGENCY DR		5.5.18
PAUL ERACLIO		151 REGENCY DR		5/5/18
Margaret Eraclio		151 Regency Dr		5/5/18
Kathy Benge		134 Regency Dr		5/5/18
MARK MONTID		127 REGENCY		5/5/18
Mary Benge		26 Regency Dr		5/5/18
Sheryl Nutter		3 Westbury Dr		5/8/18
BEHNAZ ATHA		92 Regency		5/5/18
Kristin Kueger		14 Regency		5/5/18
Kristen Burkhardt		20 Regency Dr.		5/5/18
Kayla Price		14 Regency Dr.		5/5/18
TOM RALLOAS		15 Regency Dr.		5/5/18
Lerita Shumaker		55 Regency Dr.		5/5/18
Richard Shumaker		55 Regency Dr.		5/5/18
TOMMY FANNIN		61 " "		5/5/18

Petition to Establish Resident only Parking on Regency Dr, Clayton CA

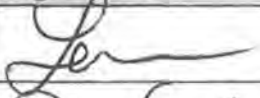
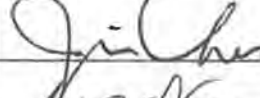
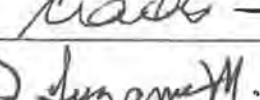
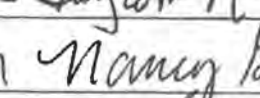
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Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to establish a resident only parking zone on Regency Dr from 8am to 6pm.

Printed Name	Signature	Address	Comment	Date
Carolyn Stanoff		140 Regency Dr.		5/5/18
GARY STANDOFF		140 REGENCY DR.		5/05/18
Beth Walsh		152 Regency Dr		5/5/18
Pat Blakely		116 Regency		5/5/18
Ken Alcock		110 Regency		5/5/18
Sydney Alcock		" "		5/5/18

[illegible]

Petition to Establish Resident only Parking on Regency Dr, Clayton CA

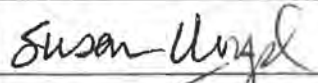
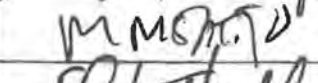
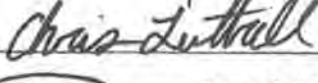
Petition summary and background	We, the residents of Regency Dr , Clayton Ca, petition the City of Clayton to establish a resident only parking zone on this street. We are severely impacted by non residents who park their car in front of our homes for the purpose of using Mt Diablo State Park and and the Clayton community Park. Both in print and social media, Regency Dr is now recommended as a free parking lot for the state Park. Residential parking on Regency Dr has become impossible, as the impact from visitors to Mt Diablo State Park and the Clayton Park displaces all residential parking This has negatively impacted our neighborhood in many ways, including but not limited to: -We are unable to leave our home in the morning or afternoon and return to a parking space in front of, or near our home. -We cannot have visitors, contractors or deliveries during these times because they cannot park on Regency Dr. -There is a unacceptable increase in car traffic, noise, pollution, and garbage due to 100s of extra cars and people parking in our neighborhood. This has lowered our property values and upset our enjoyment of our home and neighborhood. -Park visitors drive over the speed limit, park in our driveways, back up the wrong way down the street and many are rude and walk on our lawns
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to establish a resident only parking zone on Regency Dr from 8am to 6pm.

Printed Name	Signature	Address	Comment	Date
Lo Fi Penn		176 Regency Dr		5/6/18
Jin Chan		146 Regency Dr.		5/6/18
Victoria Chan		146 Regency Dr.		5/6/18
Suzanne Friebe		128 Regency		5/6/18
Nancy Glenn		38 Regency Dr.		5/6/18
MICHAEL DEBOK		19 R.		

Printed Name	Signature	Address	Comment	Date
Maureen DeBack	Maureen DeBack	19 Regency Drive Clayton	Address the parking & speeding	5/6/18
M. Toanasevski	M. Toanasevski	1 REGENCY DR		5/6/18
Allen Fong	Allen Fong	7 Regency Dr		5/6/2018

Petition to Establish Resident only Parking on Regency Dr, Clayton CA

Petition summary and background	We, the residents of Regency Dr , Clayton Ca, petition the City of Clayton to establish a resident only parking zone on this street. We are severely impacted by non residents who park their car in front of our homes for the purpose of using Mt Diablo State Park and and the Clayton community Park. Both in print and social media, Regency Dr is now recommended as a free parking lot for the state Park. Residential parking on Regency Dr has become impossible, as the impact from visitors to Mt Diablo State Park and the Clayton Park displaces all residential parking This has negatively impacted our neighborhood in many ways, including but not limited to: -We are unable to leave our home in the morning or afternoon and return to a parking space in front of, or near our home. -We cannot have visitors, contractors or deliveries during these times because they cannot park on Regency Dr. -There is a unacceptable increase in car traffic, noise, pollution, and garbage due to 100s of extra cars and people parking in our neighborhood. This has lowered our property values and upset our enjoyment of our home and neighborhood. -Park visitors drive over the speed limit, park in our driveways, back up the wrong way down the street and many are rude and walk on our lawns
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to establish a resident only parking zone on Regency Dr from 8am to 6pm.

Printed Name	Signature	Address	Comment	Date
Susan Lloyd		158 Regency Drive Clayton		5/8/18
NATHANIEL MONTIJO		127 REGENCY DR. CLAYTON		5/6/18
MARK MONTIJO		127 REGENCY DR. CLAYTON		5/6/18
Kayla Luttrell		121 Regency Dr Clayton		5/6/18
Chris Luttrell		121 Regency Dr. Clayton		5/6/18
Don Kaneko		109 Regency Dr. Clayton		5/6/18

Printed Name	Signature	Address	Comment	Date
Cheryl Rando	Cheryl Rando	109 Regency Dr		5/5/18
RAI GRIMMOND	Rai	79 Regency Dr		5/6/18
SUE GRIMMOND	Sue	79 REGENCY DR		5/6/18
John Beren	John Beren	67 Regency Dr		5/2/18
Bob Beren	Bob Beren	67 Regency Dr		5/6/18
Cathy Glenn	Cathy Glenn	31 Regency Dr		5/6/18
Daniel Esquivra	Daniel Esquivra	139 Regency Dr.		5/6/18

Police Permits and Registry

Why do I need a Residential Parking Permit?

The City of Concord has established permit parking areas in order to alleviate, in certain areas and neighborhoods, motor vehicle congestion. If you live in a permit parking neighborhood, you must submit an application for a permit if you are going to park on the street. After doing so, you will be asked to provide evidence of residency within the permit parking area and evidence of vehicle ownership with the vehicle registered to the same address as the resident. Appropriate evidence shall include, but not be limited to, a current vehicle registration, a current driver's license, a recent utility bill, or photocopies of these items, and the appropriate application fee, if any, established in the Resolution Establishing Fees and Charges for Various Municipal Services.

CMC Article VI. Permit Parking Areas

10.30.370 Purpose.

This division sets forth procedures for the establishment of permit parking areas within the city in order to alleviate, in certain areas and neighborhoods, motor vehicle congestion caused by longterm parking by nonresidents of those areas and neighborhoods. In order to protect the health, safety, and welfare of residents of areas and neighborhoods affected by longterm parking and to protect and promote the integrity of these areas and neighborhoods, it is necessary to establish the procedures herein.

(Code 1965, § 3940; Code 2002, § 106-441. Ord. No. 1186)

10.30.380 Definitions.

Director of Finance or Director. The person occupying the position of Director of Finance in the city organization or his designee.

Parking permit or permit. A decal, sticker, or similar device to be affixed to a vehicle containing specific information required by section(s) 10.30.420 and/or 10.30.440, as applicable.

Permit parking area. An area with streets and boundaries designated by the City Council by resolution within which vehicles displaying a valid permit shall be exempt from parking restrictions established pursuant to this division.

Valid application. A resident parking permit application obtained from the city Finance Department which contains all information requested by the application, including: (1) evidence of residency within the permit parking area, and (2) evidence of vehicle ownership with the vehicle registered to the same address as the resident. Appropriate evidence shall include, but not be limited to, a current vehicle registration, a current driver's license, a recent utility bill, or photocopies of these items, and the appropriate application fee, if any, established in the Resolution Establishing Fees and Charges for Various Municipal Services.

(Code 1965, § 3941; Code 2002, § 106-442. Ord. No. 1186)

Cross references: Definitions generally, § 1.05.100.

10.30.390 Areas eligible for designation.

Areas meeting and satisfying the objective criteria established in these procedures shall be considered for designation as a permit parking area. Permit parking areas may be designated by resolution in which motor vehicles displaying a valid parking permit may stand or be parked without limitation as to the parking time restrictions established by the resolution. Said resolution shall also state the applicable time limitation and the period of the day and days of the week for its application.

(Code 1965, § 3942; Code 2002, § 106-443. Ord. No. 1186)

10.30.400 Designation criteria.

(a) An area shall be deemed eligible for consideration as a permit parking area if data for surveys and studies prepared at the direction of the Director of the responsible City Department or his/her designee satisfy the objective criteria that the area is impacted by vehicles belonging to nonresidents for any extended period during the day or night, on weekends, or during holidays.

(b) In determining whether an area identified as eligible for permit parking may be designated as a permit parking area, the following factors shall be included in the review and consideration:

(1) The extent of the desire and need of the residents for permit parking and their willingness to bear the costs associated therewith;

(2) The extent to which legal on-street parking spaces are occupied by motor vehicles during the period proposed for parking restriction;

- (3) The extent to which vehicles parking in the area during the period proposed for parking restriction are vehicles belonging to nonresidents rather than vehicles of residents;
- (4) The extent to which motor vehicles registered to persons residing in the area cannot be accommodated by the number of available off-street parking spaces; and
- (5) The location and number of spaces available as alternative parking locations for vehicles of nonresidents which are to be displaced in the proposed permit parking area.

(Code 1965, § 3943; Code 2002, § 106-444. Ord. No. 1186; Ord. No. 14-7, § 2)

10.30.410 Designation process and recommendations.

- (a) Upon receipt of a verified petition signed by at least 50 percent of the residents in the area proposed for designation and which represents at least 50 percent of the residential units in the area proposed for designation, the Director of the responsible City Department or his/her designee shall undertake such surveys or studies as are deemed necessary to determine whether an area is eligible for permit parking.
- (b) At the completion of surveys and studies to determine whether designation criteria are met, a determination shall be made by the Director of the responsible City Department or his/her designee as to the eligibility of the area under consideration for permit parking, the boundaries for the proposed permit parking area, the appropriate time limitation on parking, and the period of the day and days of the week for its application.
- (c) A written report shall be submitted by the Director of the responsible City Department or his/her designee to the City Council, including a recommendation whether to designate the area under consideration as a permit parking area based upon the surveys and studies performed.
- (d) In the report, evidence generated as a result of surveys and studies performed, the findings relative to the designation criteria deemed applicable to the area, conclusions as to whether the findings justify preferential parking for that particular area, the proposed boundaries of the permit parking area, the proposed time limitations, period of the day, and days of the week for its application, and the availability of alternate parking spaces or areas, shall be presented.
- (e) The designation process and designation criteria shall also be utilized by the Director of the responsible City Department or his/her designee and the City Council in determining whether to remove the designation of an area as a permit parking area.

(Code 1965, § 3944; Code 2002, § 106-445. Ord. No. 1186; Ord. No. 14-7, § 2)

10.30.420 Issuance of resident parking permits.

(a) The Director of Finance shall be responsible for the issuance of parking permits to persons residing in a permit parking area designated in accordance with Section 10.30.390. A permit shall be issued by the Director only upon receipt of a valid application.

(b) The Director may issue permits only to residents of a permit parking area.

(c) The Director may not issue more than four permits to any one address for residents at that address, unless the Director finds more than four licensed drivers residing at one address with more than four vehicles registered to that address.

(d) The Director shall either grant or deny a resident parking permit within 10 working days from the receipt of a valid application. If the permit is granted, the Director shall issue it in accordance with this division and the permit shall be valid for the calendar year for which it is issued, unless a different period is established in the resolution creating the permit parking area. If the Director denies a permit, the written reasons for the denial shall be provided to the applicant, in person or by mail, within the time period specified herein.

(e) The permit shall be affixed either to the left rear bumper or the bottom left rear window of the vehicle for which it has been issued.

(f) The Director shall maintain a record of the number of parking permits issued to each residence, the names of permit holders, the license numbers of vehicles for which a permit has been issued, the preprinted number of the permit, and a notation of the documents checked to establish residency and vehicle ownership.

(Code 1965, § 3945; Code 2002, § 106-446. Ord. No. 1186; Ord. No. 14-10, § 1)

10.30.430 Revocation of resident parking permits.

The Director may revoke the parking permit(s) of any person known to the Director to no longer be eligible for a permit(s). The Director shall give written notice to the permit holder of said revocation, the reasons therefor, and that the permit shall be removed from the individual vehicle.

(Code 1965, § 3946; Code 2002, § 106-447. Ord. No. 1186)

10.30.440 Guest parking permits.

(a) The Director may issue one guest parking permit per resident in a designated permit parking area upon receipt of a completed application for a guest permit. Among the items required in said application shall be:

- (1) Evidence of the applicant's residency within a designated permit parking area;
- (2) The license plate number of the guest's vehicle; and
- (3) The address of the residence being visited, which must coincide with the applicant's address.

(b) The guest permit shall be of a different color than resident parking permit(s) and shall be valid for a period of 14 consecutive days, unless written proof acceptable to the Finance Director has been submitted to show that such a 14-day period would be a detriment to the health or welfare of the guest or resident whom the guest is visiting, in which case the permit shall be valid for a period of 30 consecutive days. The first and last day of the permit shall be written upon it, together with the license plate number of the guest's vehicle. There is no restriction on the number of times a guest permit may be obtained.

(c) The guest parking permit shall be affixed either to the left rear bumper or the bottom left rear window of the guest's vehicle.

(d) The Director shall maintain, or cause to be maintained, a record of the number of guest parking permits issued to each residence within a designated permit parking area and the vehicle license plate numbers for which guest parking permits have been issued.

(Code 1965, § 3947; Code 2002, § 106-448. Ord. No. 1186; Ord. No. 1224; Ord. No. 14-10, § 2)

10.30.450 Appeal.

Any person who has been denied a permit(s) or had a permit(s) revoked by the Director may appeal that decision to the City Council within ten days after the decision of the Director has been given or sent to the appellant in accordance with section 2.05.050 of this Code. An appeal shall be set forth on a form provided by the City Clerk and shall be accompanied by a fee, if any, as set forth in the Resolution Establishing Fees and Charges for Various Municipal Services.

(Code 1965, § 3948; Code 2002, § 106-449. Ord. No. 1186)

10.30.460 Exemptions.

(a) *Emergency vehicles.* Any emergency vehicle, including but not limited to an ambulance, fire engine, or police vehicle, which is under the control of an individual providing service to a property located in the permit parking area shall be permitted to stand or be parked on a street in the area without being limited by the time restrictions.

(b) *Delivery and service vehicles.* Any vehicle, including but not limited to a delivery, utility, or service vehicle, which is under the control of an individual providing service to property located on a street in the permit parking area shall be permitted to stand or be parked on a street in the area without being limited by the time restrictions. Identification of such vehicle as commercial, utility, or service vehicles shall be the responsibility of the driver of such vehicle.

(c) *Vehicles displaying handicap plates.* Any vehicle which is identified as used by disabled or handicapped individuals meeting the requirements of Vehicle Code § 22511.5, and displaying the handicap plates, shall be permitted to stand or be parked on a street in the area without being limited by the time restrictions.

(Code 1965, § 3949; Code 2002, § 106-450. Ord. No. 1186)

10.30.470 Installation of signs; warning period.

(a) Upon the designation of an area as a permit parking area, the Director of the responsible City Department or his/her designee shall cause appropriate signs to be erected in the area.

(b) Once appropriate signs are erected in a permit parking area, a warning period not to exceed 15 days shall go into effect. During this warning period, motor vehicles not displaying a permit which are parked on the street in excess of the posted time limit shall not be ticketed.

(Code 1965, § 3950; Code 2002, § 106-451. Ord. No. 1186; Ord. No. 14-7, § 2)

10.30.480 Violations.

Any person that does or causes to be done any of the following shall be deemed guilty of a misdemeanor punishable pursuant to section 1.05.230 of this Code:

- (1) To stand or park a motor vehicle without a current permit properly displayed on a street within the permit parking area for a period of time exceeding the posted time limit hours during the effective times and days of the permit parking system;

- (2) To falsely represent himself as eligible for a parking permit or to furnish false information in an application for a permit;
- (3) To permit the use or display of, or to use or display, a valid parking permit issued under this division on a motor vehicle other than that for which the permit was issued;
- (4) To copy, reproduce, or otherwise bring into existence a facsimile or counterfeit resident or guest parking permit;
- (5) To knowingly use or display a facsimile or counterfeit resident or guest parking permit in order to evade time limitations on parking applicable in the permit parking area;
- (6) To knowingly commit any act which is prohibited by the terms of this division.

(Code 1965, § 3951; Code 2002, § 106-452. Ord. No. 1186; Ord. No. 94-5; Ord. No. 07-12)

Article 22. Preferential Residential Permit Parking Revised 1/12

3-5.2201 Purpose.

The provisions of this article set forth procedures for the establishment of permit parking areas within the City of Walnut Creek in order to alleviate, in certain residential areas, motor vehicle congestion caused by long-term parking by nonresidents of those areas. (§2, Ord. 1700, eff. 10/14/88; §2, Ord. 2106, eff. 1/6/12)

3-5.2202 Definitions.

(a) *Business* means a commercial enterprise or establishment located in the designated preferential permit parking area.

(b) *Dwelling Unit* means two (2) or more connected rooms designed exclusively for occupancy by one (1) family for living or sleeping purposes and having only one (1) kitchen.

(c) *Guest Permit* means a valid parking permit issued pursuant to Section 3-5.2206.

(d) *Nonresident Vehicle* means a motor vehicle not registered to or otherwise properly maintained by a resident residing within the specific residential area in which it is parked.

(e) *Parking Permit/Permit* means a valid residential parking permit or guest parking permit, in the form of a decal, sticker, or similar device issued pursuant to the provisions of this article, which, when displayed upon a motor vehicle as described herein in the residential area for which it is issued, shall permit the motor vehicle for which it is issued to park in that residential area notwithstanding any parking prohibition in that area established pursuant to the provisions of this article.

(f) *Person* means as defined at Section 1-3.13(m).

(g) *Preferential Residential Permit Parking Area/Permit Parking Area/Residential Area* means an area with streets and boundaries designated by the Traffic Engineer within which vehicles displaying a valid parking permit issued for that residential area shall be permitted to park notwithstanding any parking prohibition in that area established pursuant to the provisions of this article.

(h) *Traffic Engineer* means the person occupying the position of traffic engineer of the City of Walnut Creek. The Traffic Engineer shall designate permit parking areas, establish times and dates of restrictions, and define the boundaries of permit parking areas.

(i) *Valid Application* means a completed parking permit application obtained from the City Public Services Department on which a resident has provided all requested information and which is accompanied both by evidence of residency and vehicle ownership, with the vehicle registered at the resident's address, and by the required application fee. Appropriate evidence shall include, but not be limited to, a current vehicle registration, a current driver's license, and a recent utility bill. (§2, Ord. 1700, eff. 10/14/88 and §4, Ord. 2046, eff. 12/1/2005; §2, Ord. 2106, eff. 1/6/12)

3-5.2203 Designation of Preferential Residential Permit Parking Areas.

(a) An area shall be evaluated for preferential residential permit parking eligibility if, after meeting with staff and being informed of the criteria used in determining eligibility, residents of the area submit an application meeting the following requirements:

1. The application shall contain a description or a map showing the proposed residential permit parking area.
2. The application shall include a petition containing the signature, printed name, and address of residents of at least sixty-seven percent (67%) of the dwelling units in the proposed area.
3. At the top of each page of the petition shall appear the following statement, with the amounts of the residential and guest permit fees and proposed time restriction included:

"We, the undersigned, are residents of the proposed residential permit parking area described in this application. We request that it be designated a preferential residential permit parking area and, if it is, understand that the following restrictions will be placed upon on-street parking within the area:

_____ ; that residents of the area will be eligible to obtain permits exempting them and their visitors from such parking restrictions; that the annual fee for residential parking permits shall be _____ per permit. The fee may be adjusted annually by Council Resolution."

(b) An area for which an application meeting the above requirements has been received shall have its eligibility for permit parking determined on the basis of the criteria listed below. Residential areas that, at the time the preferential residential permit parking program is adopted, already have parking prohibitions or restrictions for the purpose of preventing all-day parking by nonresidents, will not be required to meet the second and third criteria.

1. A minimum of eighty percent (80%) of the property adjacent to the streets in the area must be zoned residential; and
2. A minimum of eighty percent (80%) of all on-street parking spaces within the area must be occupied during any two (2) peak parking hours of any three (3) days during a two (2) week period; and
3. A minimum of twenty-five percent (25%) of the vehicles parked on the street during the aforementioned time period must be registered to nonresidents of the area.
4. A determination by the Traffic Engineer that the size and boundaries of the identified area are such that designating it for permit parking would not result in shifting the parking problem to an adjacent area.
5. Such criteria which the Traffic Engineer deems necessary, which could include, but would not be limited to:

a. The extent to which vehicles owned by residents of the area could be accommodated by off-street parking spaces.

b. The location and number of parking spaces available for the vehicles of nonresidents that would be displaced in the proposed permit parking area.

(c) At the completion of surveys and studies to determine whether the criteria are satisfied, a decision shall be made by the Traffic Engineer as to the eligibility of the area for permit parking. If an area is deemed eligible, a map establishing it as a permit parking area shall be drafted. The map shall be kept as part of permanent City Records. The map shall specify the following:

1. The boundaries of the area.

2. The appropriate prohibition or restriction on parking for the area.

3. The period of the day and the days of the week of the parking prohibition or restriction's application.

4. The beginning and ending dates of the twelve (12) month period for which permits for the area shall be issued.

(d) The Traffic Engineer may conduct surveys and studies to evaluate the area's continuing eligibility for permit parking. Upon receipt of a petition signed by at least sixty-seven percent (67%) of the residents of any subarea within a designated permit parking area, the Traffic Engineer is hereby authorized to modify both the hours of restricted parking and the days of restricted parking for vehicles without parking permits within any such subarea. The Traffic Engineer may, at any time, redefine the area boundaries to accommodate new building, to alleviate impacts upon residents caused by overflow parking of an existing area, or to remove subareas that no longer desire permit parking. Such changes shall become effective upon the filing of a notice of such change with the City Clerk, and the posting of signs indicating the new hours and days during which parking without a permit is prohibited or any removal of such signs. (§2, Ord. 1700, eff. 10/14/88; and by §1, Ord. 1773, eff. 6/13/91; by §1, Ord. 1773, eff. 6/13/91; by §1, Ord. 1869, eff. 11/10/95; and by §6, Ord. 2046, eff. 12/1/2005; §2, Ord. 2106, eff. 1/6/12)

3-5.2204 Issuance of Residential Parking Permits.

The Public Services Department shall be responsible for the receipt of applications from and the issuance of parking permits to persons residing in or conducting business or other enterprises in a permit parking area designated in accordance with Section 3-5.2203.

(a) Each permit application received for the area shall be responded to within ten (10) working days of its receipt, either by issuing a permit or by providing the applicant with a written explanation of the reason(s) that the permit application is being denied.

(b) A residential parking permit may be issued for a motor vehicle upon receipt of a valid application from a resident of a designated permit parking area.

1. The applicant must demonstrate that he or she is currently a resident of the area for which the permit is to be issued; and

2. The applicant must demonstrate that he or she has ownership or continuing custody of the motor vehicle for which the permit is to be issued.

(c) No more than one (1) permit may be issued to each motor vehicle for which application is made.

(d) Permits shall be good for a twelve (12) month period and shall be renewable annually. Verification of current residency and of vehicle ownership shall be required for renewals.

(e) Each permit shall be valid only for the particular vehicle, twelve (12) month period, and permit area for which it is issued.

(f) No more than three (3) permits may be issued to any one (1) dwelling unit for vehicles owned by residents of that dwelling unit.

(g) A preferential residential parking permit may, in addition, be issued upon receipt of a valid application for any vehicle owned or leased by a person who owns or leases commercial property and engages in business activity within the particular preferential residential permit parking area. A business located in a residential permit parking area will be allowed to obtain one (1) permit for each motor vehicle it owns up to a maximum of three (3) parking permits per business.

(h) Each residential parking permit shall clearly display the expiration date, the permit parking area, and the number of the permit.

(i) Each residential parking permit shall be affixed to the vehicle for which it is issued in the location determined by regulations adopted pursuant to Section 3-5.2202(h).

(j) Records of the number of parking permits issued to each dwelling unit, the names of permit holders, the license numbers of vehicles for which permits have been issued, the preprinted number of each permit, and the documents checked to establish residency and vehicle ownership for each permit shall be maintained by the Public Services Department. (§2, Ord. 1700, eff. 10/14/88; by §2, Ord. 1869, eff. 11/10/95 and by §7, Ord. 2046, eff. 12/1/2005; §2, Ord. 2106, eff. 1/6/12)

3-5.2205 Revocation of Residential Parking Permits.

The Public Services Director may revoke the parking permit of any person or for any vehicle known to the Public Services Department to no longer be eligible for a permit. Written notice stating the reason for the revocation and requesting removal of the permit from the vehicle shall be given to the permit holder. (§2, Ord. 1700, eff. 10/14/88; and §8, Ord. 2046, eff. 12/1/2005; §2, Ord. 2106, eff. 1/6/12)

3-5.2206 Guest Parking Permits.

(a) Each dwelling unit within a residential area which is the residence of one (1) or more valid permit holders shall be eligible to receive two (2) guest permits valid in the permit parking area in which the dwelling unit is located. A maximum of two (2) guest permits per dwelling unit may be issued to residents of such unit. One (1) additional guest permit may be issued to nonresident property owners for properties owned in that area upon submission of proof of ownership.

(b) The guest permits will be in the form designated by regulations adopted pursuant to Section 3-5.2202(h). They will be valid for the entire permit year for the area for which they are issued and for all vehicles in which they are displayed.

(c) There will be a twenty-five dollar (\$25.00) charge to replace a lost guest permit. A signed affidavit stating that the original guest permit has been lost will be required before a replacement will be issued.

(d) Residents of designated permit parking areas who live in dwelling units in which no members have purchased resident parking permits can be issued two (2) guest permits by providing proof of residency of one (1) of its members and by paying the amount of the annual fee charged for a residential parking permit.

(e) A maximum of ten (10) free one (1) day guest parking permits, per special event, can be obtained by residents of designated permit parking areas by requesting them, in person, from the Public Services Department at City Hall. (§2, Ord. 1700, eff. 10/14/88; by §3, Ord. 1869, eff. 11/10/95; and by §9, Ord. 2046, eff. 12/1/2005; §2, Ord. 2106, eff. 1/6/12)

3-5.2207 Appeal.

(a) If an area has been deemed ineligible for permit parking by the Traffic Engineer, any resident of the area may appeal the decision to the Transportation Commission by filing with the City Clerk a written notice of appeal.

(b) Any person who has been denied a permit or had a permit revoked may appeal the decision to the Transportation Commission by filing with the City Clerk a written notice of appeal.

(c) In the event of a dispute by a resident or residents pertaining to parking restrictions, time or days, permit parking area boundaries, or requests to remove permit parking, the Transportation Commission shall hear all appeals. The Transportation Commission shall conduct a public hearing, consider the request and provide a final ruling on such issues. Notice of the hearing shall be posted at least ten (10) days prior to the hearing on all block fronts affected within the preferential residential parking permit area in question.

(d) Any person given the right by this section to appeal a matter to the Transportation Commission shall take such appeal by filing, in writing with the City Clerk, a written notice of such appeal setting forth the specific grounds of appeal. Upon receiving an appeal, the Transportation Commission may take one (1) of the following actions:

1. Adopt or affirm the action appealed from without hearing.
2. Refer the matter back to the body or person appealed from for further proceedings, with or without instructions, without hearing.
3. Decide the matter upon the record, with or without taking additional evidence. If the Transportation Commission decides a matter under this subsection, it shall allow the party or parties to present either oral or written argument before the Commission.
4. Decide the matter following a public hearing.

(e) Any notice of appeal under this section shall be filed with the City Clerk within fourteen (14) days after receipt of written notice of such action appealed from, but in no event later than thirty (30) days after the date of such action.

(f) The City Clerk shall set the matter for consideration before the Transportation Commission at a subsequent meeting and shall give notice to the parties not less than ten (10) days prior to such consideration unless such notice is waived in writing by the parties. The appellant shall bear the burden of proof, on the grounds specified in the notice of appeal, why the challenged action should be overturned. The Transportation Commission may continue the matter from time to time, and its findings and decision on the appeal shall be final and conclusive in the matter.

(g) Decisions, as defined in Code of Civil Procedure Section 1094.6(e), made by the Transportation Commission shall be subject to judicial review only if the petition for writ of mandate is filed within the time limits specified in Code of Civil Procedure Section 1094.6. (§2, Ord. 1700, eff. 10/14/88 and §10, Ord. 2046, eff. 12/1/2005; §2, Ord. 2106, eff. 1/6/12)

3-5.2208 Permit Fees.

The annual fees for permits shall be established by resolution of the City Council. (§2, Ord. 1700, eff. 10/14/88; and by §4, Ord. 1869, eff. 11/10/89; §2, Ord. 2106, eff. 1/6/12)

3-5.2209 Permit Parking Exemptions.

(a) A motor vehicle on which is displayed a valid residential parking permit, as provided for herein, shall be permitted to stand or be parked in the residential permit parking area for which the permit has been issued without being limited by prohibitions or restrictions established pursuant to this chapter.

1. This chapter shall not be interpreted or applied in a manner which shall abridge or alter regulations established by authority other than this chapter.
2. This chapter shall not exempt the permit parking holder from other traffic controls and regulations existing in the designated preferential residential permit parking area.
3. This chapter shall not permit the parking permit holder to leave standing his or her vehicle for more than seventy-two (72) hours.

4. A residential parking permit shall not guarantee or reserve to the holder thereof an on-street parking space within the designated residential permit parking area.

(b) Any emergency vehicle, including, but not limited to, an ambulance, fire engine, or police vehicle, which is under the control of an individual providing service to a property located in the permit parking area shall be permitted to stand or be parked on a street in the area without being limited by the prohibitions or restrictions established pursuant to this chapter.

(c) Any vehicle, including, but not limited to, a delivery, utility, or service vehicle, which is under the control of an individual providing service to property located on a street in the permit parking area shall be permitted to stand or be parked on a street in the area without being limited by the prohibitions or restrictions established pursuant to this chapter. Identification of such vehicle as a commercial, utility, or service vehicle shall be the responsibility of the driver of such vehicle.

(d) Any vehicle which is identified as used by a disabled or handicapped individual meeting the requirements of Section 22511.5 of the State of California Vehicle Code and displays a handicap plate or placard shall be permitted to stand or be parked on a street in the area without being limited by the prohibitions or restrictions established pursuant to this chapter. (§2, Ord. 1700, eff. 10/14/88; §2, Ord. 2106, eff. 1/6/12)

3-5.2210 Posting of Permit Parking Areas.

(a) Upon establishing a preferential residential permit parking area, the Traffic Engineer shall direct the installation of appropriate signs in the area, indicating prominently thereon the parking time limitation or prohibition, the period of the day for its application, and the conditions under which permit parking shall be exempt therefrom.

(b) Once appropriate signs are erected in a permit parking area, a warning period of fourteen (14) days shall go into effect. During this warning period, motor vehicles not displaying permits that are parked on the street in violation of or in excess of the posted parking prohibition or time-limit restriction shall not be cited. (§2, Ord. 1700, eff. 10/14/88; and by §5, Ord. 1869, eff. 11/10/95; §2, Ord. 2106, eff. 1/6/12)

3-5.2211 Violations.

It shall be unlawful and constitute a violation of this chapter for any person to do, or cause to be done, any of the following:

(a) To stand or park a motor vehicle without a properly displayed current permit in violation of a signed parking prohibition or time-limit parking restriction on a street in a permit parking area;

(b) To falsely represent himself or herself as eligible for a parking permit or to furnish false information in an application for a permit;

(c) To permit the use or display of, or to use or display, a valid parking permit issued under this chapter on a motor vehicle other than that for which the permit was issued;

(d) To copy, reproduce, or otherwise bring into existence a facsimile or counterfeit residential or guest parking permit;

(e) To knowingly use or display a facsimile or counterfeit resident or guest parking permit in order to evade a prohibition or time limitation on parking applicable in the permit parking area;

(f) To sell, give, or exchange a valid parking permit issued under this chapter to any other person;

(g) To knowingly commit any act which is prohibited by the terms of this chapter. (§2, Ord. 1700, eff. 10/14/88; §2, Ord. 2106, eff. 1/6/12)

3-5.2212 Review and Evaluation of the Preferential Residential Permit Parking Program.

The Traffic Engineer shall regularly evaluate the preferential residential permit parking program and any modifications to this article resulting from this review shall become effective upon the filing of a notice of such change with the City Clerk, and the posting of signs indicating the new hours and days during which parking without a permit is prohibited. (§2, Ord. 1700, eff. 10/14/88; by §6, Ord. 1869, eff. 11/10/95 and §11, Ord. 2046, eff. 12/1/2005; §2, Ord. 2106, eff. 1/6/12)

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

TUESDAY, May 15, 2018

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:00 p.m. by Mayor Haydon in Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA. **Councilmembers present:** Mayor Haydon and Councilmembers Catalano, Diaz and Pierce. **Councilmembers absent:** Vice Mayor Shuey. **Staff present:** City Manager Gary Napper, City Attorney Mala Subramanian, and City Clerk/HR Manager Janet Brown.

2. **PLEDGE OF ALLEGIANCE** – led by Mayor Haydon.

3. **CONSENT CALENDAR**

It was moved by Councilmember Catalano, seconded by Councilmember Pierce, to approve the Consent Calendar as submitted. (Passed; 4-0 vote).

- (b) Approved the minutes of the City Council's regular meeting of May 1, 2018.
- (c) Approved the Financial Demands and Obligations of the City.
- (d) Adopted Resolution No. 14-2018 approving the Engineer's Report and declaring intent to levy and collect real property tax assessments in FY 2018-19 for the Diablo Estates at Clayton Benefit District (BAD), and setting July 19, 2018 at or about 7:00 p.m. as the date and time for a noticed Public Hearing on the proposed fiscal year tax assessment levies.
- (e) Accepted the City's Investment Portfolio Report for Third Quarter of FY 2017-18 ending March 31, 2018.
- (f) Adopted Resolution No. 15-2018 approving the award of low-bid contract to Sierra Nevada Construction in the amount of \$ 784,007.00, for the City's 2018 Neighborhood Street Repave Project (CIP No. 10436).
- (g) Adopted Resolution No. 16-2018 authorizing City staff to negotiate an agreeable construction price with a qualified contractor to construct the El Molino Drive Sanitary Sewer Improvements Project (CIP No. 10422), pursuant to Public Contract Code Section 20166 and given no construction bids were received for this advertised project.

4. **RECOGNITIONS AND PRESENTATIONS**

- (a) Recognition of retiring Maintenance Supervisor Mark Janney in appreciation for his 28 years of leadership and service to Clayton community from April 1990 to May 2018.

Mayor Haydon presented Mr. Janney a plaque in recognition of his service to the Clayton community for 28 years. Mayor Haydon also shared highlights of Mr. Janney's career with the City of Clayton, starting in April 1990 as a Maintenance Worker II, where in 1994 the position was reclassified to Maintenance Leader and in October 2001 Mr.

Janney was promoted to Maintenance Supervisor. Mayor Haydon advised the Maintenance Department is responsible for maintaining Clayton's city buildings and landscape around the community.

Councilmember Pierce thanked Mark for his many years of service to the Clayton community; he ensured everything is operable in the various City facilities including light bulbs, stairs at City Hall, air conditioning systems, and maintenance at the various parks, including many, many irrigation pipe repairs at Clayton Community Park.

Councilmember Diaz also thanked Mr. Janney for his assistance during many community events especially during the Concert season, Clayton Community and Business Association annual Art and Wine Festival and the Clayton Business and Community Association annual Christmas Tree Lighting.

Councilmember Catalano thanked Mr. Janney for his professional and knowledgably demeanor.

Mayor Haydon also thanked Mr. Janney for his service as the Trails and Landscaping Committee liaison.

Mr. Janney thanked the City Council and staff noting the City of Clayton was a great place to work.

5. REPORTS

- (a) Planning Commission – No meeting held.
- (b) Trails and Landscaping Committee – No meeting held.
- (c) City Manager/Staff –

City Manager Napper thanked Mr. Janney for his infamous solution in Clayton to fix the public restrooms not working properly during Concerts in The Grove. He noted Mr. Janney suggested the installation of larger aboveground water tanks to accommodate the larger water usage of the restrooms during the annual concert season; this suggestion solved the problem. Mr. Napper added whenever Mr. Janney was contacted after Maintenance Department hours, he was always polite and made sure the problem reported would be taken care of. Mr. Napper congratulated Mr. Janney on a stellar career and wished him the best in retirement.

- (d) City Council - Reports from Council liaisons to Regional Committees, Commissions and Boards.

Councilmember Catalano indicated "no report".

Councilmember Diaz attended the Saturday Concert in The Grove.

Councilmember Pierce attended the Contra Costa Transportation Authority Board administrative planning meeting, the Contra Costa County Mayors' Conference hosted by the City of Martinez, six (6) Metropolitan Transportation Committee meetings, the Pacific Coast Farmers Market Association opening day in Clayton, the opening of the Pittsburg E-Bart, and the first Saturday Concert in The Grove.

Mayor Haydon attended the Contra Costa County Mayors' Conference, announced the VFW upcoming Memorial Day event taking place on May 28th, and invited the Council and community to the Black Diamond Mine tour. Mayor Haydon also attended the

Clayton Community and Business Association BBQ planning meeting, the County Connection Finance Committee meeting, the Pacific Coast Farmers Market Association opening day in Clayton including the cabbage in-lieu nectarine toss, the Clayton Garden Club annual plant sale, and the first Concert in The Grove. He thanked Councilmember Pierce and Councilmember Diaz for their efforts in assisting with this event.

- (e) Other – None.

6. PUBLIC COMMENT ON NON - AGENDA ITEMS

Kathy Benge, 139 Regency Drive, advised approximately ten years ago area walkers/hikers decided to start their walk or hike on Mount Diablo from Regency Drive, resulting in homeowners' inability to provide parking near her home for her guests, as they now must park further away due to the congestion. Ms. Benge advised several years ago she called the City for assistance, however didn't receive any useful suggestions to address the parking issues, garbage, and animal waste left from horses and dogs. Ms. Benge also expressed concerns of safety in the neighborhood as she is unable to leave her garage door open for any period of time as there are several people coming and going to the trail or possibly casing their homes.

Jeffery Weiner, 133 Regency Drive, advised he relocated to Regency Drive thirty years ago for its quietness, scenery and ability to raise his sons in an area where they could ride their bikes and play in a safe environment. Mr. Weiner presented the City Council a petition signed by a majority of the residents on Regency Drive and Rialto Drive to establish resident-only parking along with visitor parking passes from 8:00 a.m. to 6:00 p.m. Mr. Weiner advised Regency Drive does not currently provide the quality of life it once did, as it has become a parking lot for Mt. Diablo hikers, leaving no guest or residential street parking, speeding, litter, unsafe driving, rudeness and no regard for their properties. Mr. Weiner noted people are parking on their street to avoid paid parking at the State Park lot on Mitchell Canyon; these problems are due to social print media establishing Regency Drive as free Mt. Diablo parking. Mr. Weiner stated one of his neighbors had to delay a child's birthday party to 6:00 p.m. due to the parking issue on their street. Mr. Weiner advised what really bothers him is Zipcars, rental cars, out-of-state cars, and vehicles displaying resident only stickers from other cities taking up the parking on his street. Mr. Weiner shared quotes from a Google site that directs Mt. Diablo parking to Regency Drive: *"Parking can be a little challenging during peak hours, weekend, mornings and afternoons the main road is packed."* Another quoted *"Get here early for free parking"*, yet another, *"I got here at 9:00 o'clock in December and didn't have problems getting a parking spot, this area was much more crowded getting back."* Mr. Weiner advised this issue is occurring on weekends, holidays and during the week ten to eleven months per year. Mr. Weiner advised the residents expect action to these issues since the problems on their streets were caused by the area being promoted as a parking lot, and would like it to returned for the reasons they moved here. Mr. Weiner then quoted the current Police Chief: *"Clayton is a beautiful safe city, and our Police Department strives to keep it that way. We are focused on addressing quality of life issues such as traffic, speeding and safety."* We urge you to allow the Police Chief to focus on these issues by limiting parking to residents and their guests for the reasons stated in the petition.

Lori Rehn, 176 Regency Drive, noted additional concerns stating there are no sanitary facilities, no ADA access, no trash receptacles, and no parking to support the guest volume. Ms. Rehn noted there is damage to driveways, parking violations, and speeding violations, and said a neighbor watched her cat get hit and killed because of speeding on Regency Drive. She expressed concerns of not only pedestrian violations with residents

afraid of backing out of there driveway and hitting a hiker who is not paying attention or walking in the middle of the street. The Clayton Police has been great in assisting with this situation the last few weeks. Ms. Rehn used to host three or four hiking events in the spring and fall for her friends and family, yet no longer can do so unless she plans the hike to start at 8:00 a.m.; any later and they would have to park on Marsh Creek Road.

Dr. Mark Montijo, 127 Regency Drive, noticed in April 2017 there was an article in *Diablo Magazine* directing hikers to the end of Regency Drive; after publication of that article, parking became a noticeable problem. Dr. Montijo had a wreath stolen off his front door; his family must strategize the street parking of their vehicles, when one vehicle leaves another one is waiting to use it. Dr. Montijo has found various items including trash, bags, hiking shoes, and water bottles on the sidewalk in front of his house. Vehicles have also parked two to three feet into his driveway approach which is a pretty common occurrence. Dr. Montijo feels this issue would have to be reported to any potential buyers of their homes if they decide to sell.

Beth Walsh, 152 Regency Drive, advised she was asked to represent one of her neighbors on Rialto Drive quoting, *"In the last six to twelve months hikers are sleeping overnight in vehicles, leaving their vehicles for multiple days and nights while on the Mountain, hikers urinating frequently in our yards, dumping portable commode waste in the street, excessive litter on homeowners and State properties consisting of bottles, wrappers, beer cans, etc., blocking fire access gates to park and double park at the end of the street, cleaning off muddy shoes on driveways, curbs and kids basketball hoops. Taking multiple bags of fruit off of our trees without permission and leaving them bare. We thank you for considering our concerns on Rialto Drive."* Ms. Walsh also added there is street parking available at the end of Regency Drive between Rialto and El Molino that is not blocking residential homes; there is also parking between Petar Court and El Portal Drive; perhaps those areas could be designated for hiker parking. Ms. Walsh continued if a resident wanted to host a function for their child or family members it is logistically almost impossible without the help of your neighbors to allow them to be anywhere near or close to your home on a weekend. Ms. Walsh concluded her concerns noting there is a desire to hike Mt. Diablo by residents and visitors but South Mitchell Canyon Road has a state park parking lot that is available for that use.

Daniel Walsh, 152 Regency Drive, advised there have been many issues with hikers blocking driveways, including blocking residents' vehicles so tightly they were unable to leave. He noted on one occasion a hiker parked his car behind his son's vehicle driving his front bumper under his son's car; then the hiker walked down to go on a hike. Mr. Walsh added there are problems with vehicles parking in the red zone and in front of fire hydrants. He remarked several times groups of hikers will sit in front of residential houses, including their sidewalks and on lawns underneath their trees; the residents would like the City to work with them on these issues.

Ann Stanaway, 1553 Haviland Place, expressed her continued concern of public safety and blights in the City not being addressed. Ms. Stanaway voiced her objection to the political patronage that allows this situation to exist.

7. **PUBLIC HEARINGS** – None.

8. **ACTION ITEMS** – None.

9. **COUNCIL ITEMS** – limited to requests and directives for future meetings.
None.

10. **CLOSED SESSION**

Mayor Haydon announced the City Council will adjourn into Closed Session for the following noticed items (7:38 p.m.):

- (a) *Government Code Section 54957.6*, Conference with Labor Negotiator
Instructions to City-designated labor negotiator: City Manager
Employee Organization: Clayton Police Officers' Association (CPOA)

Report out of Closed Session (8:30 p.m.)

Mayor Haydon reported the City Council received information from and provided policy directions to its labor negotiator. There is no public action to report.

11. **ADJOURNMENT**– on call by Mayor Haydon, the City Council adjourned its meeting at 8:31 p.m.

The next regularly scheduled meeting of the City Council will be June 5, 2018.

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Respectfully submitted,



Janet Brown, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL



Keith Haydon, Mayor

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Agenda Date: 1-15-2019

Agenda Item: 10c

Approved:

Gary A. Napper
City Manager

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CITY MANAGER

DATE: 15 JANUARY 2019

**SUBJECT: SUMMARY OF STATE LEGISLATION EFFECTIVE IN 2019 IMPACTING
LOCAL GOVERNMENT OPERATIONS AND IMPLEMENTATIONS**

RECOMMENDATION

After staff's review of 2018 state legislation requiring local actions and implementations of the City in 2019, and following an opportunity for public comment(s), there is no action requested of the City Council. Staff will internally initiate processes necessitating implementation at the City organization level and in cases involving legislative action, will prepare and submit those policy determinations to the City Council.

BACKGROUND

In 1964 by local voter approval, citizens of Clayton created the City of Clayton as a general law city in the state of California. In California, a general law city has only those powers expressly granted or necessarily incident to those expressly granted or authorized by the state of California (California Government Code). Any fair, reasonable doubt is resolved against the exercise of such powers at the local level. Consequently, a general law city such as Clayton may only exercise a form of government to the extent authorized (or not prohibited) by state general law(s).

The above comprehension is a key to understanding the essence of local government; while citizens are indeed the ultimate source of authority in this nation's republic, the representative form of government in the United States constitutes a delegation (in most cases) of that primary authority to elected representatives, both locally and at the state and federal levels. Therefore, in addition to directives determined by its local citizens (through engagement and by ballot box), a general law city in California is also subject to applicable laws and regulations promulgated by the California State Legislature, U.S. Congress, state and federal regulatory boards (e.g. State Water Quality Board, FCC, respectively), and to relevant case laws issued by the courts.

Consequently, each year City staff must cull through the various bills of legislation enacted by the California State Legislature as it seeks to direct, in numerous ways, policies and practices at the local community level that match its representatives views of quality of life and the well-being for the residents and businesses in California. Often, this "duality of citizenship and representation" results in annual laws and requirements that local communities may not have embraced, will not embrace, or ever consider initiating at the local level.

With that in mind, and particularly because Sacramento was very active in 2018 passing legislation that heavily impacts California's local communities in 2019 in several ways, most notably as to housing laws, it is beneficial to devote some public time at the City Council level to aid awareness of other tasks and policy directives issued by this absentee boss. Inevitably, local ordinances (laws) will be, as in the past and currently, tendered for public review and legislative approval (city council) as so directed by new state laws.

SUMMARIES OF 2018 STATE LEGISLATION AFFECTING LOCAL GOVERNMENTS

To facilitate this brief review, each department head was tasked with the assignment to review various summaries of enacted state legislation in 2018. For the more critical bills impacting local government operations, policies and practices, each was requested to prepare a brief synopsis of the legislation as to what and how it will affect local laws and regulations.

Given the declared housing crisis in California, little wonder a large percentage of the bills enacted in 2018 (and announced as legislation in 2019 as well as covered in the new gubernatorial address) are focused on the generation, creation, accommodation and/or facilitation of new housing production (and affordable housing) in California. The topic of sufficient housing for Californians is so paramount in the minds of state legislators and the governor that for the first time in recent memory, the Legal Affairs Division of the California Department of Housing and Community Development (HCD) just sent a letter to all city attorneys reminding each (ref. Exhibit B),

"The 2017 Legislative Housing Package enacted obligations for local governments to deliver on housing commitments, and it provided the Department of Housing and Community Development with the authority to enforce those commitments."

Given the bold breadth of housing legislation enacted in 2018, HCD's statewide interest in the production of new housing units of all types in all California cities and counties will not wane in 2019, nor is it expected our state legislators will retreat from this cause in 2019.

Once upon a time, communities organized to incorporate as a city in California to control its local land use and authority. Determining its own character and values for residential, industrial and commercial neighborhoods were fundamental purposes in becoming a city. While such tenets still remain of essential importance to most local citizens and residents, the State of California (that absentee boss...) has embarked on an increasingly aggressive, multi-decade agenda to wrest local land use authority from local governments invoking its higher vision of what California and its cities/towns/communities need, and therefore must supply.

The attachments to this staff report are the excerpts from management's review of the new state laws. Each represents a state mandate upon local government yet the state exempts itself largely from reimbursing local expenses incurred to implement or address the new California state laws. However, new state laws enacted each year drive and consume a good portion of available staff time devoted to the City's municipal operations.

FISCAL IMPACT

By its very nature, the necessity to incorporate or implement new state laws into the Municipal Code or City operations carries a time and corresponding operational expense by staff. At this beginning stage however, it is unknown the extent of that incurred time or amount of staff expense. What is known: the resultant expense is shouldered by the local government [general taxpayer].

- Exhibits:
- A. Land Use and Planning [4 pp.]
 - B. HCD letter to city attorney [4 pp.]
 - C. Public Employers and Human Resources [2 pp.]
 - D. Local Law Enforcement [2 pp.]
 - E. Local Government Finance [2 pp.]
 - F. Environmental Quality & Misc. [4 pp.]
 - G. Engineering [2 pp.]

Land Use and Planning

AB 626 – Microenterprise Home Kitchen Operations

This bill establishes “microenterprise home kitchens” as a new category of retail food facility, allowing cities or counties discretion to authorize and permit. The intent of the bill is to provide a low cost and accessible way for independent cooks to start a small cooking business from home, selling any type of food. Microenterprises could be allowed to sell up to \$50,000 per year in gross annual sales or 30 individual meals per day, and no more than 60 individual meals per week. A home operation must be inspected by and registered with the local health department. The meals must be served directly to consumers and not through a retailer, wholesaler, or delivery companies.

AB 1771 – Regional Housing Needs Assessment

Numerous changes to the regional housing needs allocation plan process including: plan objectives, methodology, distribution, and appeals process. The bill requires the plan to include an objective to increase access to areas of high opportunity for lower-income residents. It also reduces the time from 60 days to 45 days a jurisdiction has to appeal a draft allocation, which can also be appealed by HCD. The bill deletes existing law allowing two or more local governments to agree to an alternative distribution of appealed housing allocations between the affected local governments. It also requires ABAG to consult with HCD when developing the methodology for the RHNA.

AB 2162 – Supportive Housing

Amendments were made to require supportive housing to be a use by right in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses, if the projects meet specified criteria. Local governments are prohibited from requiring onsite parking if the project is within one-half mile of a public transit stop. Supportive housing is defined as, “housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community” and target population is defined as “persons, including persons with disabilities, and families who are “homeless”.

AB 2263 – Designated Historical Resource – Conversion or Adaption: Required Parking

The bill requires local agencies to provide specified parking reductions for certain development projects in which a designated historical resource is being converted or adapted.

AB 2341 – California Environmental Quality Act: Aesthetic Impacts

This bill, which will sunset on January 1, 2024, determines the aesthetic effects of certain projects are not significant on the environment for the purposes of CEQA and the lead agency is not required to evaluate the aesthetic effects of those projects. Some of the qualifying projects include: the construction of housing, a building that is abandoned or dilapidated, or the building site is immediately adjacent to parcels that are developed with qualified urban uses.

AB 2913 – Building Standards. Building Permit Expiration

Extends the original life of a building permit from six months to one year.

AB 2923 – San Francisco Bay Area Rapid Transit District

Grants BART land use authority over BART-owned land within one-half mile of an existing or planned BART station. Where zoning is inconsistent with the BART TOD zoning, a local jurisdiction shall adopt a local zoning ordinance conforming to the BART TOD zoning standards within two years. Sunsets on January 1, 2029.

AB 3162 – Alcoholism or Drug Abuse Treatment Facilities

This measure helps maintain residential neighborhoods as a therapeutic environment for the social integration of disabled persons, including recovering alcoholics and addicts by reforming outdated regulations for the licensing of residential drug and alcohol treatment facilities. More specifically this bill 1) requires new single licenses to operate an alcoholism or drug abuse recovery or treatment facility to be provisional for one year; 2) increases the civil penalty assessed by Department of Health Care Services when a treatment facility is operating without a license to \$2,000; and 3) increases all other civil penalties to \$1,000.

AB 3194 – Housing Accountability Act: Project Approval

Housing development projects are not considered to be inconsistent with the applicable zoning standards and criteria, and would prohibit a local government from requiring a project site to be rezoned, if the housing development project is consistent with the objective general plan standards and criteria but the zoning for the project site is inconsistent with the general plan.

SB 765 – Planning and Zoning: Housing

This bill modified SB 35, which was signed into law in 2017. SB 35 established a streamlined, CEQA-free process for the approval of certain qualifying multifamily housing development projects. To qualify for the SB 35 streamlined process a project must not involve a subdivision subject to the Map Act or any other applicable law authorizing the subdivision of land unless: 1) the development will receive low income tax credits or 2) is subject to prevailing wage and skilled and trained workforce requirements. SB 765 modifies SB 35 to now include projects subject to the Subdivision Map Act provided the project includes low income tax credits or prevailing wage requirements and shall be exempt from CEQA. The timelines for review provide a 90-day review of projects that include 150 residential units or less and 180-day review of projects over 150 residential units.

SB 828 – Land Use. Housing Element

Numerous changes were made to the regional housing needs allocation (RHNA) process, which include:

- Modifying existing codified intent language to remove the acknowledgement that cities may not meet the assigned RHNA and replaced it with language “reasonable actions should be taken by local and regional governments to ensure that future housing production meet, at a minimum, the regional housing need established for planning purposes...”; and
- Altering the methodology to account for overcrowding; jobs/housing imbalance; and “cost burdened”.

SB 946 – Sidewalk Vending

This measure decriminalizes sidewalk vending and establishes various requirements for local regulation of sidewalk vendors. It places a prohibition on a city or county from regulating sidewalk vendors, except in accordance with the bill. A local authority cannot restrict the location of a licensed sidewalk vendor unless the restriction is directly related to objective health, safety, or welfare concerns. A prohibition cannot be put in place preventing a sidewalk vendor from selling food or merchandise in a park owned or operated by the local authority. A local authority cannot prevent sidewalk vendors in residential neighborhoods, but may prohibit in areas located within the immediate vicinity of a certified farmers’ market or in areas designated for a temporary special event.

SB 1035 – General Plans

This bill requires a city or county to revise the safety element to identify new information on fire hazards, flood hazards, and climate adaptation and resiliency strategies applicable to the city or county that was not available during the previous revision of the safety element. This measure also requires this revision to occur upon each revision to the housing element or local hazard mitigation plan, but not less than every eight years.

SB 1227 – Density Bonuses

Requires cities and counties to grant a 35% density bonus when an applicant for a housing development of five or more units seeks and agrees to construct a project that will contain at least 20% of the total units for lower-income students in a student housing development.

EXHIBIT B

STATE OF CALIFORNIA - BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY

GAVIN NEWSOM, Governor

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

LEGAL AFFAIRS DIVISION

2020 W. El Camino Avenue, Suite 625, 95833
P. O. Box 952052, Sacramento, CA 94252-2052
(916) 263-2769 / FAX: (916) 274-0408

www.hcd.ca.gov



January 2, 2019

Malathy Subramanian, City Attorney
City of Clayton
6000 Heritage Trail
Clayton, CA 94517

Dear Malathy Subramanian:

RE: Housing Accountability and Enforcement

The 2017 Legislative Housing Package enacted obligations for local governments to deliver on housing commitments, and it provided the Department of Housing and Community Development (Department) with the authority to enforce those commitments (attached). On January 1, 2019, additional laws will enhance the ability and authority of the Department and local governments to provide housing opportunities to all Californians. These laws provide a renewed focus on housing and local government accountability, and they provide the tools necessary for local governments and the Department to work toward availability of housing for all Californians.

The following provides a brief summary and reference to housing legislation from the most recent legislative session, effective January 1, 2019, to assist your jurisdiction in compliance with the newly enacted laws:

Housing Discrimination: Affirmative Furtherance of Fair Housing AB 686 (Santiago) - Requires local governments to administer programs relating to housing and community development in a manner that furthers fair housing, and to not take any action materially inconsistent with this obligation. Requires revisions to the housing element occurring on and after January 1, 2021, to include an assessment of fair housing implementation within its jurisdiction. (Gov. Code § 65583 and Chapter 15 (commencing with §8899.50).

Planning and Zoning: Charter Cities SB 1333 (Wleckowski) - Expressly clarifies that provisions of Planning and Zoning Law regarding general plans, specific plans and the adoption and review of housing elements, apply to charter cities. (Gov. Code, §§65356, 65852.150, 65852.25, 65860, 65863, 65863.4, 65863.6, 65863.8, 65866, 65867.5 and 65869.5, 65300.5, 65301.5, 65359, 65450, 65454, 65455, 65460.8, 65590, 65590.1 and Article 10.6).

Planning and Zoning: Regional Housing Needs Assessment AB 1771 (Bloom) - Revises the objectives required in a regional housing needs allocation plan (Gov. Code §§ 65584, 65584.01, 65584.04, 65584.05 and 65584.06), and requires the regional housing needs allocation plan to include an objective to increase access to areas of opportunity for lower income residents while avoiding displacement and furthering the goals of fair housing.

Land Use Housing Element: SB 828 (Wiener) – Prohibits the continued underproduction of housing by relying on static population numbers from a previous housing element cycle as justification for a determination or reduction in the jurisdiction's share of the regional housing need. (Gov. Code §§ 65584, 65584.01 and 65584.04).

Planning and Zoning: Housing Element and Development AB 2162 (Chiu) – Authorizes supportive housing as a use by right in zones where multifamily and mixed uses are permitted and the development meets enumerated criteria. Expands the exemption for the ministerial approval of projects under the California Environmental Quality Act. (Gov. Code §§ 65583 and 65650).

The laws enacted during the last two Legislative Sessions offer new regulatory and financial resources that (1) increase the enforcement authority of the Department against local governments that fail to adopt compliant housing elements and/or violate the Housing Accountability Act, Density Bonus Law or discriminate in the provision of housing; (2) provide critical funding for new affordable homes; (3) accelerate development to increase housing supply; (4) add certain accountability to localities in order to address housing needs in their communities; and (5) create opportunities for new affordable homes while preserving existing affordable homes.

This letter is for informational purposes only and is designed to facilitate dialogue and training of your jurisdiction's staff and management. For additional guidance or technical assistance, please contact Ryan Seeley or Anastasia Baskerville at 916-263-2769.

Sincerely,

Ryan Seeley
General Counsel

Anastasia Baskerville
Attorney IV

Attachment

2017 Housing Package

Housing Accountability Act: AB 678 (Bocanegra)/SB 167 (Skinner) and AB 1515 (Daly) – Strengthens the Housing Accountability Act (Gov. Code, § 65589.5). For example, the statute now (1) requires findings made by a locality to deny or reduce the density of a housing development to be based on a preponderance of the evidence, (2) requires courts to impose a fine of \$10,000 or more per unit on localities that fail to comply with court orders to comply with the act, and (3) states that a housing development conforms with local land use requirements if there is substantial evidence that would allow a reasonable person to reach that conclusion. Housing organizations, market rate developers and tenants eligible to live in proposed developments prevailing in litigation regarding the Act are entitled to reasonable attorney fees in addition to the developer proposing the projects. The statute now states the Legislature's intent that the section shall be interpreted and implemented to give the fullest possible weight to the interest of the local approval and provision of housing.

HCD Enforcement Authority: AB 72 (Santiago) – Authorizes the Department of Housing and Community Development (Department) to review any local action it determines is inconsistent with an adopted housing element, including failure to implement program actions, and requires the Department to issue findings as to whether the local action is out of compliance with state housing element law. If the Department finds the local action out of compliance, the legislation authorizes the Department to revoke a previous finding that a housing element is in compliance and to refer violations to the Attorney General. Housing element compliance is utilized as eligibility and scoring criteria in several funding programs. Localities out of compliance with housing element law could be ineligible or less competitive for funding. The Department may also refer violations to the Attorney General related to the Housing Accountability Act (Gov. Code, § 65589.5), No Net Loss Law (Gov. Code, § 65863), State Density Bonus Law (Gov. Code, §§ 65915-65918) and Anti-discrimination in Housing and Land Use (Gov. Code, § 65008).

No Net Loss: SB 166 (Skinner) – Amends the existing No Net Loss statute to require that a locality make sites available at all times throughout the planning period to accommodate its unmet share of the regional housing need for all income levels. Requires that at no time shall a locality cause its housing element sites inventory to be insufficient to meet its share of the regional housing need for lower- and moderate-income households. Requires a locality to make written findings supported by substantial evidence as to whether remaining sites in the housing element are adequate to accommodate its share of the regional housing need for each income category if any action results in reduction of density to, or the development of, fewer units by income category on a parcel than was indicated in the housing element for that parcel. If the approval of a specific development results in fewer units by income category, then the local government must identify and make available additional adequate sites to accommodate the remaining share of the regional housing need by income category within 180 days.

RHNA Performance and Streamlined Approvals: SB 35 (Wiener) – Creates a streamlined approval process for developments in localities that have not yet met their allocation of the regional housing need, as determined by the Department, or have failed to submit its annual housing reports for two consecutive years, provided that the development includes a specified level of affordability, is on an infill site, complies with existing residential and mixed use general plan or zoning provisions, and complies with other requirements such as locational and demolition provisions.

Housing Element Sites Inventory: AB 1397 (Low) – Makes a number of changes related to the inventory of sites requirement under Housing Element Law to ensure that localities are including sites that are available and developable within the planning period. Strengthens analysis requirements to demonstrate the suitability of non-vacant sites. For example, if more than 50 percent of the housing need for lower-income households is accommodated on non-vacant sites, the statute requires findings based on substantial evidence that existing uses are likely to be discontinued in the planning period. It also requires that a non-vacant site identified in a prior planning period may not be re-identified in a subsequent planning period unless the site will be rezoned within three years to allow development by-right for projects in which 20% of the units will be affordable to lower-income households. For vacant sites, the same by-right requirement applies if the site has already been included in two planning periods without developing.

Rental Inclusionary Requirements: AB 1505 (Bloom) – Authorizes localities to require rental housing developments to include a certain percentage of lower- or moderate-income units. These ordinances must provide alternative means of compliance that may include in-lieu fees, land dedication, off-site construction, or acquisition and rehabilitation of existing units. The legislation provides limited authority to the Department to review inclusionary ordinances adopted or amended on or after September 15, 2017, that require more than 15 percent lower-income rental units in a development when the locality has failed to either meet 75% of its above moderate-income RHNA share over five consecutive years or submit its annual performance report for the last two years. The Department's review is limited to whether the locality submits an economic feasibility study in support of the ordinance that was prepared by a qualified entity and followed best professional practices.

Housing Sustainability Districts: AB 73 (Chiu) – Authorizes localities to create housing sustainability districts as a way to streamline the development of housing meeting various requirements. Provides state financial incentives to cities and counties that create sustainability districts, if the Legislature appropriates funds for that purpose.

Annual Progress Reports and Fee Study: AB 879 (Grayson) - Make various updates to housing element and annual report requirements to provide data on local implementation, including number of project application and approvals, processing times, and approval processes, and requires charter cities to submit housing element annual reports to the Department. It also requires the Department to deliver a report to the Legislature on how local fees impact the cost of housing development.

Affordable Housing Preservation: AB 1521 (Bloom and Chiu) - Strengthens the state's Affordable Housing Preservation Notice Law (Gov. Code. §§ 65863.10 and 65863.11) and supports the preservation of deed-restricted affordable housing at risk of losing affordability. The revised law expands owner-noticing requirements and clarifies transactional provisions regarding owner acceptance of a bona fide offer to purchase from a qualified preservation purchaser. The law clarifies the types of injunctive relief available for affected tenants and public entities in the event of violations of the statute and provides the Department with additional tracking and enforcement responsibilities to ensure compliance.

New Laws affecting California Employers in 2019**SB 1343****Sexual Harassment Training**

Requires employers with five or more employees (note: threshold number lowered from previous law of 50 or more employees) to provide two hours of sexual harassment trainings to supervisory employees, and at least one hour of sexual harassment training to nonsupervisory employees by January 1, 2020. Regardless of one's recertification in 2018, all employees (including public officials) must take the newer training program in 2019.

Beginning January 1, 2020, for seasonal and temporary employees or any employee hired to work for less than six months, employers will be required to provide trainings within 30 calendar days after the hire date or within 100 hours worked, whichever comes first. These requirements apply to public agency employers regardless of size. New law also mandates that the Department of Fair Employment and Housing create two online trainings – one supervisory, and one nonsupervisory – to be made available on its website to comply with these training requirements. Unknown is when DFEH will have the new training program available in 2019.

SB 224**Personal Rights. Civil Liability and Enforcement**

Beginning January 1, 2019 this measure adds elected official, lobbyist, investor, and director or producer to the list of specific examples of the types of business, service, or professional relationships that are necessary to bring a cause of action for harassment under Civil Code Section 51.9. Specifically, this measure:

- Extends the situations when business, service, or professional relationships can exist between the plaintiff and the defendant to include cases in which the defendant holds himself or herself out as being able to help the plaintiff establish a business, service, or professional relationship with the defendant or a third party;
- Removes the requirement in existing law for a plaintiff, in order to bring a cause of action under Civil Code Section 51.9, to prove that there is an inability by the plaintiff to easily terminate the relationship;
- Authorizes the Department of Fair Employment and Housing to receive, investigate, conciliate, mediate, prosecute complaints alleging a violation related to the Civil Code Section 51.9, which provides a cause for action for sexual harassment when there is a business, professional, or service relationship between the plaintiff and the defendant; and
- Adds Civil Code Section 51.9 to the list of statutes in the Fair Employment and Housing Act (FEHA) that create rights which, if a person were to deny or to aid, incite, or conspire in the denial of those rights, are an unlawful practice under FEHA.

AB 1619

Sexual Assault. Statutes of Limitation on Civil Actions

Beginning January 1, 2019 this measure extends the statute of limitation for any civil action from two to ten years for recovery of damages suffered as a result of sexual assault and adds a delayed discovery provision. Specifically, the measure establishes a statute of limitations specific to sexual assault or attempted sexual assault that occurs on or after a plaintiff's 18th birthday. It also specifically provides that the time for commencement of such action is the later of the following:

- Within 10 years from the date of the last act, attempted act, or assault with the intent to commit an act of sexual assault, as defined; or
- Within three years from the date the plaintiff discovers or reasonably should have discovered that an injury or illness resulted from an act, attempted act, or assault with the intent to commit an act of sexual assault

New Laws affecting Law Enforcement in 2019

SB 1421

The Legislature has amended Penal Code section 832.7 – Peace Officers: Release of Records as follows (in summary):

The public has a right to know all about serious police misconduct, as well as about officer-involved shootings and other serious uses of force.

832.7.

(b) (1) Notwithstanding subdivision (a), subdivision (f) of Section 6254 of the Government Code, or any other law, the following peace officer or custodial officer personnel records and records maintained by any state or local agency *shall not be confidential* and shall be made available for public inspection pursuant to the California Public Records Act:

(A) A record relating to the report, investigation, or findings of any of the following:

(i) An incident involving the discharge of a firearm at a person by a peace officer or custodial officer.

(ii) An incident in which the use of force by a peace officer or custodial officer against a person resulted in death, or in great bodily injury.

(B) (i) Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency that a peace officer or custodial officer engaged in sexual assault involving a member of the public.

(C) Any record relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a peace officer or custodial officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence.

(2) Records that shall be released pursuant to this subdivision include all investigative reports; photographic, audio, and video evidence; transcripts or recordings of interviews; autopsy reports; all materials compiled and presented for review to the district attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer's action was consistent with law and agency policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take.

AB 748

The Legislature has amended Government Code section 6254 – The Legislator Peace Officers: video and audio recordings: disclosure, as follows (in summary):

Beginning July 1, 2019, establishes a standard for the release of video and audio recordings by balancing privacy interests with the public's interest in the footage. This includes body-worn camera or dash mounted camera video.

An audio or video recording that relates to a critical incident may only be withheld from the public as follows:

The recording may be withheld for 45 calendar days if disclosure would substantially interfere with an active investigation, subject to extensions, as specified.

NEW STATE LAWS IMPACTING LOCAL GOVERNMENT FINANCE IN 2019**State Constitutional Amendment 9 (SCA 9) and Senate Bill 558 (SB 558)**

SCA 9 was approved by the California electorate as Proposition 72 in the June 2018. SB 558 implements Proposition 72 into law effective January 1, 2019. These two measures ultimately provide property tax exclusions for the construction or addition of rainwater capture systems completed on or after January 1, 2019. They are designed to encourage more water conservation efforts in the drought prone state of California. Locally, the impact of these measures may be the loss in property tax revenue growth in future years considering the value of qualified improvements would be exempt from re-assessment by the Contra Costa County Assessor's Office.

Assembly Bill 3002 (AB 3002)

AB 3002 mandated cities and counties to provide informational notices related to disability access requirements. Under this measure, cities and counties are responsible for providing notices to commercial property and business owners to help educate them about compliance with disability access laws and the benefits of the Certified Access Specialist (CAsp) program. The provisions of this new law went into effect on January 1, 2019.

As the City implemented a new website in 2018 with online business license application, renewal, and payment capabilities, City staff has already made revisions to the website to comply with this law. Furthermore, staff has modified operational procedures to provide the necessary notices to business license applicants who prefer to conduct handle their matters over-the-counter. Since the City contracts with County to administer building permits and the underlying inspections, City staff has contacted the Department of Conservation and Development to ensure the notices are being provided to all those applying for a building permit for work performed in the City of Clayton.

The state has also mandated these notices also be available in 4 other languages in addition to English. Since the California Division of the State Architect has yet to release these translated notices, the City has not yet complied with this requirement. As soon as the state releases the other translations of this notice staff will update the City's website and over-the-counter notices accordingly.

U.S. Supreme Court ruling on “Dakota vs. Wayfair” and State Constitutional Amendment 20 (SCA 20)

In June 2018, the U.S. Supreme Court decision in *South Dakota v. Wayfair* reversed several prior cases and held that states and local governments may require retailer with no in-state physical presence (i.e. “nexus”) to collect sales and use tax. Beginning April 1, 2019, retailers located outside of California are required to register with, collect and pay the California Department of Tax and Fee Administration (CDTFA) based on amount of their sales in California, even if they do not have physical presence in the state. The new collection requirement applies to a retailer if during the preceding or current calendar year:

- Sales into California in excess of \$100,000, or
- Sales into California are greater to or equal to two hundred (200) separate transactions.

In a different but closely related matter, Senator Glazer’s March 2018 introduction of SCA 20 proposed to allocate local sales tax derived from online purchase to the destination where the customers receive the product rather than point-of-sale following status quo. This amendment was designed to go into effect January 1, 2020 (FY 2019-20) and would fully distribute sales tax based on “point-of-destination” at the end of a nine (9) year transitional period.

The impact of these sales and use tax revenue developments at the local level is still largely uncertain as the CDTFA’s implementation of new rules following the *Dakota vs. Wayfair* ruling has yet to occur. Furthermore SCA 20 is still under further review by the California Senate’s Appropriations Committee and more changes are expected considering a two-thirds vote of approval is required for passage and the measure is extremely divisive California jurisdictions at the local level. Should SCA 20 as currently drafted pass, local jurisdictions where large online retailers have a physical location have much to lose, while those with neither online presence nor physical “brick and mortar” presence (i.e. Clayton) have the most to gain. Staff will continue to monitor developments impacting the City’s exposure to online sales and use tax developments and report back with proposed action at a future date if appropriate.

Environmental Quality & Miscellaneous

AB 1884 – Food Facilities – Single Use Plastic Straws

This measure prohibits full-service restaurants from providing single-use plastic straws to consumers, unless requested by the consumer. The bill specifies the efforts and second violations of these provisions would result in a notice of violation and any subsequent violation would result in a fine of \$25 for each day the full-service restaurant is in violation. It appears the local enforcement agency is the County Environmental Health Department which already conducts various health/safety inspections of these facilities. It is likely that CalRecycle will also ask cities to include information of compliance of these facilities within their jurisdiction in their annual state mandated Recycling and Waste Reduction reports.

AB 2178 - Limited Charitable Feeding Operation

The bill would exempt a limited service charitable feeding operation from the requirements of the California Retail Food Code, except for specified general food safety and other requirements. The bill would require the operation to comply with best management practices approved by the local enforcement agency. The bill would, among other things, authorize the operation to distribute food in an outdoor location, as specified, in compliance with the approved best management practices and subject to approval by the local enforcement agency, with food service limited to no more than 4 hours per day. The State Code Chapter in which this bill language is placed specifies the County Health Department as the local enforcement agency.

AB 2782 - California Environmental Quality Act (CEQA)

Allows a lead agency preparing the environmental document for a development project to evaluate issues related to the project not only locally but to include if the project would have a regionwide or state benefits, even if a local impact occurs – i.e.: does a project have local impacts but overall the region will benefit from an aspect of the project, for inclusion in its analysis especially for any findings of overriding considerations.

AB 2832 - Lithium Ion vehicle battery reuse and recycling

Requires a committee to establish recommendations to the State Legislature by April 2022 so it can develop legislation, programs and requirements for future recycling programs.

AB 3232 - Zero Emission Buildings and Sources of Heat Energy

This measure requires development of statewide new building regulations to achieve zero emissions buildings to achieve a 40% reduction in Green House Gas Emissions (GHG) generated by the residential; and nonresidential building stock by January 2030.

SB 212 – Pharmaceutical and Sharp Waste Recycling

Makes each manufacturer or distributor of pharmaceutical drugs or sharps to establish either jointly or separately a statewide stewardship program for the disposal of medial and sharps waste to be overseen by CalRecycle by January 1, 2021. This bill also requires the manufacturers and distributors to fund the administrative and operational costs of the stewardship program managed by CalRecycle. The program must include collection, (including a mail-back program), transportation, and disposal. It also requires at least five collection sites per county with a reasonable geographic spread. For sharps only requires a mail- back program in containers no cost to the user at the point of sales, and upon request provide a reimbursement to local agencies for the transportation and disposal costs. Prohibits any new local programs established after April 18, 2018 from taking effect. Local programs established prior to April 18, 2018 are allowed to continue to operate.

SB 1000 - Electric Vehicle Charging Infrastructure.

A city or county shall not restrict which types of electric vehicles, including, but not limited to, plug-in hybrid vehicles, may access an electric vehicle charging station approved for passenger vehicles that both is publicly accessible and the construction of which was funded, at least in part, by the state or through moneys collected from ratepayers.

The bill's objective is to ensure equal access for plug-in hybrid vehicles, slow trickle and fast trickle, and considerations are made to disburse locations equitability to address disadvantage community's needs.

SB 1016 – Electrical Vehicle Dedicated Time of Use Meters

This measure prohibits Home Owners Association (HOAs) or other common interest developments from restricting or prohibiting a homeowner from installing or using an EV Charging station. It also requires a homeowner to pay for the installation of the charging station placed in a common area or exclusive use common area, maintain liability coverage, and provide the association with a certificate of insurance.

SB 1215 – Provision of Sewer Service. Disadvantage Communities.

This measure grants new authority to the regional water boards to order local governments to extend sewer service to sites that have inadequate on-site (septic tanks, leach fields) sewage treatment systems. It defines “inadequate” as an onsite systems that has the reasonable potential to cause a violation of water quality objectives, to impair present or future beneficial uses of water, or to cause pollution, nuisance or contamination of waters of the state. It also allows property owners to opt out for up to five years if their system was installed within the last 10 years and is not inadequate. It requires the State Water Resource Board to request an appropriation of funds by the State Legislature to cover the sewer agency costs for completing sewer line extensions and capacity costs under certain limited circumstances.

Other Rulemaking

Federal Communication Commission (FCC): - Telecommunication

Small cell sites are now permitted use of rights of way and public property with prescribed maximums as to how much an agency can collect for use of its public assets. Cities cannot deny, or have very limited ability to deny, if the provider has shown that it can be done in accordance with construction standards, the use of these properties for deployment of electronic cellular transmission.

Collectively, federal and state laws prohibit cities from:

1. Denying a carrier the ability to provide service either through explicit prohibitions (example: banning new wireless facilities) or through actions that effectively prohibit service.
2. Denying wireless applications based on health concerns, such as those expressed about radio frequency emissions.
3. Stalling or failing to make a decision. The Telecommunications Act imposes a short time frame, often referred to as a shot clock, for a city to review a wireless application. Failure for a city to act results in the application being automatically approved without the ability to impose conditions of approval.
4. Denying a carrier from using the public right-of-way to install their equipment.

Federal law (Telecommunications Act of 1996) prohibits cities from considering health impacts when taking an action on a wireless application, if it meets the radio frequency levels established by the FCC.

Cities cannot regulate the type of technology a cellular carrier chooses to provide. Regardless, fiber optic cable is a wired technology that does not serve wireless roaming devices (such as cellular phones).

Cities cannot deny a carrier the ability to provide service either through explicit or implicit prohibitions (example: banning new wireless facilities or establishing a maximum cap).

On September 26, 2018, the FCC issued a new declaratory ruling and order titled “Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment” and issued the following statement in support of their actions:

“The FCC is committed to doing our part to help ensure the United States wins the global race to 5G to the benefit of all Americans. Today’s action is the next step in the FCC’s ongoing efforts to remove regulatory barriers that would unlawfully inhibit the deployment of infrastructure necessary to support these new services... We thus find that now is the appropriate time to move forward with an approach geared at the conduct that threatens to limit the deployment of 5G services.”

The new FCC order imposes new limits on a city’s ability to make decisions based on aesthetics, shorten the shot clock application or lengthen review time frame even more, and establishes a new standard of review for courts which is more favorable to wireless providers when a city’s action is legally challenged. This FCC order is scheduled to go into effect on January 24, 2019. A number of lawsuits have been filed challenging the FCC order and seeking a stay of its effective date until the litigation is resolved. Rulings on the stay are expected soon.

State of California – Courts- Telecommunication:

Pending in the California Supreme Court is a case that involves whether a local agency can regulate aesthetics of the installation, or if it is pre-empted by state law. The case is “T-Mobile West v. City and County of San Francisco;” it is anticipated the court will likely rule in this case during the first half of 2019.

State San Francisco Regional Water Quality Board MRP Permit 2.0 – Water Quality:

Mandates through its issuance of our Municipal Regional Discharge Permit (MRP 2.0) development of local Green Infrastructure (GI) Plans for retrofitting of existing developed drainage infrastructure to disconnect the drainage pipe and direct drainage into bio-swales bio-planters prior to discharge to drainage ways. The requirements also include development of budget costs for each of the projects and future funding plan / allocation in the city budget process.

California State Division of Recycling (CalRecycle)

Requires redirection of greenwaste from Alternative Daily Cover (ADC) to composting facilities starting in 2020. Requires for certain commercial businesses the addition of food waste reuse and composting; the addition of textile items made of thread, yarn, fabric or cloth (ie: clothing) recycling with separate collection; requires business and residential organics collection program; Requires the establishment of an Edible Food Recovery Program (food businesses such as restaurants, retail food sales; schools; assembly halls or programs at conference centers etc.); and specifies the state will determine colors and labels for all recycle and refuse totes with implementation from 2022-2030. Additional regulations include: Outreach, quarterly inspection, contamination enforcement and reporting; a 50% reduction in the level of *statewide* disposal of organic waste from the 2014 level by 2020; a 75% reduction in the level of *statewide* disposal of organic waste from the 2014 level by 2025; and 20% *statewide* improvement in edible food recovery by 2025 .

2018 Legislative Update — Engineering

The Subdivision Map Act legislation that was enacted in 2018 consists of three laws, AB 2973, SB 765, and SB 1260. The following is a short review of these three new laws:

AB 2973 This adopted bill provides availability to additional discretionary extensions of certain tentative maps that have been previously approved in select California counties. This bill pertains only to Counties where economic conditions as measured by thresholds for relative median household incomes, unemployment, and median poverty rates remain depressed. Since Contra Costa County does not fall into any of these categories, this bill has no impact on Clayton or Contra Costa County.

SB 765 ***“New CEQA Exemption for Subdivision Map Approvals on Projects Qualifying for Streamlined Approval Under 2017’s SB 35***

In 2017, SB 35 established a streamlined, CEQA-free process for the approval of certain qualifying multifamily housing development projects. To qualify for SB 35 streamlining, project must not involve a subdivision subject to the Map Act or any other applicable law authorizing the subdivision of land unless (i) the development will receive low income tax credits or (ii) is subject to prevailing wage and skilled and trained workforce requirements.

SB 765 enacts multiple changes to the SB 35 streamlined project review process, including as it relates to the Subdivision Map Act.

First, while SB 35 had required that qualifying projects be consistent with objective general plan and zoning standards, SB 765 expanded those provisions to also require consistency with objective subdivision standards set forth in the local agency’s subdivision ordinance.

Second, SB 765 provides that where a qualifying project complies with objective subdivision standards and either receives low income tax credits or is subject to prevailing wage and skilled and trained workforce requirements, the project’s application for a subdivision approval shall be exempt from CEQA and shall be subject to the public review and participation timelines set forth in SB 35. Those timelines provide for 90-day review of projects that include 150 residential units or less and 180-day reviews of projects that include over 150 residential units.”¹

SB 1260 ***“High Fire Hazard Severity Zones: Intensified Local Planning & Supplemental Tentative Map Findings***

Before approving a tentative map, local agencies are required to make certain findings relating to fire hazards. These findings previously included that the design and location of each lot, and the subdivision as a whole, are consistent with regulations adopted by the State Board of Forestry and Fire Protection (the “Board”) relating to buildings or structures in hazardous fire areas or mountains, forest, brush and grass-covered lands. Local agencies are also required to designate, by ordinance, very high fire danger

zones within their jurisdictions within 120 days of receiving a recommendation from the Director of the Board.

SB 1260 strengthens the planning process in fire hazard zones by requiring:

- *Before adoption or significant amendment to the safety element of a general plan for a county that contains a state responsibility area or a city or county with a very high fire hazard severity zone, the city council must refer the action to the Board no later than the issuance of the notice of preparation.*
- *When reviewing a safety element, the Board's recommendations shall include the accepted best practices in the most recent guidance document "Fire Hazard Planning, General Plan Technical Advice Series."*
- *If a city council declines to adopt any recommendations made by the Board, the Board may within 15 days request a consultation by the city council with the Board.*
- *Before approving any tentative map within a state responsibility area or a very high fire hazard severity zone, the local agency shall make a finding either that the subdivision is consistent with regulations adopted by the Board or with local ordinances certified by the Board as meeting or exceeding the state regulations. These findings and the accompanying maps are required to be transmitted to the Board."*



Agenda Date: 1-15-2019

Agenda Item: 10d

Approved:

Gary A. Napper
City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: Janet Calderon, City Clerk
DATE: January 15, 2019
SUBJECT: Consider applicant for appointment to the Planning Commission.

BACKGROUND

A vacant term of office for one (1) Planning Commissioner expires on June 30, 2020, created by a Commissioner elected to the City Council in November 2018.

Staff advertised the Planning Commission vacancy, on the City's website, and at the City's three (3) posting areas. Applications were due on January 10, 2019 and five (5) applications were received by the filing date.

Earlier in this meeting the full City Council interviewed the five candidates. Official appointments to the Planning Commission require full City Council vote.

RECOMMENDATION

Consider adopting the attached Resolution appointing one (1) individual to the Planning Commission for the vacant term of office expiring June 30, 2020.

FISCAL IMPACT

None.

Attachments: Resolution – 1 page
Applications (5) - 11 pages

RESOLUTION NO. - 2019

**A RESOLUTION APPOINTING ONE CITIZEN
TO APPOINTED VACANT OFFICE ON THE
CLAYTON PLANNING COMMISSION**

**THE CITY COUNCIL
City of Clayton, California**

WHEREAS, in 1964 the City Council of Clayton adopted Ordinance No. 20 establishing the City of Clayton Planning Commission; and

WHEREAS, the Planning Commission is comprised of five (5) official offices appointed by and serving at the pleasure of the Clayton City Council, each consisting of two (2) year overlapping terms of office; and

WHEREAS, the term of office for one Planning Commissioner was vacated by its incumbent in December 2018 due to that individual's election to the Clayton City Council, thereby creating an unexpired vacant term of office to end on June 30, 2020; and

WHEREAS, staff duly advertised the one position vacancy on the Planning Commission and set a deadline of January 10, 2019 for interested citizens to submit an application to serve; and

WHEREAS, five interested citizens submitted a timely application to the filing date expressing willingness to serve in the appointed capacity; and

WHEREAS, the full City Council interviewed the applicants during a portion of its open public meeting held on January 15, 2019.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California, does hereby appoint (insert name) to the Planning Commission of the City of Clayton for the remainder of a vacated term of appointed office expiring on June 30, 2020.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held the 15th day of January 2019 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

Tuija Catalano, Mayor

ATTEST:

Janet Calderon, City Clerk

RECEIVED

DEC 19 2018

PLANNING COMMISSION APPLICATION

City of Clayton

All information contained on this application is public record. This includes home address and all phone numbers. This position is required by state law to complete and file an annual Financial Statement of Economic Interest.

Name: Frank Gavidia

Date: December 12, 2018

December 19, 2018

Home address: 104 Gold Rush Court

Contact phone: 415-609-5535

Length of residence in Clayton: 18 years

Email address: _____

Present employer: Nissim & Gavidia Wealth Management & Financial Planning, LLC

Occupation: Managing Partner / Chief Compliance Officer

Education and special training:

B.A. Economics

Series 7, 9, 10, 63, 65 securities licenses

CFP® Professional

Experience and activities, which particularly qualify you for an appointment to the Clayton Planning Commission.

The nature of the my firm's business which is to help families with long term financial planning requires in depth analytical skills that I can readily apply in this position. In addition, I will bring a different perspective to the Planning Commission.

How do you perceive the role of a Planning Commissioner?

A Planning Commissioner's role is to listen and be open and fair minded. A Commissioner should be very familiar with the community. The Planning Commission has the important role of shaping the future of this wonderful city called Clayton.

Other interests and hobbies:

MDSA Soccer Coach. Currently serving as Assistant Treasurer

List three references with phone numbers:

John Walker (Clayton Resident) 925-787-3173

Juan Guerrero (Clayton Resident) 925-451-2750

Ron Hunt (Clayton Resident) 925-324-7864



Signature

December 19, 2018

Date

JAN 07 2019

City of Clayton**PLANNING COMMISSION APPLICATION**

All information contained on this application is public record. This includes home address and all phone numbers. This position is required by state law to complete and file an annual Financial Statement of Economic Interest.

Name: Theresa (Terri) Denslow

Date: January 6, 2019

Home Address: 510 Mt Davidson Court, Clayton, CA 94517

Contact phone: 510-334-8617

Length of residence in Clayton: 1.5 years

Email address: terridenslow@gmail.com

Present employer: Chevron Corporation (just under 13 years)

Occupation: Product Qualification Program Manager & Technical Team Leader

Education and special training:

- MS Organic Chemistry, UC Davis, Davis, CA, 2006
- BS Chemical Engineering, Virginia Tech, Blacksburg, VA, 2001
- Several project management and leadership development courses
- Self-taught fundamentals needed to manage and grow a small business

Experience and activities, which particularly qualify you for an appointment to the Clayton Planning Commission:

- Sincere passion and interest in getting engaged with the Clayton community and using a strong collaborative approach (learned from my industry experience) to review and consider development opportunities alongside other members of the Planning Commission. Although this would be a new endeavor for me, I'm confident that I would listen, learn and actively contribute as I've done over multiple roles, functional areas and work locations throughout my industry experience.
- Just under 13 years of experience working for Chevron Corporation as both an individual contributor and team leader, over various functional areas (Research and Development, Technical Sales, and Supply Chain & Manufacturing), various locations (Richmond, San Ramon, New Orleans), and with global territory responsibility. Throughout this experience, I have learned the following skills which are translatable to the responsibilities of a Planning Commissioner: 1) how to productively work together to achieve a common goal despite different backgrounds and viewpoints; 2) how to listen and learn to others in order to empathetic decisions and unbiased recommendations 3) how to make timely decisions despite not 100% of information known or all parties in consensus opinion; 4) ability to analyze data in an unbiased manner and use this information to drive future business decisions

- In my spare time, I run the marketing & branding programs and manage the general overall operations of my husband's small business. We started the business in 2015 while still living in Louisiana. Without any formal training, I taught myself how to write a business plan, create marketing and branding platforms and plans for execution as well as learn accounting and tax requirements. In 2017 we moved to CA and I learned to adapt the business plans and approach in order to be effective in a very different market. As his business grows in a more digitally interactive market, I've had to teach myself about web design, digital marketing, data optimization and analytics as well. While some of these experiences may not be directly related to the responsibilities of Planning Commissioner, they do demonstrate my willingness and ability to take on the unknown, to learn quickly and to become proficient in areas that may have been foreign to me prior.

How do you perceive the role of a Planning Commissioner?

- I perceive the role of the Planning Commissioner is to perform unbiased reviews, seek clarifications and put forward a vote when appropriate in order to make decisions regarding use permits, projects, Site Plan Reviews, Subdivisions and Variances. In addition, the Planning Commission serves as an intermediary body to work through/approve/deny recommendations to the City Council on General Plan and Zoning Ordinance amendments and other land use matters (and thus individual Planning Commissioner plays role in this process through the larger Planning Commission body).
- Additionally, I also perceive that the Planning Commissioner must be open and transparent with their thoughts and perspectives so that the public can understand intent and drivers of recommendations. In alignment with this perspective, the Planning Commissioner must be open to feedback and perspectives from the public in order to make well informed recommendations. Throughout this transparent process, the Planning Commissioner must balance data and fact driven recommendations with an empathetic approach toward the community to ensure best recommendations for the long-term health and sustainability of Clayton.

Other interests and hobbies:

- Unfortunately, my husband and I have not been blessed with the gift of children, thus our two dogs are our pride and joy. Additionally, we enjoy spending time traveling and hiking. When not working, we spend as much time as possible trekking through the challenging trails of Mount Diablo. Lastly, we have recently begun volunteering with Contra Costa County Food Bank and are looking forward to more volunteer opportunities through this outlet.
- Aside from outdoors and our dogs, travel is a strong passion of ours. We grew up on the East Coast, moved to Northern California for graduate school and then lived and worked in the Bay Area for several years before my company transferred us to the outskirts of New Orleans, LA. We have recently (1.5 years ago) relocated back to the Bay Area and are loving rejoining the NorCal community! We love to travel to National Parks throughout the states and always appreciate the opportunity to travel internationally so that we may experience a new culture and engage with the local

community. We strongly believe that every new experience is an opportunity to learn and shape our perspectives so that we may better contribute to our local community and those around us.

- Professionally, I am extremely passionate about people development and leadership. I'm grateful to the strong leadership influences I've had around me at Chevron to develop mentoring relationships and thus I look to give back to others around me through formal and informal mentoring relationships.

List three references with phone numbers:

Teri Crosby, Global Product Line Manager, Chevron Corporation; 707-853-4496; 510-242-4409; tacr@chevron.com

Jan Hester, Retired school teacher & Clayton resident; 925-586-8395

Rodney Azevedo, Regional Supply Chain Manager, Chevron Corporation; 602-315-4349; 504-391-6221; Rodney.azevedo@chevron.com

Signature (digital):

Terri Denslow

Date: January 6, 2019

RECEIVED

JAN 09 2019

PLANNING COMMISSION APPLICATION

City of Clayton

All information contained on this application is public record. This includes home address and all phone numbers. This position is required by state law to complete and file an annual Financial Statement of Economic Interest.

Name: Karen Amos

Date: December 29, 2018

Home address: 364 Mt Washington Way **Contact phone:** 925.522.9685 C

Length of residence in Clayton: 1976 - 1992; 2007-present

Email address: karenaamos@mac.com

Present employer: Peet's Coffee

Occupation: Distribution Manager, 3rd Party Logistics

Education and special training:

BA, International Relations, German, UC Davis; Master Public Administration, Western Michigan University

Experience and activities, which particularly qualify you for an appointment to the Clayton Planning Commission.

I do not have city planning experience, however, I do have experience in Corporate Real Estate and recently concluded eight (8) years of managing Requests for Proposals, evaluating proposals for contracted services, and managing supplier performance for a US subsidiary of a multi-national corporation. I also have an interest in Clayton's development and would like to help ensure that our city's growth is measured and responsible, and that the proposals shared with the commission are considered with an open mind. If appointed to the Planning Commission, I would come prepared to meetings, listen and consider the views of others, and remain open to new ideas and perspectives, while working on behalf of Clayton's residents.

How do you perceive the role of a Planning Commissioner?

Planning Commissioners are tasked with reviewing development and land use proposals brought to the City, including reasonable accommodations for residential properties, and for ensuring that proposals fit within the guidelines of the Clayton General Plan. Those proposals reviewed are either rejected or referred to the City Council for consideration. A key part of this role is ensuring that residents have an opportunity to engage with the City and to be heard by the Commission, by their fellow residents, when they have an issue.

Other interests and hobbies:

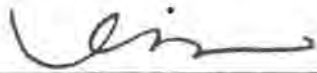
Gardening, reading, Girl Scout volunteer (Former troop leader - 10 years, current Diablo Day Camp volunteer - 11 years), Clayton
Community Library book sale volunteer - 11 years, CVCHS Marching Band parent volunteer - 1 year, DIY, and spending time with my
family and two dogs.

List three references with phone numbers:

Mats Wallin (925) 381-7015

Peggy Payne (925) 852-1632

Dave Shuey (510) 390-0478



Signature

1/8/2019

Date

RECEIVED

JAN 09 2019

PLANNING COMMISSION APPLICATION

City of Clayton

All information contained on this application is public record. This includes home address and all phone numbers. This position is required by state law to complete and file an annual Financial Statement of Economic Interest.

Name: James Porter

Date: December 28, 2018

Home address: 1498 N. Mitchell Canyon Rd.

Length of residence in Clayton: 15 years at this residence; off and on for nearly 20 years

Email address: jporteriv@gmail.com

Present employer: Robert Half International Inc.

Occupation: Lawyer

Education and special training:

Communications Studies Major, class of 2000, Vanderbilt University

Law Degree, class of 2003, UCLA School of Law.

Countless seminars and classes on construction law.

Experience and activities, which particularly qualify you for an appointment to the Clayton Planning Commission.

13 years representing contractors, homeowners, and materials suppliers in complex construction litigation. Extensive review and analysis of construction contracts, building plans, and grading plans. Liaison between HOA boards, homeowners, architects, general contractors, subcontractors, and experts to resolve disputes and develop construction/repair plans acceptable to all sides. Analyzing and minimizing risk of exposure to litigation.

How do you perceive the role of a Planning Commissioner?

The Planning Commission should act as an informed advisory board to the City Council on matters of planning and land development. It should work towards the general plan and implement a community vision.

The commission informs themselves by talking to all individuals involved with the request, listening to all sides, keeping an open mind, balancing the goals of the community at large with the individuals affected, and consulting with current laws to assure compliance. Despite my tenure in litigation, I pride myself on not being overly confrontational, being open to new ideas, with the ability to analyze a situation from other points of view. A Planning Commission is a public service and not a forum to express personal views. As the first point of contact for many public requests, the Planning Commission is uniquely situated to use fairness, compassion, respect, and responsibility to promote trust between the community and the city, while at the same time strengthening the plan for the community at large.

Other interests and hobbies:

Spending time with family; Volunteering as a coach for clayton valley little league, flag football, and AYSO soccer; Developing iphone apps

List three references with phone numbers:

A.J. Chippero 925-234-6471

Dr. Keith Bradburn 925-628-8542

William Coggshall 925-639-8738

Signature

Date

1/9/19

RECEIVED

JAN 10 2019

PLANNING COMMISSION APPLICATION

City of Clayton

All information contained on this application is public record. This includes home address and all phone numbers. This position is required by state law to complete and file an annual Financial Statement of Economic Interest.

Name: ANN L. STANAWAY

Date: 01/10/2018

Home address: 1553 HAVILAND PLACE, CLAYTON, CA 94517 **Contact phone:** 925-289-4616

Length of residence in Clayton: 15 YEARS

Email address: CPTBLAH@YAHOO.COM

Present employer: RETIRED

Occupation: RETIRED

Education and special training:

URBAN PLANNING AND DEVELOPMENT -- PHI BETA KAPPA -- UCSD

COMPUTER SCIENCES/SYSTEMS ENGINEERING -- UCSD

NETWORK ENGINEERING -- CISCO NETWORK ACADEMY

Experience and activities, which particularly qualify you for an appointment to the Clayton Planning Commission.

CURRENTLY ENGAGED IN SUSTAINABLE DEVELOPMENT OF CLAYTON RESIDENTIAL PROPERTY

DESIGNER/OWNER/OPERATOR OF PHOTOVOLTAIC CO-GENERATION FACILITIES IN CALIFORNIA AND NEW ZEALAND

ACTIVE IN NEIGHBORHOOD AND HOMEOWNER ASSOCIATION ISSUES; ADVOCATE FOR RESIDENTS IN CLAYTON

How do you perceive the role of a Planning Commissioner?

ENSURE COMPLIANCE WITH CALIFORNIA LAWS COVERING CITY OF CLAYTON DEVELOPMENT

ENSURE APPROPRIATE PUBLIC ACCESS TO INFORMATION ABOUT PLANNING COMMISSION ACTIVITIES

ENSURE THAT APPROPRIATE RESPONSE TO ALL INQUIRIES IS MADE IN COMPLIANCE WITH CALIFORNIA LAW

Other interests and hobbies:

LEGISLATIVE INITIATIVES, SAILING, PERMACULTURE, IT HARDWARE/SOFTWARE DESIGN, FLORAL DESIGN,
MUSICIAN (PIANO, CELLO & VOICE), KNITTING, CROCHET, NEEDLEWORK, HATMAKER, SEAMSTRESS, REUPHOLSTERY,
DIY HOME IMPROVEMENT & INTERIOR DESIGN; CHANDLERY, ANTIQUE RESTORATION, WOODWORKING, COOKING

List three references with phone numbers:

MIKE OKEONE 925-787-5788

MATT GORMAN 626-467-5470

JOHN TRESHLER mtmiketre53@gmail.com EMAIL COMMUNICATION PREFERRED



Signature

01/10/2018

Date



Agenda Date: 1-15-2019

Agenda Item: 10e

Approved: Gary A. Mapper
City Manager

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: CITY MANAGER
DATE: 15 JANUARY 2019
SUBJECT: SET DATE FOR CITY COUNCIL SPECIAL MEETING
COUNCIL - MANAGER GOALS AND OBJECTIVES FOR 2019

RECOMMENDATION

After discussion it is recommended the City Council, by motion, determine a specific date, time and location for a City Council special meeting for the purpose of discussing progress and the relevance of existing goals, plus the setting of any new goals and/or objectives for Calendar Year 2019.

BACKGROUND

The Clayton City Council meets at least once a year with its City Manager to discuss progress on its Council – Manager Goals and Objectives set in motion the previous year(s), and to establish new and/or modified goals for the ensuing calendar year.

A separate special meeting has usually been called for this purpose as it allows sole attention and focus specifically on the achievements and progress, plus the establishment of City goals and objectives for the current calendar year.

Attached are calendars for the months of January and February 2019 with notations as to known meetings. For past reference as to the selection of a date and time for the actual special meetings, a table of past meetings is listed below. This meeting has usually been held in the 3rd Floor Conference Room at Clayton City Hall. Often, previous meetings were held prior to a City Council regular public meeting later that same evening:

<u>Calendar Year</u>	<u>Past Meetings Held/Time</u>	<u>Before a Reg. Mtg?</u>
2018	Tues., January 30 th , 6:30 p.m.	No
2017	Tues., February 7 th , 5:00 p.m.	Yes
2016	Mon., January 25 th , 4:30 p.m.	No
2015	Tues., January 20 th , 5:00 p.m.	Yes
2014	Tues., January 21 st , 5:00 p.m.	Yes
2013	Tues., February 5 th , 5:00 p.m.	Yes
2012	Mon., January 30 th , 4:00 p.m.	No

FISCAL IMPACT

No direct fiscal impact. The lack of clearly defined goals and objectives may actually cost the City and its community money over the short and long-term operations of the public entity due to misdirection and/or absence of priorities.

◀ Dec 2018

January 2019

Feb 2019 ▶

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1 New Year's Day (City Holiday)	2	3	4	5
6	7	8 Planning Commission Meeting	9	10 CCC Mayors' Conference - Richmond	11	12
13	14	15 City Council Meeting	16 League of CA Cities New Council Members Academy	17 League of CA Cities New Council Members Academy	18 League of CA Cities New Council Members Academy	19
20	21 Martin Luther King Jr. Day (City Holiday)	22 Planning Commission Meeting	23	24 League of CA Cities East Bay Division Meeting – Walnut Creek	25	26
27	28	29	30	31		

◀ Jan 2019

February 2019

Mar 2019 ▶

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5 City Council Meeting	6	7 CCC Mayors' Conference - Concord	8	9
10	11	12 Planning Commission Meeting	13	14	15	16
17	18 Presidents' Day (City Holiday)	19 City Council Meeting	20	21	22	23
24	25	26 Planning Commission Meeting	27	28 League of CA Cities East Bay Division Board Meeting		