



**CLAYTON CITY COUNCIL
AND SUCCESSORY HOUSING AGENCY
REGULAR MEETING AGENDA**

**TUESDAY, SEPTEMBER 15, 2026
7:00 PM**

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

Members of the public may participate virtually in the Clayton City Council meeting and provide public comment, please join via Zoom.

At the time and date of the meeting, please click this URL to join the webinar:
<https://us02web.zoom.us/j/87013308207?pwd=Cseb8FiFZXHszhgXSPA1SHLTAjNzoM.1>
Meeting ID: 870 1330 8207 | Meeting Password: 121212
Dial 669-900-9128 to join by phone

Remote Public Comments: When the Mayor invites public comment for the item on which you would like to comment, please use the "raise hand" feature (or press *9 if connecting via telephone only and press *6 to unmute/mute) to alert staff you have a public comment to provide.

Jeff Wan, Mayor

Richard Enea, Vice Mayor
Holly Tillman, Councilmember

Jim Diaz, Councilmember
Kim Trupiano, Councilmember

-
- 1. CALL TO ORDER AND ROLL CALL**
 - 2. PLEDGE OF ALLEGIANCE**
 - 3. PUBLIC COMMENT ON NON-AGENDA ITEMS**

Members of the public may address the City Council on non-agendized items within the Council's jurisdiction. To ensure an orderly meeting and an equal opportunity for everyone, each speaker is limited to three (3) minutes, or the time established by the Mayor. In accordance with State Law, no action may take place on any item not appearing on the posted agenda. The Council may respond to statements made or questions asked or may at its discretion request staff to report back at a future meeting concerning the matter.

Public comment and input on other agenda items will be allowed when each item is considered by the Council.

- 4. CONSENT CALENDAR**

The Consent Calendar includes routine items that are to be enacted by one motion. There will be no separate discussion of these items. If discussion is requested, the item will be removed from the Consent Calendar and considered separately.

- (a) Approve August 18, 2026 and September 1, 2026 Regular Meeting Minutes

- (b) Second Reading and Adoption of Ordinance No. 505 Amending Section 5.04.370 of the Clayton Municipal Code, Entitled "Rental Dwellings," to Eliminate the Business License Tax on Single-Family Rental Dwelling Units
- (c) Second Reading and Adoption of Ordinance No. 506 Amending Section 9.18.060 of the Clayton Municipal Code, Entitled "Enforcement," to Clarify the Fee Schedule Applicable to Excessive False Alarms
- (d) Second Reading and Adoption of Ordinance No. 507 Amending Section 10.41.020 of the Clayton Municipal Code, Entitled "Definitions," to Clarify That Non-Motorized Trailers Drawn By A Motor Vehicle Are Included Within the Definition of "Recreational Vehicle"
- (e) Second Reading and Adoption of Ordinance No. 508 Amending Section 11.04.060 of the Clayton Municipal Code, Entitled "Amplified Sound," to Include New Technology Among Exempt Personal Devices and to Update Permit Requirements
- (f) Second Reading and Adoption of Ordinance No. 509 Amending Sections 12.08.010 Through 12.08.040 of Chapter 12.08, Entitled "Site Obstructions at Intersections," of the Clayton Municipal Code to Extend Sightline Protections to Pedestrians, Establish a Maintenance-Based Standard for Vegetation Within the Sight Triangle, and Update Enforcement Authority References
- (g) Second Reading and Adoption of Ordinance No. 510 Adding Chapter 17.70 to the Clayton Municipal Code, Entitled "Special Event Permits," to Establish a Permit Process for Events Requiring Closure of a Public Right-of-Way, Diversion of Traffic, or Modification of Normal Traffic Controls
- (h) Second Reading and Adoption of Ordinance No. 511 Renumbering Chapter 17.70 of the Clayton Municipal Code, Entitled "Temporary Use Permits," as Chapter 17.69; Amending Sections 17.69.010 and 17.69.020; and Adding Section 17.69.070 to Establish Penalties for Violations of Temporary Use Permits

5. RECOGNITIONS AND PRESENTATIONS

- (a) Certificates of Recognition to Public School Students for Exemplifying the "Do the Right Thing" Character Trait of "Inclusion"
- (b) Certificates of Recognition to Public School Students for Exemplifying the "Do the Right Thing" Character Trait of "Courage"
- (c) Presentation of a Proclamation for Blue Night Award

6. REPORTS

- (a) City Manager's Report
- (b) City Council/Committees Reports

7. PUBLIC HEARINGS

8. ACTION ITEMS - CONVENE SUCCESSOR HOUSING AGENCY

- (a) Consider Approval of the First Amendment to Loan Agreement and First Amendment to Promissory Note Between the City of Clayton, Acting in Its Capacity as Successor Housing Agency to the Former Redevelopment Agency of the City of Clayton, and Diamond Terrace Investors to Revise the Loan Repayment Schedule, Eliminate the Balloon Payment, and Extend the Maturity Date to October 1, 2040

Recommended Action: Approve the contract amendment.

9. ADJOURNMENT

The next regularly scheduled meeting will be October 6, 2026. For meeting information and materials, please visit the City's website.

Meeting Information and Access

- 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](#).
- 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's website](#).
- 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 and is available for review on the [City's website](#).
- If you have a physical impairment requiring special accommodation to participate, please call the City Clerk's office at least 72 hours (about 3 days) before the meeting at (925) 673-7300.
- E-mail Public Comments: Public comment may also be sent to the [City Clerk](#) by 12:00 p.m. on the day of the meeting. All e-mailed public comments will be forwarded to the entire committee and made part of the official meeting file.
- The City cannot guarantee that the public's access to teleconferencing technology will be uninterrupted, and technical difficulties may occur time to time. In the event of these difficulties, the City will comply with the Brown Act and its Disruption Policy, which may mean public meetings will continue despite technical difficulties for participants using the teleconferencing option.
- Each person attending the meeting who wishes to speak on an agendized or non-agendized matter (within the council's jurisdiction), shall have a set amount of time to speak as determined by the Mayor.



CLAYTON CITY COUNCIL REGULAR MEETING MINUTES

**TUESDAY, AUGUST 18, 2026
7:00 PM**

1. CALL TO ORDER AND ROLL CALL

The meeting was called to order at 7:03 p.m. by Mayor Wan held in-person and broadcast from Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, California. Councilmembers present: Councilmembers: Trupiano, Tillman, Diaz; Vice Mayor Enea, and Mayor Wan. Staff present: City Manager, Kris Lofthus; Administrative Services Director, Dennis Bozanich; Police Chief Jeremy Crone; City Clerk Melissa Rhodes

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT ON NON-AGENDA ITEMS

Members of the public may address the City Council on non-agendized items within the Council's jurisdiction. To ensure an orderly meeting and an equal opportunity for everyone, each speaker is limited to three (3) minutes, or the time established by the Mayor. In accordance with State Law, no action may take place on any item not appearing on the posted agenda. The Council may respond to statements made or questions asked or may at its discretion request staff to report back at a future meeting concerning the matter.

Public comment and input on other agenda items will be allowed when each item is considered by the Council.

There was no public comment received.

4. CONSENT CALENDAR

The Consent Calendar includes routine items that are to be enacted by one motion. There will be no separate discussion of these items. If discussion is requested, the item will be removed from the Consent Calendar and considered separately.

- (a) Approve July 7, 2026 Regular Meeting Minutes and July 28, 2026 Special Meeting Minutes
- (b) Adoption of Ordinance 504 Adding Section 2.02.040 to the City of Clayton Municipal Code, Under Title 2 Administration and Personnel Chapter 2.02 - General Municipal Election, Relating to the Electronic Filing of Fair Political Practices Commission Campaign Disclosure Statements

Vice Mayor Enea made a motion to approve, with Councilmember Diaz seconding. The motion carried 5-0.

5. REPORTS

(a) City Manager's Report

City Manager Lofthus announced the final Concert in The Grove on Saturday, August 22, 2026, at 6:00 p.m.; a Town Hall Meeting on August 26, 2026, from 6:00 to 8:00 p.m. in Hoyer Hall, located at 6125 Clayton Road, Clayton, CA 94517; and an Emergency Operations Plan Community Meeting hosted by the Police Chief on August 27, 2026, at 7:00 p.m. in Hoyer Hall; noted that the next City Council meeting would be held on September 1, 2026; and thanked everyone who participated in National Night Out.

(b) City Council/Committees Reports

6. PUBLIC HEARINGS

- (a) Introduction and First Reading of Ordinance No. 505 Amending Clayton Municipal Code Section 5.04.370 (Business Licenses and Taxes Generally - Rental Dwellings), Eliminating the Business License Tax on Single Family Rental Dwelling Units

Recommendation: Open public hearing, take public input, close the public hearing, and introduce the ordinance by title only and continue to September 1, 2026, for second reading and adoption.

Chief Crone introduced the item.

Mayor Wan opened the public hearing at 7:14 p.m.

Vice Mayor Enea made a motion to continue the public hearing to September 1, 2026, with Councilmember Trupiano seconding. The motion carried 5-0.

- (b) Introduction and First Reading of Ordinance No. 506 Amending Clayton Municipal Code Section 9.18.060 (Alarm Systems — Enforcement) to Clarify the Fee Schedule Applicable to Excessive False Alarms

Recommendation: Open public hearing, take public input, close the public hearing, and introduce the ordinance by title only and continue to September 1, 2026, for second reading and adoption.

Mayor Wan opened the public hearing at 7:15 p.m.

Chief Crone introduced the item.

Council sought clarification regarding the number of false alarms permitted and penalties.

City Attorney Subramanian recommended modifying the language to reference a 12-month period to remain consistent in both sections a and b.

Vice Mayor Enea made a motion to continue the public hearing to September 1, 2026, with Councilmember Trupiano seconding. The motion carried 5-0.

- (c) Introduction and First Reading of Ordinance No. 507 Amending Clayton Municipal Code Section 10.41.020 (Recreational Vehicles — Definitions) to Clarify That Non-Motorized Trailers Drawn by a Motor Vehicle Are Included Within the Definition of "Recreational Vehicle"

Recommendation: Open public hearing, take public input, close the public hearing, and introduce the ordinance by title only and continue to September 1, 2026, for second reading and adoption.

Mayor Wan opened the public hearing at 7:24 p.m.

Chief Crone introduced the item.

Council sought clarification.

Vice Mayor Enea made a motion to continue the public hearing to September 1, 2026, with Councilmember Tillman seconding. Motion carried 5-0.

- (d) Introduction and First Reading of Ordinance No. 508 Amending Clayton Municipal Code Section 11.04.060 (City Parks — Amplified Sound) to Include Bluetooth Speakers Among Exempt Personal Devices and to Correct Permit Terminology to Align With Permits Currently Issued by the City

Recommendation: Open public hearing, take public input, close the public hearing, and introduce the ordinance by title only and continue to September 1, 2026, for second reading and adoption.

Mayor Wan opened the public hearing at 7:28 p.m.

Chief Crone introduced the item.

Mayor Wan proposed using more general language to improve efficiency.

Councilmember Tillman made a motion to continue the public hearing to September 1, 2026, with Vice Mayor Enea seconding. The motion carried 5-0.

- (e) Introduction and First Reading of Ordinance No. 509 Amending Clayton Municipal Code Chapter 12.08 (Sight Obstructions at Intersections), Sections 12.08.010 through 12.08.040, to Extend Sightline Protections to Pedestrians, Establish a Maintenance-Based Standard for Vegetation Within the Sight Triangle, and Update Outdated "City Engineer" References to City Manager or Designee

Recommendation: Open the public hearing, take public input, close the public hearing, and introduce the ordinance by title only and continue to September 1, 2026, for second reading and adoption.

Mayor Wan opened the public hearing at 7:31 p.m.

Chief Crone introduced the item.

Council addressed concerns and sought clarification.

Vice Mayor Enea made a motion to continue the public hearing to September 1, 2026, with Councilmember Trupiano seconding. The motion carried 5-0.

- (f) Introduction and First Reading of Ordinance No. 510 Creating Clayton Municipal Code Chapter 17.70 (Special Event Permits) to Establish a Permit Process for Events Requiring Closure of a Public Right-of-Way or Diversion of Traffic, Distinct From the Administrative Temporary Use Permit Process Under Chapter 17.69

Recommendation: Open public hearing, take public input, close the public hearing, and introduce the ordinance by title only and continue to September 1, 2026, for second reading and adoption.

Mayor Wan opened the public hearing at 7:38 p.m.

Chief Crone introduced the item.

Council sought clarification.

Gabriel Flores expressed concern regarding organized assemblies, sought clarification on whether individuals protesting without a permit would be in violation, and stated that the language could be interpreted in a manner that inhibits the rights to free speech and assembly.

Mayor Wan highlighted line item 17.70.020 (i).

Vice Mayor Enea made a motion to continue the public hearing to September 1, 2026, with Councilmember Trupiano seconding. The motion carried 5-0.

- (g) Introduction and First Reading of Ordinance No. 511 Renumbering Clayton Municipal Code Chapter 17.70 (Temporary Use Permits) as Chapter 17.69, Amending Sections 17.69.010 and 17.69.020 to Distinguish Temporary Use Permits From Special Event Permits and Remove Parades and Block Parties as Conditionally Permitted Temporary Uses, and Adding Section 17.69.070 (Violation — Penalty) to Establish Infraction Penalties for Violations of Temporary Use Permits

Recommendation: Open the public hearing, take public input, close the public hearing, and introduce the ordinance by title only and continue to September 1, 2026, for second reading and adoption.

Mayor Wan opened the public hearing at 7:51 p.m.

Chief Crone introduced the item.

Councilmember Trupiano questioned the removal of "parades." Chief Crone clarified that "parades" would now fall under special events.

Vice Mayor Enea made a motion to continue the item to September 1, 2026, with Councilmember Trupiano seconding. The motion carried 5-0.

7. ACTION ITEMS

- (a) Adopt Resolution No. 35-2026 approving revised City Standard Plan S-18, Street Name Signs

Recommendation: Adopt the resolution.

City Manager Lofthus introduced the item.

Public Works director Craig Blythe provided background information on the item and presented examples of the replacement signs.

Councilmembers discussed the new downtown street signs, potential replacement of additional signs, and beneficial uses for the old signage.

Vice Mayor Enea made a motion to approve the revised City Standard Plan S-18, Street Name Signs, with Councilmember Diaz seconding. Motion carried 5-0.

- (b) Adopt Resolution No. 36-2026 Approving the Reclassification of the Community Development Technician to Community Development Specialist, Resolution No. 37-2026 Amending the Miscellaneous Employee Memorandum of Understanding (MOU), and Resolution No. 38-2026 Adopting an amended Clayton's Salary Schedule Effective August 18, 2026 in Conformance with CalPERS Requirements to Provide a Publicly Available Salary Schedule

Recommendation: Adopt the resolutions.

City Manager Lofthus introduced the item.

Council sought clarification and commended staff on the item.

Councilmember Diaz made a motion to approve, with Councilmember Trupiano seconding. The motion carried 5-0.

- (c) Designation of Voting Delegate and Alternate Delegate for League of California Cities 2026 Annual Conference being held September 23 through 25, in Anaheim and the City's position on the one (1) League Conference General Resolution

Recommendation: Designate a Voting Delegate and Alternate and discuss and direct regarding City's position on the General Resolution.

City Manager Lofthus introduced the item.

Councilmember Diaz volunteered to be the voting delegate.

Council discussed the resolution to be voted on at the League of California Cities 2026 Annual Conference.

Vice Mayor Enea made a motion to appoint Councilmember Jim Diaz as the Voting Delegate for the League of California Cities 2026 Annual Conference, with Councilmember Trupiano seconding. The motion carried 5-0.

8. ADJOURNMENT

The next regularly scheduled meeting will be September 1, 2026. For meeting information and materials, please visit the City's website.

Mayor Wan adjourned the meeting at 8:25 p.m.

City Clerk



CLAYTON CITY COUNCIL REGULAR MEETING MINUTES

**TUESDAY, SEPTEMBER 1, 2026
7:00 PM**

1. CALL TO ORDER AND ROLL CALL

The meeting was called to order at 7:00 p.m. by Mayor Wan held in-person and broadcast from Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, California. Councilmembers present: Councilmembers: Trupiano, Tillman, Diaz; Vice Mayor Enea, and Mayor Wan. Staff present: Administrative Services Director, Dennis Bozanich; Police Chief Jeremy Crone; City Clerk Melissa Rhodes

2. PLEDGE OF ALLEGIANCE

3. PUBLIC COMMENT ON NON-AGENDA ITEMS

Members of the public may address the City Council on non-agendized items within the Council's jurisdiction. To ensure an orderly meeting and an equal opportunity for everyone, each speaker is limited to three (3) minutes, or the time established by the Mayor. In accordance with State Law, no action may take place on any item not appearing on the posted agenda. The Council may respond to statements made or questions asked or may at its discretion request staff to report back at a future meeting concerning the matter.

Public comment and input on other agenda items will be allowed when each item is considered by the Council.

Geneva Moss announced Library Card Sign Up Month at Clayton Community Library and encouraged the public to participate.

City Council Candidate Amy Callaghan introduced herself, described her professional background, and outlined her goals and vision for the City of Clayton.

City Council Candidate Charles "Charlie" Schmidt thanked the City Manager and his team for organizing the Town Hall and expressed appreciation to Kim, Maria, and Amy for stepping forward to serve the City.

4. CONSENT CALENDAR

The Consent Calendar includes routine items that are to be enacted by one motion. There will be no separate discussion of these items. If discussion is requested, the item will be removed from the Consent Calendar and considered separately.

5. RECOGNITIONS AND PRESENTATIONS

6. REPORTS

(a) City Manager's Report

Administrative Services Director Dennis Bozanich announced that the next Town Hall would be held on Wednesday, October 7, 2026 at the Hoyer Hall, Clayton Community Library, located at 6125 Clayton Road, Clayton, California.

(b) City Council/Committees Reports

7. PUBLIC HEARINGS

- (a) Introduction and First Reading of Ordinance No. 505 Amending Section 5.04.370 of the Clayton Municipal Code, Entitled "Rental Dwellings," to Eliminate the Business License Tax on Single-Family Rental Dwelling Units

Recommendation: Open public hearing, take public input, close the public hearing, and introduce the ordinance by title only and continue to September 15, 2026, for second reading and adoption.

Mayor Wan re-opened the public hearing at 7:09 p.m.

Chief Crone provided a high-level summary of the item.

Mayor Wan closed the public hearing at 7:11 p.m.

Councilmember Diaz made a motion to introduce by first reading Ordinance No. 505, with Councilmember Trupiano seconding. The motion carried 5-0.

- (b) Introduction and First Reading of Ordinance No. 506 Amending Section 9.18.060 of the Clayton Municipal Code, Entitled "Enforcement," to Clarify the Fee Schedule Applicable to Excessive False Alarms

Recommendation: Open public hearing, take public input, close the public hearing, and introduce the ordinance by title only and continue to September 15, 2026, for second reading and adoption.

Mayor Wan re-opened the public hearing at 7:11 p.m.

Chief Crone provided a high-level summary of the item.

Mayor Wan closed the public hearing at 7:12 p.m.

Councilmember Diaz made a motion to introduce by first reading Ordinance No. 506 with Councilmember Trupiano seconding. The motion carried 5-0.

- (c) Introduction and First Reading of Ordinance No. 507 Amending Section 10.41.020 of the Clayton Municipal Code, Entitled "Definitions," to Clarify That Non-Motorized Trailers Drawn By A Motor Vehicle Are Included Within the Definition of "Recreational Vehicle"

Recommendation: Open public hearing, take public input, close the public hearing, and introduce the ordinance by title only and continue to September 15, 2026, for second reading and adoption.

Mayor Wan re-opened the public hearing at 7:13 p.m.

Chief Crone provided a high-level summary of the item.

Mayor Wan closed the public hearing at 7:14 p.m.

Councilmember Diaz made a motion to introduce by first reading Ordinance No. 507 with Councilmember Trupiano seconding. The motion carried 5-0.

- (d) Introduction and First Reading of Ordinance No. 508 Amending Section 11.04.060 of the Clayton Municipal Code, Entitled "Amplified Sound," to Include New Technology Among Exempt Personal Devices and to Update Permit Requirements

Recommendation: Open public hearing, take public input, close the public hearing, and introduce the ordinance by title only and continue to September 15, 2026, for second reading and adoption.

Mayor Wan re-opened the public hearing at 7:14 p.m.

Chief Crone provided a high-level summary of the item.

Mayor Wan closed the public hearing at 7:16 p.m.

Councilmember Diaz made a motion to introduce by first reading Ordinance No. 508 with Councilmember Trupiano seconding. The motion carried 5-0.

- (e) Introduction and First Reading of Ordinance No. 509 Amending Sections 12.08.010 Through 12.08.040 of Chapter 12.08, Entitled "Site Obstructions at Intersections," of the Clayton Municipal Code to Extend Sightline Protections to Pedestrians, Establish a Maintenance-Based Standard for Vegetation Within the Sight Triangle, and Update Enforcement Authority References

Recommendation: Open the public hearing, take public input, close the public hearing, and introduce the ordinance by title only and continue to September 15, 2026, for second reading and adoption.

Mayor Wan re-opened the public hearing at 7:17 p.m.

Chief Crone provided a high-level summary of the item.

Mayor Wan closed the public hearing at 7:18 p.m.

Councilmember Diaz made a motion to introduce by first reading Ordinance No. 509 with Councilmember Trupiano seconding. The motion carried 5-0.

- (f) Introduction and First Reading of Ordinance No. 510 Adding Chapter 17.70 to the Clayton Municipal Code, Entitled “Special Event Permits,” to Establish a Permit Process for Events Requiring Closure of a Public Right-of-Way, Diversion of Traffic, or Modification of Normal Traffic Controls

Recommendation: Open public hearing, take public input, close the public hearing, and introduce the ordinance by title only and continue to September 15, 2026, for second reading and adoption.

Mayor Wan re-opened the public hearing at 7:19 p.m.

Chief Crone provided a high-level summary of the item.

Gabriel Flores expressed concern regarding the proposed language in Section 17.70.020(i) stating that he believed it would alter the scope and intent of the chapter, and urged the City Council to consider an alternative language.

Chief Crone provided clarification on the intent and scope of the ordinance.

Council asked clarifying questions regarding peacefully protesting.

Mayor Wan closed the public hearing at 7:31 p.m.

Councilmember Diaz made a motion to introduce by first reading Ordinance No. 510 with Councilmember Trupiano seconding. The motion carried 5-0.

- (g) Introduction and First Reading of Ordinance No. 511 Renumbering Chapter 17.70 of the Clayton Municipal Code, Entitled “Temporary Use Permits,” as Chapter 17.69; Amending Sections 17.69.010 and 17.69.020; and Adding Section 17.69.070 to Establish Penalties for Violations of Temporary Use Permits

Recommendation: Open the public hearing, take public input, close the public hearing, and introduce the ordinance by title only and continue to September 15, 2026, for second reading and adoption.

Mayor Wan re-opened the public hearing at 7:32 p.m.

Chief Crone provided a high-level summary of the item.

Mayor Wan closed the public hearing at 7:34 p.m.

Councilmember Diaz made a motion to introduce by first reading Ordinance No. 511 with Councilmember Trupiano seconding. The motion carried 5-0.

8. ACTION ITEMS

- (a) Consider options to address Truck Traffic on Mitchell Canyon Road, Near Mt. Diablo Elementary School During School Drop-Off and Pick-Up Times

Recommendation: Receive Direction After Discussing Truck Traffic Near Mt. Diablo Elementary School During School Drop-Off and Pick-Up Times.

Administrative Services Director Dennis Bozanich introduced the item.

Council discussed options they wished to explore to remedy the issue of truck traffic on Mitchell Canyon Road near Mt. Diablo Elementary School.

Amy Callaghan shared her experience with the truck traffic and indicated school pick-up is also an issue and provided possible solutions.

James Sinkay described the accessibility challenges his son, who uses a wheelchair, experiences when traveling to school due to truck traffic and offered potential solutions to improve safety and access in the area.

Lauren Kindorf urged Council to find a solution and provided an example from the City of San Ramon.

Mayor Wan made a motion to nominate Vice Mayor Enea and Councilmember Tillman to serve on the Ad Hoc Committee to discuss potential safety enhancements along Mitchell Canyon Road near Mt. Diablo Elementary School, with Councilmember Tillman seconding. The motion carried 5-0.

9. ADJOURNMENT

The next regularly scheduled meeting will be September 15, 2026. For meeting information and materials, please visit the City's website.

Mayor Wan adjourned the meeting at 8:09 p.m.

City Clerk



STAFF REPORT

TO: Honorable Mayor and City Councilmembers

FROM: Jeremy Crone, Police Chief

DATE: September 15, 2026

SUBJECT: Second Reading and Adoption of Ordinance No. 505 Amending Section 5.04.370 of the Clayton Municipal Code, Entitled "Rental Dwellings," to Eliminate the Business License Tax on Single-Family Rental Dwelling Units

RECOMMENDATION

Staff recommends that the City Council waive the second reading and adopt Ordinance No. 505 Amending Section 5.04.370 of the Clayton Municipal Code, Entitled "Rental Dwellings," to Eliminate the Business License Tax on Single-Family Rental Dwelling Units.

BACKGROUND

On September 1, 2026, City Council held a public hearing waiving the first reading and introduced Ordinance No. 505, Amending Section 5.04.370 of the Clayton Municipal Code, Entitled "Rental Dwellings," to Eliminate the Business License Tax on Single-Family Rental Dwelling Units. On a motion by Councilmember Diaz, seconded by Councilmember Trupiano, the City Council voted 5-0 to introduce Ordinance No. 505.

This second reading allows the City Council to adopt the ordinance.

DISCUSSION

This Ordinance shall become effective thirty (30) days from and after its passage. Within fifteen (15) days after passage of the Ordinance, the City Clerk shall cause it to be posted in three (3) public places heretofore designated by resolution of the City Council for the posting of ordinances and public notices. Further, the City Clerk is directed to cause the amendment adopted in Section 2 of this Ordinance to be codified into the Clayton Municipal Code.

FISCAL IMPACT

Fiscal impact of approximately -\$1,285 in general fund revenue from the elimination of "Single Family" dwellings to the code.

CEQA IMPACT

None.

ATTACHMENTS

1. Attachment A - Redline Municipal Code Revision 5.04.370

2. Attachment B - Ordinance No. 505

Section 5.04.370

5.04.370 Rental Dwellings.

A person who owns dwelling unit or units being used as a rental shall pay:

~~Single Family \$127.00~~

Duplex and multiple dwellings	\$127.00 for the first unit \$25.00 each additional unit
-------------------------------	---

~~(Res. 34-99, Ord. 184, Sec. 1, 1978)~~

[Section amended by Ordinance No. 505, § 5.04.370, 2026]

ORDINANCE NO. 505

AN ORDINANCE AMENDING SECTION 5.04.370 OF THE CLAYTON MUNICIPAL CODE, ENTITLED "RENTAL DWELLINGS," TO ELIMINATE THE BUSINESS LICENSE TAX ON SINGLE-FAMILY RENTAL DWELLING UNITS

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

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

WHEREAS, Clayton Municipal Code section 5.04.370, originally adopted by Ordinance No. 184 in 1978, requires owners of residential rental dwelling units to pay an annual business license tax, including owners renting a single-family home, secondary unit, or accessory dwelling unit; and

WHEREAS, the City Council desires to support the City's housing goals and expand the availability of rental housing, including accessory dwelling units authorized under state law, and finds that the recurring licensing requirement may discourage smaller property owners from making such units available for rent and may result in associated costs being passed through to tenants; and

WHEREAS, eliminating the business license tax for single-family rental dwelling units will reduce administrative burdens while allowing City staff to focus resources on direct health, safety, and habitability concerns, without affecting the City's authority to enforce applicable building, health, safety, habitability, code enforcement, or tenant-protection requirements; and

WHEREAS, the City Council desires to retain the existing business license tax structure for duplex and multiple-dwelling rental properties, which more closely resemble commercial rental operations.

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 to Clayton Municipal Code Section 5.04.370.
Section 5.04.370 of the Clayton Municipal Code is hereby amended its entirety to read as follows:

"5.04.370 - Rental Dwellings.

A person who owns dwelling unit or units being used as a rental shall pay:

Duplex and multiple dwellings	\$127.00 for the first unit
	\$25.00 each additional unit."

Section 3. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance, or the application thereof to any person or circumstance, is held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, clauses, or applications of this Ordinance that can be implemented without the invalid provision, clause, or application, and to this end the provisions and clauses of this Ordinance are declared severable.

Section 4. Conflicting Ordinances Repealed. Any ordinance or part thereof, or regulation in conflict with the provisions of this Ordinance, is hereby repealed. The provisions of this Ordinance shall control with regard to any provision of the Clayton Municipal Code that may be inconsistent with this Ordinance.

Section 5. Effective Date and Publication. This Ordinance shall become effective thirty (30) days from and after its passage. Within fifteen (15) days after passage of the Ordinance, the City Clerk shall cause it to be posted in three (3) public places heretofore designated by resolution of the City Council for the posting of ordinances and public notices. Further, the City Clerk is directed to cause the amendment adopted in Section 2 of this Ordinance to be codified into the Clayton Municipal Code.

Section 6. CEQA. The City Council finds that pursuant to California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3), it can be seen with certainty that there is no possibility that this Ordinance may have a significant effect on the environment. The Ordinance is therefore not subject to CEQA, and no further environmental review is necessary.

The foregoing Ordinance was introduced at a regular public meeting of the City Council of Clayton, California held on the 1st day of September 2026, by the following vote:

AYES: Councilmembers Tillman, Trupiano, Diaz; Vice Mayor Enea; Mayor Wan

NOES: None.

ABSENT: None.

ABSTAIN: None.

PASSED, ADOPTED AND ORDERED posted by the City Council of the City of Clayton, California at a regular public meeting thereof held on the 15th day of September 2026, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Jeff Wan, Mayor

ATTEST

Melissa Rhodes, City Clerk

APPROVED AS TO FORM

APPROVED BY ADMINISTRATION

Malathy Subramanian, City Attorney

Kris Lofthus, City Manager

I hereby certify that the foregoing Ordinance No. 505 was duly introduced at a regular meeting of the City Council of the City of Clayton held on September 1, 2026 and was duly adopted, passed, and ordered posted at a regular meeting of the City Council held on September 15, 2026.

Melissa Rhodes, City Clerk



STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCILMEMBERS

FROM: Jeremy Crone, Police Chief

DATE: September 15, 2026

SUBJECT: Second Reading and Adoption of Ordinance No. 506 Amending Section 9.18.060 of the Clayton Municipal Code, Entitled "Enforcement," to Clarify the Fee Schedule Applicable to Excessive False Alarms

RECOMMENDATION

Staff recommends that the City Council waive the second reading and adopt Ordinance No. 506 amending Section 9.18.060 of the Clayton Municipal Code, entitled "Enforcement," to clarify the fee schedule applicable to excessive false alarms.

BACKGROUND

On September 1, 2026, City Council held a public hearing waiving the first reading and introduced Ordinance No. 506 amending Section 9.18.060 of the Clayton Municipal Code, entitled "Enforcement," to clarify the fee schedule applicable to excessive false alarms. On a motion by Councilmember Diaz, seconded by Councilmember Trupiano, the City Council voted 5-0 to introduce Ordinance No. 506.

This second reading allows the City Council to adopt the ordinance.

DISCUSSION

This Ordinance shall become effective thirty (30) days from and after its passage. Within fifteen (15) days after passage of the Ordinance, the City Clerk shall cause it to be posted in three (3) public places heretofore designated by resolution of the City Council for the posting of ordinances and public notices. Further, the City Clerk is directed to cause the amendment adopted in Section 2 of this Ordinance to be codified into the Clayton Municipal Code.

FISCAL IMPACT

None.

CEQA IMPACT

None.

ATTACHMENTS

1. Attachment A - Redline Municipal Code Revision 9.18.060
2. Attachment B - Ordinance No. 506

9.18 - Alarm Systems:

9.18.060 - Enforcement.

- A. It is an infraction for a person to violate or fail to comply with this chapter. An infraction is punishable by (1) a fine of not exceeding fifty dollars (\$50.00) for a first violation; (2) a fine not exceeding one hundred dollars (\$100.00) for a second violation of the same Ordinance within ~~one-year~~ a twelve-month period; (3) a fine not exceeding two hundred fifty dollars (\$250.00) for each additional violation of the same Ordinance within ~~one-year~~ a twelve-month period.
- B. The maximum number of allowable false alarms reported shall be no more than three (3) in any thirty-day period with a maximum allowable of no more than four (4) in a twelve-month period. For every false alarm in excess of three (3) during any thirty-day period or more than four (4) during a year, the user shall pay a false alarm fee of ~~fifty dollars (\$50.00)~~ as per 9.18.060 (A). Any number of false alarms in a twenty-four-hour period shall be deemed as one false alarm for purposes of this section.

The Chief of Police shall notify in writing any user that has exceeded the number of allowable false alarms in a thirty-day period. False alarms shall result in a service assessment fee in accordance with this chapter.

[Section amended by Ordinance No. 506, § 9.18.060, 2026]

ORDINANCE NO. 506

AN ORDINANCE AMENDING SECTION 9.18.060 OF THE CLAYTON MUNICIPAL CODE, ENTITLED "ENFORCEMENT," TO CLARIFY THE FEE SCHEDULE APPLICABLE TO EXCESSIVE FALSE ALARMS

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

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

WHEREAS, Clayton Municipal Code Chapter 9.18 regulates alarm systems, and section 9.18.060 governs enforcement of that chapter; and

WHEREAS, subsection A of section 9.18.060 establishes an escalating fine schedule for violations of Chapter 9.18, consisting of a fine not exceeding fifty dollars (\$50.00) for a first violation, one hundred dollars (\$100.00) for a second violation of the same ordinance within a twelve-month period, and two hundred fifty dollars (\$250.00) for each additional violation of the same ordinance within a twelve-month period; and

WHEREAS, subsection B of section 9.18.060 separately limits the number of allowable false alarms and currently imposes a flat fifty-dollar (\$50.00) fee for each false alarm exceeding those limits, creating ambiguity as to the fee schedule applicable to repeated excess false alarms; and

WHEREAS, the City Council desires to eliminate this ambiguity by providing that fees for false alarms exceeding the allowable limits shall be assessed under the escalating schedule set forth in subsection A; and

WHEREAS, the amendment does not create a new fee or increase the maximum fine amounts already authorized, but clarifies that a single, consistent fee schedule applies to violations and excess false alarms under Chapter 9.18.

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 to Clayton Municipal Code Section 9.18.060.

Section 9.18.060 of the Clayton Municipal Code is hereby amended to read as follows:

"9.18.060 - Enforcement.

A. It is an infraction for a person to violate or fail to comply with this chapter. An infraction is punishable by (1) a fine of not exceeding fifty dollars (\$50.00) for a first violation; (2) a fine not exceeding one hundred dollars (\$100.00) for a second violation of the same Ordinance within a twelve-month period; (3) a fine not exceeding two

hundred fifty dollars (\$250.00) for each additional violation of the same Ordinance within a twelve-month period.

B. The maximum number of allowable false alarms reported shall be no more than three (3) in any thirty-day period with a maximum allowable of no more than four (4) in a twelve-month period. For every false alarm in excess of three (3) during any thirty-day period or more than four (4) during a twelve-month period, the user shall pay a false alarm fee as per 9.18.060 (A). Any number of false alarms in a twenty-four-hour period shall be deemed as one false alarm for purposes of this section.

The Chief of Police shall notify in writing any user that has exceeded the number of allowable false alarms in a thirty-day period. False alarms shall result in a service assessment fee in accordance with this chapter."

Section 3. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance, or the application thereof to any person or circumstance, is held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, clauses, or applications of this Ordinance that can be implemented without the invalid provision, clause, or application, and to this end the provisions and clauses of this Ordinance are declared severable.

Section 4. Conflicting Ordinances Repealed. Any ordinance or part thereof, or regulation in conflict with the provisions of this Ordinance, is hereby repealed. The provisions of this Ordinance shall control with regard to any provision of the Clayton Municipal Code that may be inconsistent with this Ordinance.

Section 5. Effective Date and Publication. This Ordinance shall become effective thirty (30) days from and after its passage. Within fifteen (15) days after passage of the Ordinance, the City Clerk shall cause it to be posted in three (3) public places heretofore designated by resolution of the City Council for the posting of ordinances and public notices. Further, the City Clerk is directed to cause the amendment adopted in Section 2 of this Ordinance to be codified into the Clayton Municipal Code.

Section 6. CEQA. The City Council finds that pursuant to California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3), it can be seen with certainty that there is no possibility that this Ordinance may have a significant effect on the environment. The Ordinance is therefore not subject to CEQA, and no further environmental review is necessary.

The foregoing Ordinance was introduced at a regular public meeting of the City Council of Clayton, California held on the 1st day of September 2026, by the following vote:

AYES: Councilmembers Tillman, Trupiano, Diaz; Vice Mayor Enea; Mayor Wan

NOES: None.

ABSENT: None.

ABSTAIN: None.

PASSED, ADOPTED AND ORDERED posted by the City Council of the City of Clayton, California at a regular public meeting thereof held on the 15th day of September 2026, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Jeff Wan, Mayor

ATTEST

Melissa Rhodes, City Clerk

APPROVED AS TO FORM

APPROVED BY ADMINISTRATION

Malathy Subramanian, City Attorney

Kris Lofthus, City Manager

I hereby certify that the foregoing Ordinance No. 506 was duly introduced at a regular meeting of the City Council of the City of Clayton held on September 1, 2026 and was duly adopted, passed, and ordered posted at a regular meeting of the City Council held on September 15, 2026.

Melissa Rhodes, City Clerk



STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCILMEMBERS

FROM: Jeremy Crone, Police Chief

DATE: September 15, 2026

SUBJECT: Second Reading and Adoption of Ordinance No. 507 Amending Section 10.41.020 of the Clayton Municipal Code, Entitled "Definitions," to Clarify That Non-Motorized Trailers Drawn By A Motor Vehicle Are Included Within the Definition of "Recreational Vehicle"

RECOMMENDATION

Staff recommends that the City Council waive the second reading and adopt Ordinance No. 507 amending Section 10.41.020 of the Clayton Municipal Code, Entitled "Definitions," to clarify that non-motorized trailers drawn by a motor vehicle are included within the definition of "Recreational Vehicle."

BACKGROUND

On September 1, 2026, City Council held a public hearing waiving the first reading and introduced Ordinance No. 507 amending Section 10.41.020 of the Clayton Municipal Code, Entitled "Definitions," to clarify that non-motorized trailers drawn by a motor vehicle are included within the definition of "Recreational Vehicle." On a motion by Councilmember Diaz, seconded by Councilmember Trupiano, the City Council voted 5-0 to introduce Ordinance No. 507.

This second reading allows the City Council to adopt the ordinance.

DISCUSSION

This Ordinance shall become effective thirty (30) days from and after its passage. Within fifteen (15) days after passage of the Ordinance, the City Clerk shall cause it to be posted in three (3) public places heretofore designated by resolution of the City Council for the posting of ordinances and public notices. Further, the City Clerk is directed to cause the amendment adopted in Section 2 of this Ordinance to be codified into the Clayton Municipal Code.

FISCAL IMPACT

None.

CEQA IMPACT

None.

ATTACHMENTS

1. Attachment A - Redline Municipal Code Revision 10.41.020
2. Attachment B - Ordinance No. 507

Chapter 10.41 - RECREATIONAL VEHICLES

10.41.020 Definitions.

A. "Recreational vehicle" means a vehicle that is self-propelled, motorized, or towed and designed to be slept in or lived in with facilities such as a self-contained bathroom, kitchen, or sleeping area, including, for example and without limitation, a motorhome, travel trailer, fifth wheel, camper, ~~and~~ coach, ~~and trailers, without motive power, designed to be drawn by a motor vehicle for carrying property, passengers, or for human habitation including both enclosed and unenclosed trailers.~~ The term recreational vehicle also includes dirt bikes, dune buggies, off-road vehicles (multiwheeled or tracked), and boats or water-craft of any size, with or without the transporting trailer. The term recreational vehicle does not include: pick-up trucks carrying a camper-shell and used for transportation on a daily basis that are not designed to be slept in or lived in with facilities such as a self-contained bathroom, kitchen, or sleeping area; any trailer component of a commercial vehicle making pickups or deliveries of goods, wares, and merchandise from or to any building or structure located on the restricted streets or highways or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling, or construction of any building or structure upon the restricted streets or highways for which a building permit has previously been obtained; or any vehicle designed exclusively for travel on stationary rails or tracks.

B. "Long term occupancy" means occupancy of more than ten (10) consecutive days.

C. "Light maintenance" means maintenance which is incidental to the current trip, is not prohibited by Section 10.36.070, 10.36.080, 13.12.060.A, 13.12.070, and 13.12.080 of this code or any other applicable local, State or Federal law and which is completed in no more than one day between the hours of 8:00 a.m. and 8:00 p.m. Exterior washing of recreational vehicles is not permitted on impermeable surfaces including public streets or roads.

[Section amended by Ordinance No. 507, § 10.41.020, 2026]

ORDINANCE NO. 507

AN ORDINANCE AMENDING SECTION 10.41.020 OF THE CLAYTON MUNICIPAL CODE, ENTITLED "DEFINITIONS," TO CLARIFY THAT NON-MOTORIZED TRAILERS DRAWN BY A MOTOR VEHICLE ARE INCLUDED WITHIN THE DEFINITION OF "RECREATIONAL VEHICLE"

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

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

WHEREAS, Clayton Municipal Code Chapter 10.41 regulates the parking, storage, and occupancy of recreational vehicles within the City, and section 10.41.020 defines terms used in that chapter; and

WHEREAS, the City Council desires to clarify that the definition of "recreational vehicle" includes trailers without motive power that are designed to be drawn by a motor vehicle for carrying property, passengers, or for human habitation, including both enclosed and unenclosed trailers.

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 to Clayton Municipal Code Section 10.41.020.

Section 10.41.020A of the Clayton Municipal Code is hereby amended in its entirety to read as follows:

"10.41.020 Definitions.

A. "Recreational vehicle" means a vehicle that is self-propelled, motorized, or towed and designed to be slept in or lived in with facilities such as a self-contained bathroom, kitchen, or sleeping area, including, for example and without limitation, a motorhome, travel trailer, fifth wheel, camper, coach, and trailers, without motive power, designed to be drawn by a motor vehicle for carrying property, passengers, or for human habitation including both enclosed and unenclosed trailers. The term recreational vehicle also includes dirt bikes, dune buggies, off-road vehicles (multiwheeled or tracked), and boats or water-craft of any size, with or without the transporting trailer. The term recreational vehicle does not include: pick-up trucks carrying a camper-shell and used for transportation on a daily basis that are not designed to be slept in or lived in with facilities such as a self-contained bathroom, kitchen, or sleeping area; any trailer component of a commercial vehicle making pickups or deliveries of goods, wares, and merchandise from or to any building or structure located on the restricted streets or highways or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling, or construction of any building or structure upon the restricted streets or highways for which a

building permit has previously been obtained; or any vehicle designed exclusively for travel on stationary rails or tracks."

Section 3. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance, or the application thereof to any person or circumstance, is held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, clauses, or applications of this Ordinance that can be implemented without the invalid provision, clause, or application, and to this end the provisions and clauses of this Ordinance are declared severable.

Section 4. Conflicting Ordinances Repealed. Any ordinance or part thereof, or regulation in conflict with the provisions of this Ordinance, is hereby repealed. The provisions of this Ordinance shall control with regard to any provision of the Clayton Municipal Code that may be inconsistent with this Ordinance.

Section 5. Effective Date and Publication. This Ordinance shall become effective thirty (30) days from and after its passage. Within fifteen (15) days after passage of the Ordinance, the City Clerk shall cause it to be posted in three (3) public places heretofore designated by resolution of the City Council for the posting of ordinances and public notices. Further, the City Clerk is directed to cause the amendment adopted in Section 2 of this Ordinance to be codified into the Clayton Municipal Code.

Section 6. CEQA. The City Council finds that pursuant to California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3), it can be seen with certainty that there is no possibility that this Ordinance may have a significant effect on the environment. The Ordinance is therefore not subject to CEQA, and no further environmental review is necessary.

The foregoing Ordinance was introduced at a regular public meeting of the City Council of Clayton, California held on the 1st day of September 2026, by the following vote:

AYES: Councilmembers Tillman, Trupiano, Diaz; Vice Mayor Enea, Mayor Wan

NOES: None.

ABSENT: None.

ABSTAIN: None.

PASSED, ADOPTED AND ORDERED posted by the City Council of the City of Clayton, California at a regular public meeting thereof held on the 15th day of September 2026, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Jeff Wan, Mayor

ATTEST

Melissa Rhodes, City Clerk

APPROVED AS TO FORM

APPROVED BY ADMINISTRATION

Malathy Subramanian, City Attorney

Kris Lofthus, City Manager

I hereby certify that the foregoing Ordinance No. 507 was duly introduced at a regular meeting of the City Council of the City of Clayton held on September 1, 2026 and was duly adopted, passed, and ordered posted at a regular meeting of the City Council held on September 15, 2026.

Melissa Rhodes, City Clerk



STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCILMEMBERS

FROM: Jeremy Crone, Police Chief

DATE: September 15, 2026

SUBJECT: Second Reading and Adoption of Ordinance No. 508 Amending Section 11.04.060 of the Clayton Municipal Code, Entitled "Amplified Sound," to Include New Technology Among Exempt Personal Devices and to Update Permit Requirements

RECOMMENDATION

Staff recommends that the City Council waive the second reading and adopt Ordinance No. 508 amending Section 11.04.060 of the Clayton Municipal Code, Entitled "Amplified Sound," to include new technology among exempt personal devices and to update permit requirements.

BACKGROUND

On September 1, 2026, City Council held a public hearing waiving the first reading and introduced Ordinance No. 508 amending Section 11.04.060 of the Clayton Municipal Code, Entitled "Amplified Sound," to include new technology among exempt personal devices and to update permit requirements. On a motion by Councilmember Diaz, seconded by Councilmember Trupiano, the City Council voted 5-0 to introduce Ordinance No. 508.

This second reading allows the City Council to adopt the ordinance.

DISCUSSION

This Ordinance shall become effective thirty (30) days from and after its passage. Within fifteen (15) days after passage of the Ordinance, the City Clerk shall cause it to be posted in three (3) public places heretofore designated by resolution of the City Council for the posting of ordinances and public notices. Further, the City Clerk is directed to cause the amendment adopted in Section 2 of this Ordinance to be codified into the Clayton Municipal Code.

FISCAL IMPACT

None.

CEQA IMPACT

None.

ATTACHMENTS

1. Attachment A - Redline Municipal Code Revision 11.04.060

2. Attachment B - Ordinance No. 508

Chapter 11.04 - CITY PARKS

11.04.060 - Amplified Sound.

No one shall operate any sound amplification equipment in any park. For purpose of this section, "sound amplification equipment" does not include ~~portable radios, tape players,~~ ~~personal electronic devices and speakers~~ or ~~and~~ similar devices tuned so that the sound does not carry more than ten (10) feet from the speaker. Events or programs using sound amplification equipment that have a ~~activity permit~~ ~~noise permit~~ or ~~special events permit~~ from the City are exempt from this regulation.

[Section amended by Ordinance No. 508, § 11.04.060, 2026]

ORDINANCE NO. 508

AN ORDINANCE AMENDING SECTION 11.04.060 OF THE CLAYTON MUNICIPAL CODE, ENTITLED "AMPLIFIED SOUND," TO INCLUDE NEW TECHNOLOGY AMONG EXEMPT PERSONAL DEVICES AND TO UPDATE PERMIT REQUIREMENTS

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

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

WHEREAS, Clayton Municipal Code section 11.04.060 prohibits the operation of sound amplification equipment in City parks, subject to specified exemptions; and

WHEREAS, the section excludes portable radios, tape players, and similar personal devices from the definition of sound amplification equipment; and

WHEREAS, the City Council desires to update the existing personal-device exemption list to reference newer technology and update the permit requirements.

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 to Clayton Municipal Code Section 11.04.060.

Section 11.04.060 of the Clayton Municipal Code is hereby amended in its entirety to read as follows:

"11.04.060 - Amplified Sound.

No one shall operate any sound amplification equipment in any park. For purpose of this section, "sound amplification equipment" does not include personal electronic devices and speakers or similar devices tuned so that the sound does not carry more than ten (10) feet from the speaker. Events or programs using sound amplification equipment that have a noise permit or special events permit from the City are exempt from this regulation."

Section 3. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance, or the application thereof to any person or circumstance, is held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, clauses, or applications of this Ordinance that can be implemented without the invalid provision, clause, or application, and to this end the provisions and clauses of this Ordinance are declared severable.

Section 4. Conflicting Ordinances Repealed. Any ordinance or part thereof, or regulation in conflict with the provisions of this Ordinance, is hereby repealed. The provisions of this Ordinance shall control with regard to any provision of the Clayton Municipal Code that may be inconsistent with this Ordinance.

Section 5. Effective Date and Publication. This Ordinance shall become effective thirty (30) days from and after its passage. Within fifteen (15) days after passage of the Ordinance, the City Clerk shall cause it to be posted in three (3) public places heretofore designated by resolution of the City Council for the posting of ordinances and public notices. Further, the City Clerk is directed to cause the amendment adopted in Section 2 of this Ordinance to be codified into the Clayton Municipal Code.

Section 6. CEQA. The City Council finds that pursuant to California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3), it can be seen with certainty that there is no possibility that this Ordinance may have a significant effect on the environment. The Ordinance is therefore not subject to CEQA, and no further environmental review is necessary.

The foregoing Ordinance was introduced at a regular public meeting of the City Council of Clayton, California held on the 1st day of September 2026, by the following vote:

AYES: Councilmembers Tillman, Trupiano, Diaz; Vice Mayor Enea; Mayor Wan

NOES: None.

ABSENT: None.

ABSTAIN: None.

PASSED, ADOPTED AND ORDERED posted by the City Council of the City of Clayton, California at a regular public meeting thereof held on the 15th day of September 2026, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Jeff Wan, Mayor

ATTEST

Melissa Rhodes, City Clerk

APPROVED AS TO FORM

APPROVED BY ADMINISTRATION

Malathy Subramanian, City Attorney

Kris Lofthus, City Manager

I hereby certify that the foregoing Ordinance No. 508 was duly introduced at a regular meeting of the City Council of the City of Clayton held on September 1, 2026 and was duly adopted, passed, and ordered posted at a regular meeting of the City Council held on September 15, 2026.

Melissa Rhodes, City Clerk



STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCILMEMBERS

FROM: Jeremy Crone, Police Chief

DATE: September 15, 2026

SUBJECT: Second Reading and Adoption of Ordinance No. 509 Amending Sections 12.08.010 Through 12.08.040 of Chapter 12.08, Entitled "Site Obstructions at Intersections," of the Clayton Municipal Code to Extend Sightline Protections to Pedestrians, Establish a Maintenance-Based Standard for Vegetation Within the Sight Triangle, and Update Enforcement Authority References

RECOMMENDATION

Staff recommends that the City Council waive the second reading and adopt Ordinance No. 509 amending sections 12.08.010 through 12.08.040 of Chapter 12.08, entitled "site Obstructions at Intersections," of the Clayton Municipal Code to extend sightline protections to pedestrians, establish a maintenance-based standard for vegetation within the sight triangle, and update enforcement authority references.

BACKGROUND

On September 1, 2026, City Council held a public hearing waiving the first reading and introduced Ordinance No. 509 amending sections 12.08.010 through 12.08.040 of Chapter 12.08, entitled "site Obstructions at Intersections," of the Clayton Municipal Code to extend sightline protections to pedestrians, establish a maintenance-based standard for vegetation within the sight triangle, and update enforcement authority references. On a motion by Councilmember Diaz, seconded by Councilmember Trupiano, the City Council voted 5-0 to introduce Ordinance No. 509.

This second reading allows the City Council to adopt the ordinance.

DISCUSSION

This Ordinance shall become effective thirty (30) days from and after its passage. Within fifteen (15) days after passage of the Ordinance, the City Clerk shall cause it to be posted in three (3) public places heretofore designated by resolution of the City Council for the posting of ordinances and public notices. Further, the City Clerk is directed to cause the amendment adopted in Section 2 of this Ordinance to be codified into the Clayton Municipal Code.

FISCAL IMPACT

None.

CEQA IMPACT

None.

ATTACHMENTS

1. Attachment A - Redline Municipal Code Revision 12.08
2. Attachment B - Ordinance No. 509

Sight Obstructions:

Chapter 12.08 - SIGHT OBSTRUCTIONS AT INTERSECTIONS

12.08.010 - Structures, Fences and Vegetation Height Limits.

No structure (including but not limited to fences and gateways), ~~trees~~, shrubbery or other vegetation which *obstructs* the visibility of and from vehicles ~~and pedestrians~~ approaching the intersection of a state highway, public road, or city street with another state highway, public road or city street, shall be constructed, grown, maintained or permitted higher than two and one-half (2½) feet above the curb grade, or three (3) feet above the edge of pavement, within a triangular area bounded by the right-of-way lines and a diagonal line joining points on the right-of-way lines thirty-five (35) feet back from the point of their intersection, or in the case of rounded corners, the triangular area between the tangents to the curve of the right-of-way line and a diagonal line joining points on said tangents thirty-five (35) feet back from the point of their intersection. The tangents referred to are those at the beginning and at the end of the curve of the right-of-way line at the corner. ~~Trees may be maintained within the required visibility triangle provided that tree trunks, branches, and foliage are maintained so as not to obstruct visibility for vehicles and pedestrians approaching an intersection.~~ An illustration of the aforesaid regulations is set forth in Exhibit "A" on the following page.

12.08.020 - Exceptions.

This chapter shall not apply to existing public utility poles, official traffic signs or signals, or corners where the contour of the land itself prevents visibility ~~or as determined by the City Manager or designee as not materially obstructing visibility~~. This chapter shall not apply to all lands within a limited commercial (L-C) zoning district.

12.08.030 - Notice to Remove—Right of Appeal—Failure to Remove Unlawful.

If the ~~city-engineer~~ ~~City Manager or designee~~ determines that a violation of this chapter exists, ~~he~~ ~~they~~ shall give written notice to the owner, tenant, or person having possession, charge or control of the premises on which the violation exists. The notice may be given by registered or certified mail. The notice shall designate the *obstruction* that is existing in violation of this chapter and shall direct that the *obstruction* be removed within ten (10) days after receipt of the notice. The notice shall also recite the right of appeal hereinafter provided for in this chapter. It is unlawful for the person to whom the notice is addressed to fail to remove the *obstruction* within the ten-day period unless within said period ~~he~~ ~~they~~ appeals as hereinafter provided for, in which case the removal must be accomplished within ten (10) days after an adverse ruling on the appeal or application or as is ordered by the planning commission.

12.08.040 - Appeal—Filing Fee—Planning Commission Decision.

The owner, tenant, or person having possession, charge or control of the premises may appeal the determination of the ~~city-engineer~~ ~~City Manager or designee~~ or may seek a variance from the terms of this chapter by making application to the city planning commission in the manner provided for in Sections 17.52.010 through 17.52.060 of this

code pertaining to the application for variance permit under the zoning ordinance. The fee to be paid to the city clerk upon filing of such appeal shall be ten dollars (\$10.00). Upon such application the planning commission may review the determination of the ~~city engineer~~ **City Manager or designee** if the application is an appeal therefrom, and in any case if the planning commission determines that a violation of this chapter exists or is proposed or planned, may grant, grant conditionally, or refuse to grant a variance from the terms and provisions of this chapter. Within ten (10) days after the planning commission determines that the *obstruction* must be removed, the applicant shall remove the *obstruction*.

[Chapter amended by Ordinance No. 509, § 12.08.010, 12.08.020, 12.08.030, 12.08.040, 2026]

ORDINANCE NO. 509

AN ORDINANCE AMENDING SECTIONS 12.08.010 THROUGH 12.08.040 OF CHAPTER 12.08, ENTITLED "SITE OBSTRUCTIONS AT INTERSECTIONS" OF THE CLAYTON MUNICIPAL CODE TO EXTEND SIGHTLINE PROTECTIONS TO PEDESTRIANS, ESTABLISH A MAINTENANCE-BASED STANDARD FOR VEGETATION WITHIN THE SIGHT TRIANGLE, AND UPDATE ENFORCEMENT AUTHORITY REFERENCES

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

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

WHEREAS, Clayton Municipal Code Chapter 12.08 establishes height limits for structures, fences, and vegetation within sight triangles at intersections and provides notice, removal, and appeal procedures for violations, among other things; and

WHEREAS, the City Council desires to amend Sections 12.08.010-12.08.040 to extend sightline protections to pedestrians, establish a maintenance-based standard for trees within the required visibility triangle, and update enforcement authority references.

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 to Clayton Municipal Code Chapter 12.08.

Sections 12.08.010 through 12.08.040 of the Clayton Municipal Code are hereby amended in their entirety to read as follows:

"12.08.010 - Structures, Fences and Vegetation Height Limits.

No structure (including but not limited to fences and gateways), shrubbery or other vegetation which obstructs the visibility of and from vehicles and pedestrians approaching the intersection of a state highway, public road, or city street with another state highway, public road or city street, shall be constructed, grown, maintained or permitted higher than two and one-half (2½) feet above the curb grade, or three (3) feet above the edge of pavement, within a triangular area bounded by the right-of-way lines and a diagonal line joining points on the right-of-way lines thirty-five (35) feet back from the point of their intersection, or in the case of rounded corners, the triangular area between the tangents to the curve of the right-of-way line and a diagonal line joining points on said tangents thirty-five (35) feet back from the point of their intersection. The tangents referred to are those at the beginning and at the end of the curve of the right-of-way line at the corner. Trees may be maintained within the required visibility triangle provided that tree trunks, branches, and foliage are maintained so as not to obstruct visibility for vehicles and pedestrians approaching an intersection.

An illustration of the aforesaid regulations is set forth in Exhibit "A" on the following page.

12.08.020 - Exceptions.

This chapter shall not apply to existing public utility poles, official traffic signs or signals, or corners where the contour of the land itself prevents visibility or as determined by the City Manager or designee as not materially obstructing visibility. This chapter shall not apply to all lands within a limited commercial (L-C) zoning district.

12.08.030 - Notice to Remove—Right of Appeal—Failure to Remove Unlawful.

If the City Manager or designee determines that a violation of this chapter exists, they shall give written notice to the owner, tenant, or person having possession, charge or control of the premises on which the violation exists. The notice may be given by registered or certified mail. The notice shall designate the obstruction that is existing in violation of this chapter and shall direct that the obstruction be removed within ten (10) days after receipt of the notice. The notice shall also recite the right of appeal hereinafter provided for in this chapter. It is unlawful for the person to whom the notice is addressed to fail to remove the obstruction within the ten-day period unless within said period they appeal as hereinafter provided for, in which case the removal must be accomplished within ten (10) days after an adverse ruling on the appeal or application or as is ordered by the planning commission.

12.08.040 - Appeal—Filing Fee—Planning Commission Decision.

The owner, tenant, or person having possession, charge or control of the premises may appeal the determination of the City Manager or designee or may seek a variance from the terms of this chapter by making application to the city planning commission in the manner provided for in Sections 17.52.010 through 17.52.060 of this code pertaining to the application for variance permit under the zoning ordinance. The fee to be paid to the city clerk upon filing of such appeal shall be ten dollars (\$10.00). Upon such application the planning commission may review the determination of the City Manager or designee if the application is an appeal therefrom, and in any case if the planning commission determines that a violation of this chapter exists or is proposed or planned, may grant, grant conditionally, or refuse to grant a variance from the terms and provisions of this chapter. Within ten (10) days after the planning commission determines that the obstruction must be removed, the applicant shall remove the obstruction."

Section 3. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance, or the application thereof to any person or circumstance, is held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, clauses, or applications of this Ordinance that can be implemented without the invalid provision, clause, or application, and to this end the provisions and clauses of this Ordinance are declared severable.

Section 4. Conflicting Ordinances Repealed. Any ordinance or part thereof, or regulation in conflict with the provisions of this Ordinance, is hereby repealed. The provisions of this Ordinance shall control with regard to any provision of the Clayton Municipal Code that may be inconsistent with this Ordinance.

Section 5. Effective Date and Publication. This Ordinance shall become effective thirty (30) days from and after its passage. Within fifteen (15) days after passage of the Ordinance, the City Clerk shall cause it to be posted in three (3) public places heretofore designated by resolution of the City Council for the posting of ordinances and public notices. Further, the City Clerk is directed to cause the amendments adopted in Section 2 of this Ordinance to be codified into the Clayton Municipal Code.

Section 6. CEQA. The City Council finds that pursuant to California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3), it can be seen with certainty that there is no possibility that this Ordinance may have a significant effect on the environment. The Ordinance is therefore not subject to CEQA, and no further environmental review is necessary.

The foregoing Ordinance was introduced at a regular public meeting of the City Council of Clayton, California held on the 1st day of September 2026, by the following vote:

AYES: Councilmembers Tillman, Trupiano, Diaz; Vice Mayor Enea; Mayor Wan

NOES: None.

ABSENT: None.

ABSTAIN: None.

PASSED, ADOPTED AND ORDERED posted by the City Council of the City of Clayton, California at a regular public meeting thereof held on the 15th day of September 2026, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Jeff Wan, Mayor

ATTEST

Melissa Rhodes, City Clerk

APPROVED AS TO FORM

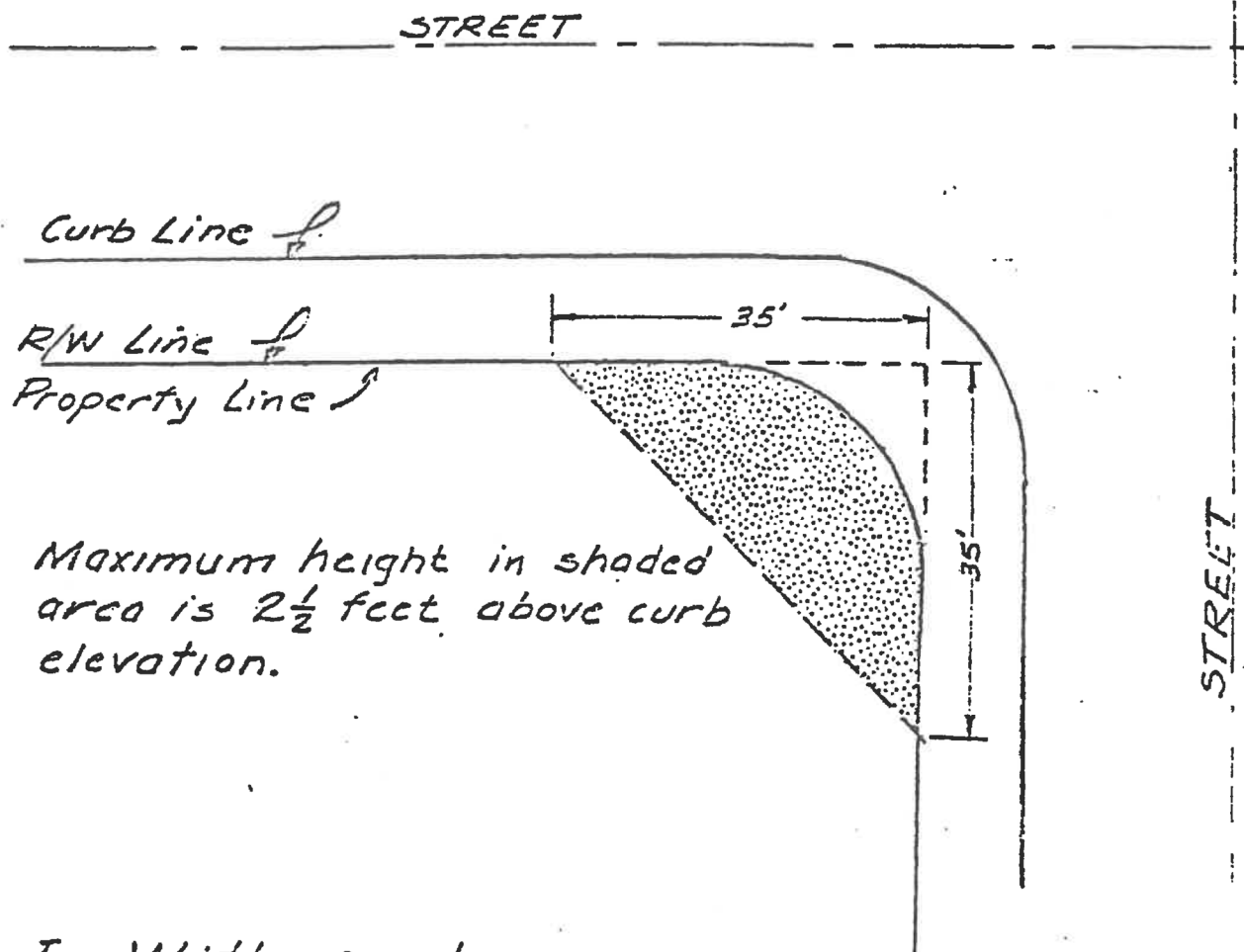
APPROVED BY ADMINISTRATION

Malathy Subramanian, City Attorney

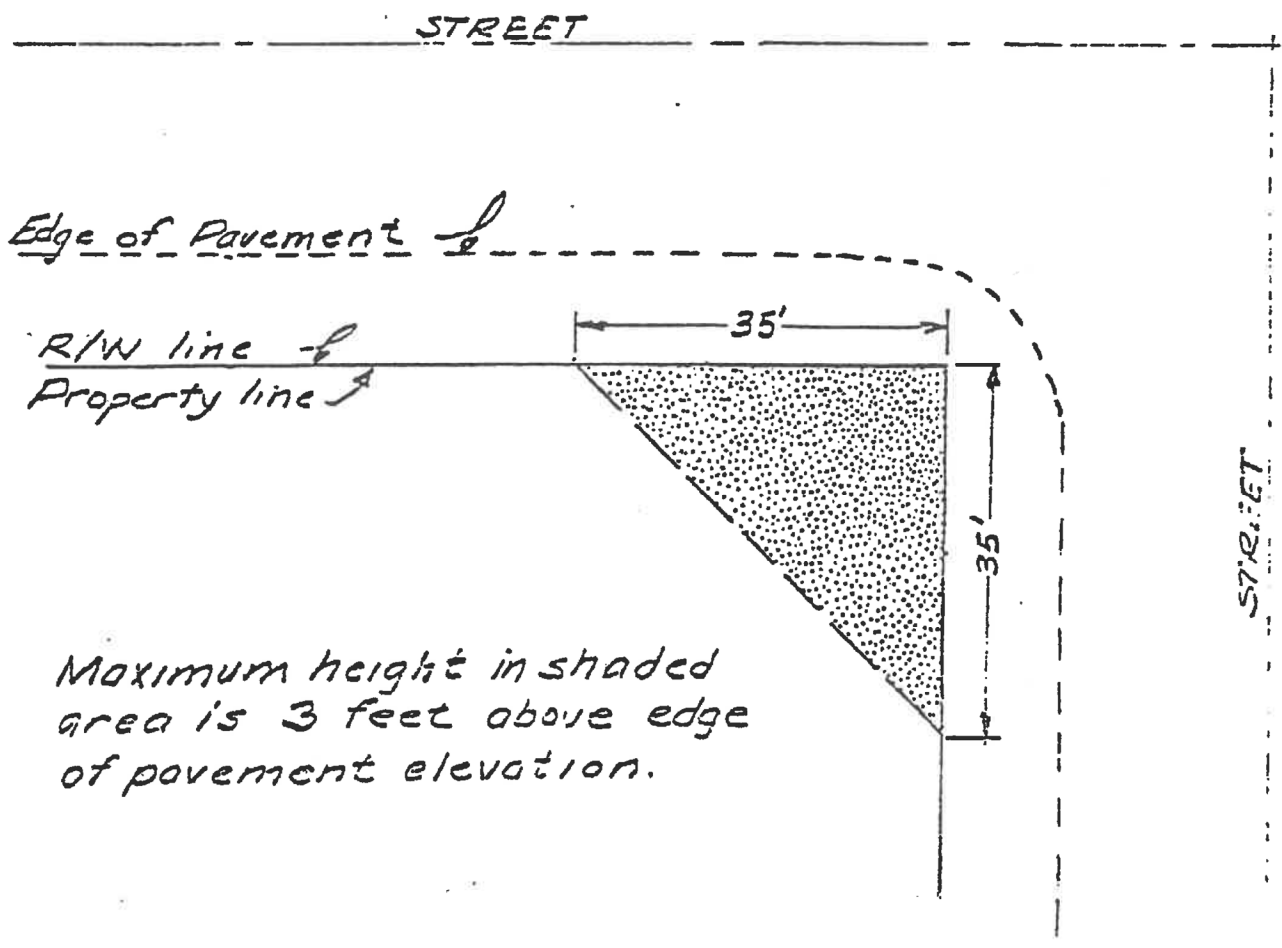
Kris Lofthus, City Manager

I hereby certify that the foregoing Ordinance No. 509 was duly introduced at a regular meeting of the City Council of the City of Clayton held on September 1, 2026 and was duly adopted, passed, and ordered posted at a regular meeting of the City Council held on September 15, 2026.

Melissa Rhodes, City Clerk



CASE I - With curb





STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCILMEMBERS

FROM: Jeremy Crone, Police Chief

DATE: September 15, 2026

SUBJECT: Second Reading and Adoption of Ordinance No. 510 Adding Chapter 17.70 to the Clayton Municipal Code, Entitled "Special Event Permits," to Establish a Permit Process for Events Requiring Closure of a Public Right-of-Way, Diversion of Traffic, or Modification of Normal Traffic Controls

RECOMMENDATION

Staff recommends that the City Council waive the second reading and adopt Ordinance No. 510 adding Chapter 17.70 to the Clayton Municipal Code, entitled "Special Event Permits," to establish a permit process for events requiring closure of a public right-of-way, diversion of traffic, or modification of normal traffic controls

BACKGROUND

On September 1, 2026, City Council held a public hearing waiving the first reading and introduced Ordinance No. 510 adding Chapter 17.70 to the Clayton Municipal Code, entitled "Special Event Permits," to establish a permit process for events requiring closure of a public right-of-way, diversion of traffic, or modification of normal traffic controls. On a motion by Councilmember Diaz, seconded by Councilmember Trupiano, the City Council voted 5-0 to introduce Ordinance No. 510.

This second reading allows the City Council to adopt the ordinance.

DISCUSSION

This Ordinance shall become effective thirty (30) days from and after its passage. Within fifteen (15) days after passage of the Ordinance, the City Clerk shall cause it to be posted in three (3) public places heretofore designated by resolution of the City Council for the posting of ordinances and public notices. Further, the City Clerk is directed to cause the amendment adopted in Section 2 of this Ordinance to be codified into the Clayton Municipal Code.

FISCAL IMPACT

None.

CEQA IMPACT

None.

ATTACHMENTS

1. Attachment A - Redline Municipal Code Addition 17.70
2. Attachment B - Ordinance No. 510

Special Events Permits:

Create:

Chapter 17.70 - Special Event Permits

17.70.010- Statement of Purpose.

This chapter is enacted pursuant to authority granted by Section 21101(e) of the California Vehicle Code to provide for the issuance of permits allowing members of the public to request the use of a public right-of-way (including, but not limited to, public streets, roads, sidewalks, pedestrian paths, or alleys) to hold a special event and to allow the closure of such public rights-of-way in the City of Clayton for the purpose of conducting a special event. Such a permit shall be known as a Special Event Permit. All requests for a Special Event Permit must follow the city's Special Event Permit Policy, including any applicable deadlines, fees and other requirements, and must comply with all Special Event Permit conditions. A Special Event Permit is not required for events that do not require any of the following: the full or partial closure of any public right-of-way, diversion of traffic, or changes to the normal or usual traffic regulations or controls.

17.70.020 – Events requiring a Special Event Permit.

The following list depicts the types of event that generally require a Special Event Permit, provided that it is necessary to close or partially close a public right-of-way, divert traffic, or modify the normal or usual traffic regulations or controls, to hold the event:

- A. Block parties and neighborhood gatherings
- B. Carnivals
- C. Community events
- D. Demonstrations, marches, and other public assemblies
- E. Festivals
- F. Funeral processions or memorial services
- G. Parades
- H. Sporting events
- I. Any other organized assembly of persons that assembles or travels in unison for any purpose, upon any city sidewalk, street, pedestrian path, alley, or other public right-of-way, and that either: (i) requires a full or partial closure of a public right-of-way; (ii) requires diversion of traffic; (iii) does not comply with normal or usual traffic regulations or controls; or (iv) is likely to impede, obstruct, impair or interfere with free use of a public street, road, sidewalk, pedestrian path, alley or other public right-of-way.

17.69.030 Violation - Penalty

Any violation of the provisions of a Special Event Permit, including any violation of the terms and conditions of a permit approved and issued in the manner provided by this chapter, shall be unlawful and punishable as an infraction. An infraction is punishable (1) by a fine not exceeding one hundred dollars (\$100.00) for a first violation; (2) a fine not exceeding two hundred dollars (\$200.00) for a second violation of the same chapter within one (1) year of a prior infraction; (3) a fine not exceeding three hundred dollars (\$300.00) for each additional violation of the same chapter within one (1) year of two (2) or more prior infractions.

[Chapter amended by Ordinance No. 510 § 17.70.010, 17.70.020, 17.69.030, 2026]

ORDINANCE NO. 510

AN ORDINANCE ADDING CHAPTER 17.70 TO THE CLAYTON MUNICIPAL CODE, ENTITLED "SPECIAL EVENT PERMITS," TO ESTABLISH A PERMIT PROCESS FOR EVENTS REQUIRING CLOSURE OF A PUBLIC RIGHT-OF-WAY, DIVERSION OF TRAFFIC, OR MODIFICATION OF NORMAL TRAFFIC CONTROLS

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

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

WHEREAS, the City is separately amending and renumbering its temporary use permit provisions as Chapter 17.69, thereby making Chapter 17.70 available for a distinct special event permit process; and

WHEREAS, events such as parades, block parties, festivals, and organized public assemblies that require full or partial closure of a public right-of-way, diversion of traffic, or modification of normal traffic controls require traffic planning, public safety review, and interdepartmental coordination beyond that required for low-impact temporary uses; and

WHEREAS, California Vehicle Code section 21101(e) authorizes local authorities to adopt rules and regulations providing for the temporary closure of a portion of a street for celebrations, parades, local special events, and other purposes when necessary for the safety and protection of persons using that portion of the street; and

WHEREAS, the City Council desires to establish a special event permit process for events affecting public rights-of-way and traffic.

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. Addition of Clayton Municipal Code Chapter 17.70.

Chapter 17.70 is hereby added to the Clayton Municipal Code to read in its entirety as follows:

"Chapter 17.70 - Special Event Permits

17.70.010 - Statement of Purpose.

This chapter is enacted pursuant to authority granted by Section 21101(e) of the California Vehicle Code to provide for the issuance of permits allowing members of the public to request the use of a public right-of-way (including, but not limited to, public streets, roads, sidewalks, pedestrian paths, or alleys) to hold a special event and to allow the closure of such public rights-of-way in the City of Clayton for the purpose of conducting a special event. Such a permit shall be known as a Special Event Permit. All requests for a Special Event Permit must follow the City's Special Event Permit Policy, including any applicable deadlines, fees and

other requirements, and must comply with all Special Event Permit conditions. A Special Event Permit is not required for events that do not require any of the following: the full or partial closure of any public right-of-way, diversion of traffic, or changes to the normal or usual traffic regulations or controls.

17.70.020 - Events Requiring a Special Event Permit.

The following list depicts the types of event that generally require a Special Event Permit, provided that it is necessary to close or partially close a public right-of-way, divert traffic, or modify the normal or usual traffic regulations or controls, to hold the event:

- A. Block parties and neighborhood gatherings
- B. Carnivals
- C. Community events
- D. Demonstrations, marches, and other public assemblies
- E. Festivals
- F. Funeral processions or memorial services
- G. Parades
- H. Sporting events
- I. Any other organized assembly of persons that assembles or travels in unison for any purpose, upon any city sidewalk, street, pedestrian path, alley, or other public right-of-way, and that either: (i) requires a full or partial closure of a public right-of-way; (ii) requires diversion of traffic; (iii) does not comply with normal or usual traffic regulations or controls; or (iv) is likely to impede, obstruct, impair or interfere with free use of a public street, road, sidewalk, pedestrian path, alley or other public right-of-way.

17.70.030 - Violation - Penalty.

Any violation of the provisions of a Special Event Permit, including any violation of the terms and conditions of a permit approved and issued in the manner provided by this chapter, shall be unlawful and punishable as an infraction. An infraction is punishable (1) by a fine not exceeding one hundred dollars (\$100.00) for a first violation; (2) a fine not exceeding two hundred dollars (\$200.00) for a second violation of the same chapter within one (1) year of a prior infraction; (3) a fine not exceeding three hundred dollars (\$300.00) for each additional violation of the same chapter within one (1) year of two (2) or more prior infractions.”

Section 3. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance, or the application thereof to any person or circumstance, is held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, clauses, or applications of this Ordinance that can be implemented without the invalid provision, clause, or application, and to this end the provisions and clauses of this Ordinance are declared severable.

Section 4. Conflicting Ordinances Repealed. Any ordinance or part thereof, or regulation in conflict with the provisions of this Ordinance, is hereby repealed. The provisions of this Ordinance shall control with regard to any provision of the Clayton Municipal Code that may be inconsistent with this Ordinance.

Section 5. Effective Date and Publication. This Ordinance shall become effective thirty (30) days from and after its passage. Within fifteen (15) days after passage of the Ordinance, the City Clerk shall cause it to be posted in three (3) public places heretofore designated by resolution of the City Council for the posting of ordinances and public notices. Further, the City Clerk is directed to cause Chapter 17.70, adopted in Section 2 of this Ordinance, to be codified into the Clayton Municipal Code.

Section 6. CEQA. The City Council finds that pursuant to California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3), it can be seen with certainty that there is no possibility that this Ordinance may have a significant effect on the environment. The Ordinance is therefore not subject to CEQA, and no further environmental review is necessary.

The foregoing Ordinance was introduced at a regular public meeting of the City Council of Clayton, California held on the 1st day of September 2026, by the following vote:

AYES: Councilmembers Tillman, Trupiano, Diaz; Vice Mayor Enea; Mayor Wan

NOES: None.

ABSENT: None.

ABSTAIN: None.

PASSED, ADOPTED AND ORDERED posted by the City Council of the City of Clayton, California at a regular public meeting thereof held on the 15th day of September 2026, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Jeff Wan, Mayor

ATTEST

Melissa Rhodes, City Clerk

APPROVED AS TO FORM

APPROVED BY ADMINISTRATION

Malathy Subramanian, City Attorney

Kris Lofthus, City Manager

I hereby certify that the foregoing Ordinance No. 510 was duly introduced at a regular meeting of the City Council of the City of Clayton held on September 1, 2026 and was duly adopted, passed, and ordered posted at a regular meeting of the City Council held on September 15, 2026.

Melissa Rhodes, City Clerk



STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCILMEMBERS

FROM: Jeremy Crone, Police Chief

DATE: September 15, 2026

SUBJECT: Second Reading and Adoption of Ordinance No. 511 Renumbering Chapter 17.70 of the Clayton Municipal Code, Entitled "Temporary Use Permits," as Chapter 17.69; Amending Sections 17.69.010 and 17.69.020; and Adding Section 17.69.070 to Establish Penalties for Violations of Temporary Use Permits

RECOMMENDATION

Staff recommends that the City Council waive the second reading and adopt Ordinance No. 511 renumbering Chapter 17.70 of the Clayton Municipal Code, entitled "Temporary Use Permits," as Chapter 17.69; amending Sections 17.69.010 and 17.69.020; and adding Section 17.69.070 to establish penalties for violations of temporary use permits.

BACKGROUND

On September 1, 2026, City Council held a public hearing waiving the first reading and introduced Ordinance No. 511 renumbering Chapter 17.70 of the Clayton Municipal Code, entitled "Temporary Use Permits," as Chapter 17.69; amending Sections 17.69.010 and 17.69.020; and adding Section 17.69.070 to establish penalties for violations of temporary use permits. On a motion by Councilmember Diaz, seconded by Councilmember Trupiano, the City Council voted 5-0 to introduce Ordinance No. 511.

This second reading allows the City Council to adopt the ordinance.

DISCUSSION

This Ordinance shall become effective thirty (30) days from and after its passage. Within fifteen (15) days after passage of the Ordinance, the City Clerk shall cause it to be posted in three (3) public places heretofore designated by resolution of the City Council for the posting of ordinances and public notices. Further, the City Clerk is directed to cause the amendment adopted in Section 2 of this Ordinance to be codified into the Clayton Municipal Code.

FISCAL IMPACT

None.

CEQA IMPACT

None.

ATTACHMENTS

1. Attachment A - Redline Municipal Code Revision 17.70 to 17.69
2. Attachment B - Ordinance No. 511

Chapter 17.70 69 TEMPORARY USE PERMITS

Sections:

17.70 69.010 Statement of Purpose.

There are a number of land uses that are of such a temporary nature that their potential impact on adjoining properties and the community is either minimal or can be offset by administrative conditions of approval. Because of the short term nature of the uses, it is seldom necessary to process such applications as conventional use permits via the Planning Commission and it is often time consuming to do the same. The purpose of this chapter then is to permit certain temporary, or short term uses, subject to adequate bonding and other conditions of approval on an administrative basis. [Temporary Use Permits \(TUP\)](#) are to be used for events that do not require the full or partial closure of any public right-of-way; diversion of traffic; or changes to the normal or usual traffic regulations or controls.

~~(Ord. 204, § 1(part), 1980)~~

17.70 69.020 Conditionally Permitted Uses.

The following list depicts the types of temporary uses that are intended to be considered through this administrative process. Each such application must be specific as to intended use:

A. Arts and crafts shows;

~~B. Parades;~~

~~C~~ B. Carnivals and fairs;

~~D~~ C. Christmas tree lots;

~~E~~ D. Musical concerts;

~~F. Block parties (street closures);~~

~~G~~ E. Mobile Vendors (as specified and regulated in Section 17.36.084).

~~H~~ F. Other similar temporary uses.

~~(Ord. 204, § 1(part), 1980; Ord. 458, 2015)~~

17.70 69.030 Conditions of Approval.

In order to assure that the general health, safety and welfare of the community will be preserved with such temporary uses, conditions relating to each individual event may be imposed upon the applicant, including but not limited to:

- A. Bonding for police and maintenance services;
- B. Temporary parking and signing controls;
- C. Temporary fencing or barricades as necessary;
- D. Noise, dust and odor control;
- E. Limits on hours and days of operation;
- F. Others as needed.

~~(Ord. 204, § 1 (part), 1980)~~

17.70 69.040 Period of Time.

The maximum time period for any of these temporary use shall not exceed a combined total of forty-five (45) days, or more than four (4) individual events per calendar year for any individual applicant. If any temporary event exceeds these thresholds, Planning Commission approval of a Use Permit for the event shall be required.

The permit shall be applied for at least forty-five (45) days prior to the actual event

~~(Ord. 433, 2011)~~

17.70 69.050 Approval Process.

The applicant shall submit an application on the prescribed city form and a fee in such amount as may be fixed from time to time by resolution of the City Council. The matter shall be reviewed by the City Manager upon review and recommendation from the Chief of Police, Public Works Director, and Community Development Director. If the use is deemed to be a safe and appropriate temporary use of the land, at the discretion of the City Manager, it may be approved subject to conditions as described in Section 17.70 69.030.

If a Temporary Use Permit application is submitted for an event that, in the judgment of the Director, does not comply with the purpose of this chapter as stated above and violates the intent of this entitlement, the Director may refer the matter to the Planning Commission.

~~(Ord. 204, § 1 (part), 1980; Ord. 433, 2011)~~

17.70 69.060 Appeal Process.

Administrative denial of a temporary use permit may be appealed to the Planning Commission within five (5) days of notice of denial, said appeal to be heard at the next regular Planning Commission meeting. Appeals of Planning Commission action shall be the same as the conventional use permit process as set forth in Section 17.68.030.

~~(Ord. 204, § 1 (part), 1980)~~

17.69.070 Violation – Penalty

Any violation of the provisions of a Temporary Use Permit, including any violation of the terms and conditions of a permit approved and issued in the manner provided by this chapter, shall be unlawful and punishable as an infraction. An infraction is punishable (1) by a fine not exceeding one hundred dollars (\$100.00) for a first violation; (2) a fine not exceeding two hundred dollars (\$200.00) for a second violation of the same chapter within one (1) year of a prior infraction; (3) a fine not exceeding three hundred dollars (\$300.00) for each additional violation of the same chapter within one (1) year of two (2) or more prior infractions.

[Chapter amended by Ordinance No. 511, § 17.69, 17.69.010, 17.69.020, 17.69.030, 17.69.040, 17.69.050, 17.69.060, 17.69.070, 2026]

ORDINANCE NO. 511

AN ORDINANCE RENUMBERING CHAPTER 17.70 OF THE CLAYTON MUNICIPAL CODE, ENTITLED "TEMPORARY USE PERMITS," AS CHAPTER 17.69; AMENDING SECTIONS 17.69.010 AND 17.69.020; AND ADDING SECTION 17.69.070 TO ESTABLISH PENALTIES FOR VIOLATIONS OF TEMPORARY USE PERMITS

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

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

WHEREAS, Chapter 17.70 of the Clayton Municipal Code establishes an administrative temporary use permit process for short-term land uses whose limited impacts do not warrant full Planning Commission review; and

WHEREAS, the City is separately establishing a special event permit process as Chapter 17.70, and therefore desires to renumber the existing temporary use permit provisions as Chapter 17.69; and

WHEREAS, temporary use permits and special event permits are intended to be distinguished by whether an event requires the full or partial closure of a public right-of-way, diversion of traffic, or changes to normal traffic regulations or controls; and

WHEREAS, parades and block parties involving street closures are more appropriately regulated through the City's special event permit process and should be removed from the list of uses eligible for administrative temporary use permit approval; and

WHEREAS, the existing temporary use permit chapter does not expressly establish a penalty for violation of an issued permit or its conditions of approval, and the City Council desires to add such a provision.

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. Renumbering and Amendment of Clayton Municipal Code Chapter 17.70.

Chapter 17.70 titled "Temporary Use Permits" of the Clayton Municipal Code is hereby renumbered as Chapter 17.69 and amended to read as follows:

"Chapter 17.69 - Temporary Use Permits

17.69.010 - Statement of Purpose.

There are a number of land uses that are of such a temporary nature that their potential impact on adjoining properties and the community is either minimal or can be offset by administrative conditions of approval. Because of the short term nature of the uses, it is seldom necessary to process such

applications as conventional use permits via the Planning Commission and it is often time consuming to do the same. The purpose of this chapter then is to permit certain temporary, or short term uses, subject to adequate bonding and other conditions of approval on an administrative basis. Temporary Use Permits (TUP) are to be used for events that do not require the full or partial closure of any public right-of-way; diversion of traffic; or changes to the normal or usual traffic regulations or controls.

17.69.020 - Conditionally Permitted Uses.

The following list depicts the types of temporary uses that are intended to be considered through this administrative process. Each such application must be specific as to intended use:

- A. Arts and crafts shows;
- B. Carnivals and fairs;
- C. Christmas tree lots;
- D. Musical concerts;
- E. Mobile Vendors (as specified and regulated in Section 17.36.084).
- F. Other similar temporary uses.

17.69.030 - Conditions of Approval.

In order to assure that the general health, safety and welfare of the community will be preserved with such temporary uses, conditions relating to each individual event may be imposed upon the applicant, including but not limited to:

- A. Bonding for police and maintenance services;
- B. Temporary parking and signing controls;
- C. Temporary fencing or barricades as necessary;
- D. Noise, dust and odor control;
- E. Limits on hours and days of operation;
- F. Others as needed.

17.69.040 - Period of Time.

The maximum time period for any of these temporary use shall not exceed a combined total of forty-five (45) days, or more than four (4) individual events per calendar year for any individual applicant. If any temporary event exceeds these thresholds, Planning Commission approval of a Use Permit for the event shall be required.

The permit shall be applied for at least forty-five (45) days prior to the actual event.

17.69.050 - Approval Process.

The applicant shall submit an application on the prescribed city form and a fee in such amount as may be fixed from time to time by resolution of the City Council. The matter shall be reviewed by the City Manager upon review and recommendation from the Chief of Police, Public Works Director, and Community Development Director. If the use is deemed to be a safe and

appropriate temporary use of the land, at the discretion of the City Manager, it may be approved subject to conditions as described in Section 17.69.030.

If a Temporary Use Permit application is submitted for an event that, in the judgment of the Director, does not comply with the purpose of this chapter as stated above and violates the intent of this entitlement, the Director may refer the matter to the Planning Commission.

17.69.060 - Appeal Process.

Administrative denial of a temporary use permit may be appealed to the Planning Commission within five (5) days of notice of denial, said appeal to be heard at the next regular Planning Commission meeting. Appeals of Planning Commission action shall be the same as the conventional use permit process as set forth in Section 17.68.030.

17.69.070 - Violation - Penalty.

Any violation of the provisions of a Temporary Use Permit, including any violation of the terms and conditions of a permit approved and issued in the manner provided by this chapter, shall be unlawful and punishable as an infraction. An infraction is punishable (1) by a fine not exceeding one hundred dollars (\$100.00) for a first violation; (2) a fine not exceeding two hundred dollars (\$200.00) for a second violation of the same chapter within one (1) year of a prior infraction; (3) a fine not exceeding three hundred dollars (\$300.00) for each additional violation of the same chapter within one (1) year of two (2) or more prior infractions."

Section 3. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance, or the application thereof to any person or circumstance, is held to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, clauses, or applications of this Ordinance that can be implemented without the invalid provision, clause, or application, and to this end the provisions and clauses of this Ordinance are declared severable.

Section 4. Conflicting Ordinances Repealed. Any ordinance or part thereof, or regulation in conflict with the provisions of this Ordinance, is hereby repealed. The provisions of this Ordinance shall control with regard to any provision of the Clayton Municipal Code that may be inconsistent with this Ordinance.

Section 5. Effective Date and Publication. This Ordinance shall become effective thirty (30) days from and after its passage. Within fifteen (15) days after passage of the Ordinance, the City Clerk shall cause it to be posted in three (3) public places heretofore designated by resolution of the City Council for the posting of ordinances and public notices. Further, the City Clerk is directed to cause Chapter 17.69, adopted in Section 2 of this Ordinance, to be codified into the Clayton Municipal Code.

Section 6. CEQA. The City Council finds that pursuant to California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3), it can be seen with certainty that there is no possibility that this Ordinance may have a significant effect on the environment. The Ordinance is therefore not subject to CEQA, and no further environmental review is necessary.

The foregoing Ordinance was introduced at a regular public meeting of the City Council of Clayton, California held on the 1st day of September 2026, by the following vote:

AYES: Councilmembers Tillman, Trupiano, Diaz; Vice Mayor Enea; Mayor Wan

NOES: None.

ABSENT: None.

ABSTAIN: None.

PASSED, ADOPTED AND ORDERED posted by the City Council of the City of Clayton, California at a regular public meeting thereof held on the 15th day of September 2026, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Jeff Wan, Mayor

ATTEST

Melissa Rhodes, City Clerk

APPROVED AS TO FORM

APPROVED BY ADMINISTRATION

Malathy Subramanian, City Attorney

Kris Lofthus, City Manager

I hereby certify that the foregoing Ordinance No. 511 was duly introduced at a regular meeting of the City Council of the City of Clayton held on September 1, 2026 and was duly adopted, passed, and ordered posted at a regular meeting of the City Council held on September 15, 2026.

Melissa Rhodes, City Clerk



STAFF REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: Melissa Rhodes, City Clerk

DATE: September 15, 2026

SUBJECT: City Council/Committees Reports

Vice Mayor Enea

- Attended the S.I.R. Luncheon and met with Clayton residents
- Attended the ELKS dinner and met with Clayton residents
- Attended the TRANSPAC meeting
- Attended the 9-1-1 ceremony
- Attended the Blue Knight mass and ceremony
- Attended the Black Diamond HOA meeting

Councilmember Diaz

09-03-2026: Attended Mayor's Conference – Moraga

09-04-2026: Attended and Chaired the Operations & Scheduling Committee Meeting,

County Connection:

- Received Update on the Battery Electric Bus,
- Approved purchase of Farebox Retrofit Kits to convert existing GFI Fareboxes,
- Received Fiscal Year 2026 Fixed-Route Year End Report,
- Received Year End Performance Report,

- Received Monthly Reports on Fixed Route and Paratransit Route.

09-07-2026: Observed Labor Day

09-15-2026 City Manager Meeting

Councilmember Trupiano

Weekly meetings with City Manager Kris Lofthus

September 1, 2026	Meeting with Public Works Director, Craig Blythe
September 3, 2026	Hispanic Heritage Celebration Planning meeting with all departments
September 4, 2026	Picked up posters for Hispanic Heritage Celebration and distributed throughout the downtown
September 8, 2026	Attended Clayton Community Library Foundation Board meeting
September 9, 2026	Walkthrough of downtown with Chris Karney for Hispanic Heritage Celebration
September 9, 2026	Attended Clayton Valley Village Board meeting and provide City updates
September 11, 2026	Attended the 9/11 and Contra Costa Fire LODD Remembrance Ceremony at Fire Station 11

Several discussions with Clayton residents about the November sales tax measure and renewal of the LMD and landscaping issues within the city

Councilmember Tillman

8/26 and 8/27	I virtually attended the tax measure and emergency operation's plan town halls.
9/2	Attended Clayton Pride debrief meeting with city staff and Clayton Pride board members.

Clayton Pride Board meeting planning next year's event which will be held on Sunday, June 6, 2027. Save the date!

Since our last council meeting, community members have shared their ideas regarding public safety and the newly-formed ad hoc committee that Vice Mayor Enea and I are serving on, with the majority of the concern centered on not just ticking boxes. I'm looking forward to this committee putting words into action.

ATTACHMENTS

None



STAFF REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: Kris Lofthus, City Manager

DATE: September 15, 2026

SUBJECT: Consider Approval of the First Amendment to Loan Agreement and First Amendment to Promissory Note Between the City of Clayton, Acting in Its Capacity as Successor Housing Agency to the Former Redevelopment Agency of the City of Clayton, and Diamond Terrace Investors to Revise the Loan Repayment Schedule, Eliminate the Balloon Payment, and Extend the Maturity Date to October 1, 2040

Recommended Action: Approve the contract amendment.

RECOMMENDATION

Approve the First Amendment to Loan Agreement and First Amendment to Promissory Note between the City of Clayton, acting in its capacity as Successor Housing Agency to the former Redevelopment Agency of the City of Clayton, and Diamond Terrace Investors to revise the loan repayment schedule, eliminate the balloon payment, and extend the maturity date to October 1, 2040, and authorize the City Manager to execute the amendments in substantially the forms attached.

BACKGROUND

On October 1, 2001, the former Redevelopment Agency of the City of Clayton entered into a Loan Agreement with Diamond Terrace Investors for a loan in the original principal amount of \$4,036,000. The loan assisted with acquisition and development costs associated with the construction of Diamond Terrace, an 86-unit senior housing development. Of the 86 units, 81 are dedicated to very low-, low-, and moderate-income senior households. Diamond Terrace opened in 2001 and has continuously provided affordable housing to income-qualified seniors.

Following the dissolution of the Redevelopment Agency on February 1, 2012, the City became the Successor Housing Agency and assumed the former Redevelopment Agency's affordable housing assets, rights, and obligations, including those associated with the Diamond Terrace Loan Agreement and related loan documents.

Diamond Terrace Investors has made its required loan payments on a timely basis. The current outstanding loan balance is \$2,226,600 and the existing loan is scheduled to mature on October 1, 2030.

DISCUSSION

In recent years, Diamond Terrace Investors has advised the City that the development has experienced financial challenges related to housing market conditions. As a result, Diamond Terrace Investors requested that the City modify the repayment schedule associated with the outstanding City loan. The proposed amendments are intended to provide a repayment structure that supports the continued financial viability of the development while providing for full repayment of the outstanding principal balance to the City.

Under the proposed Loan Agreement amendment, the maturity date of the loan would be extended from October 1, 2030 to October 1, 2040. If amounts remain outstanding as of October 1, 2040, the agreement will remain in effect until all amounts due have been paid.

The amended repayment schedule provides for annual payments of \$150,000 beginning October 1, 2026 and continuing each October 1 through October 1, 2039, followed by a final payment of \$126,600 on October 1, 2040. These payments total the current outstanding loan balance of \$2,226,600.

The proposed amendment also maintains provisions requiring all outstanding amounts under the loan documents to become due upon an unauthorized transfer, default, or expiration of the loan term. Diamond Terrace Investors would retain the ability to prepay the loan at any time; however, prepayment would not terminate the requirements of the existing Regulatory Agreement governing the affordable housing development.

In conjunction with the Loan Agreement amendment, the parties would execute a First Amendment to the Promissory Note. The amended Note provides for an October 1, 2040 maturity date and, if amounts remain outstanding on that date, continues until all amounts due are paid in full. It also incorporates the revised repayment requirements contained in the amended Loan Agreement.

The City's security interest is also preserved. The Promissory Note, as amended by the First Amendment included as Attachment "B," continues to be secured by the existing Deed of Trust and Security Agreement recorded against the property.

FISCAL IMPACT

The outstanding principal balance owed to the City is \$2,226,600. Under the proposed amendments, the repayment period would be extended through October 1, 2040. The City would receive annual payments of \$150,000 for fourteen years beginning in October 2026, followed by a final payment of \$126,600 in October 2040.

The amendments do not forgive any principal, but they defer the City's receipt of a portion of that balance beyond the current October 1, 2030 maturity date. The City would continue to hold the existing security for the loan, and the borrower would retain the ability to repay the loan early.

CEQA IMPACT

Approval of the amendments is not a project under CEQA because it is a government fiscal activity that will not result in a direct or reasonably foreseeable indirect physical change in the environment. (CEQA Guidelines, § 15378(b)(4).)

ATTACHMENTS

1. Attachment A - First Amendment to Loan Agreement - Diamond Terrace

2. Attachment B - First Amendment to Promissory Note - Diamond Terrace
3. Attachment C - Amended Amortization-Payment Schedule

FIRST AMENDMENT TO LOAN AGREEMENT

(Diamond Terrace)

This FIRST AMENDMENT TO LOAN AGREEMENT (“**Amendment**”) is entered into this September 30, 2026 by and between the City of Clayton (“**City**”), a California municipal corporation and Successor Housing Agency to the former Redevelopment Agency of the City of Clayton (“**RDA**”), and Diamond Terrace Investors, a California Limited Partnership (“**Borrower**”). Borrower and City are each individually a “**Party**” and collectively the “**Parties**.”

RECITALS

A. RDA and Borrower entered into that certain Loan Agreement dated October 1, 2001 (“**Loan Agreement**”), under which RDA loaned Borrower \$4,036,000.00 (“**Loan**”) to finance certain acquisition and development costs associated with the construction of an 86-unit development, with 81 units dedicated to very low-, low-, and moderate-income senior households (“**Development**”). The Development opened in 2001 and has continuously provided affordable housing to income qualified seniors ever since.

B. RDA was dissolved as of February 1, 2012, pursuant to the terms of Assembly Bill x1 26. City is RDA’s Successor Housing Agency and, in that capacity, assumed all of RDA’s assets, rights, and obligations related to affordable housing, including but not limited to its rights and obligations under the Loan Agreement and associated loan documents.

C. The Loan’s repayment schedule is provided in Section 2.6 of the Loan Agreement. To date, Borrower has made timely payments thereunder and has a current outstanding Loan balance of \$2,226,600. The Loan’s maturity date is October 1, 2030.

D. Borrower’s operation of the Development has encountered financial difficulties due to housing market conditions. Consequently, Borrower has requested certain amendments to the Loan Agreement to modify its repayment schedule.

E. City recognizes that the Development provides much needed affordable housing to income qualified seniors in the community. City is supportive of the Development and desires to facilitate its continued financial viability.

F. This Amendment amends the Loan Agreement for the first time to modify the Loan’s repayment schedule as set forth herein.

AGREEMENT

1. Recitals Incorporated. The above Recitals are true and accurate and incorporated herein.

2. Capitalized Terms. All capitalized terms not otherwise defined herein shall have the meaning set forth in the Loan Agreement.

3. Amendment - “Term” Definition. Section 1.1(t) of the Loan Agreement is hereby amended to read in its entirety as follows:

“(t) “Term” shall mean the term of the Loan, commencing on the date of this Agreement and continuing until October 1, 2040, subject to extension as provided in Section 2.6 hereof.”

4. Amendment - Section 2.6. Section 2.6 is hereby amended to read in its entirety as follows:

“Section 2.6. Repayment Schedule. The Loan shall be repaid as follows:

(a) The Loan and this Agreement shall have a term (the “Term”) that expires on October 1, 2040, provided that if amounts due by the Borrower hereunder are paid earlier, then the Agreement shall terminate upon the payment in full of such amount, and provided that if on October 1, 2040 the Borrower has not paid all amounts due hereunder, this Agreement shall remain in full force and effect until the Borrower has paid all such amounts due hereunder.”

(b) Commencing on October 1, 2026 and on each October 1 thereafter, through October 1, 2039, the Borrower shall pay the City an amount equal to \$150,000. On October 1, 2040, the Borrower shall pay the City an amount equal to \$126,600.

(c) [Deleted]

(d) All principal and accrued interest on the Loan shall be due in full on the earlier to occur of: (i) the date of any Transfer not authorized by the City, (ii) the date of any Default, and (iii) the expiration of the Term.

(e) The Borrower shall have the right to prepay the Loan at any time. However, the Regulatory Agreement shall remain in effect as provided therein, regardless of any prepayment.”

5. Amendment - Section 2.8. Section 2.8 of the Loan Agreement is hereby deleted in its entirety.

6. Amendment to Promissory Note. Borrower and City shall, concurrently with execution of this Amendment, execute a First Amendment to Promissory Note (the “**Amendment to Promissory Note**”), in substantially the form attached as Exhibit “A,” which shall amend the Promissory Note dated October 1, 2001, to reflect the amendments to the Loan Agreement as set forth in this Amendment.

7. Force and Effect. The effective date of this Amendment shall be the date that this Amendment is fully executed by the Parties. Following the execution and delivery of this

Amendment and the Amendment to Promissory Note referenced above, all references to the Loan Agreement shall thereafter mean and refer to the Loan Agreement as amended by this Amendment and all references to the Note shall thereafter mean and refer to the Note as amended by the Amendment to Promissory Note. Except as amended by this Amendment, all other provisions of the Loan Agreement shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the Parties have entered into this Amendment as of the date first above written.

CITY:

City of Clayton, a California municipal corporation
and Successor Housing Agency to the City of
Clayton Redevelopment Agency

By: _____
Kris Lofthus, City Manager

APPROVED AS TO FORM:

By: _____
Mala Subramanian, City Attorney

ATTEST:

By: _____
Melissa Rhodes, City Clerk

BORROWER:

**DIAMOND TERRACE INVESTORS, A
CALIFORNIA LIMITED PARTNERSHIP,**
a California limited partnership

By: Diamond Terrace – Michaels (PAM) LLC,
a California limited liability company,
its Co-General Partner

By: _____
Name: James R. Miller
Title: Vice President

EXHIBIT “A”
FIRST AMENDMENT TO PROMISSORY NOTE

FIRST AMENDMENT TO PROMISSORY NOTE

(Diamond Terrace)

This First Amendment to Promissory Note (“**Amendment to Promissory Note**”) is entered into this September 30, 2026 by and between the City of Clayton (“**City**”), a California municipal corporation and Successor Housing Agency to the former Redevelopment Agency of the City of Clayton (“**RDA**”), and Diamond Terrace Investors, a California Limited Partnership (“**Borrower**”).

RECITALS

A. RDA and Borrower entered into that certain Loan Agreement dated October 1, 2001 (“**Loan Agreement**”), under which RDA loaned Borrower \$4,036,000.00 (“**Loan**”) to finance certain acquisition and development costs associated with the construction of an 86-unit development, with 81 units dedicated to very low-, low-, and moderate-income senior households (“**Development**”). The Loan is evidenced by that certain Promissory Note dated October 1, 2001 (“**Note**”).

B. RDA was dissolved as of February 1, 2012, pursuant to the terms of Assembly Bill x1 26. City is RDA’s Successor Housing Agency and, in that capacity, assumed all of RDA’s assets, rights, and obligations related to affordable housing, including but not limited to its rights and obligations under the Loan Agreement and associated loan documents.

C. The Development opened in 2001 and has continuously provided affordable housing to income qualified seniors ever since. In recent years, however, Borrower’s operation of the Development has encountered financial difficulties due to housing market conditions.

D. Borrower and City subsequently entered into that certain First Amendment to Loan Agreement dated September 30, 2026 (“**Loan Agreement Amendment**”), which amended the Loan Agreement to modify its repayment schedule.

E. This Amendment to Promissory Note amends the Note for the first to align the Loan’s repayment with the Loan Agreement Amendment’s revisions to the same.

AGREEMENT

1. Recitals Incorporated. The above Recitals are true and accurate and incorporated herein.

2. Amendment – Section 3. Section 3 of the Note is hereby amended to read in its entirety as follows:

“3. Term and Repayment Requirements. The term of this Note (the “Term”) shall commence on the date of this Note and shall expire on October 1, 2040 or such later date as amounts due hereunder are paid in full. This Note shall be due and payable in accordance with Section 2.6 of the Loan Agreement, as amended by the Loan Agreement Amendment.”

3. Secured by Deed of Trust. The Note, as amended by this Amendment to Promissory Note, continues to be secured by that certain Deed of Trust and Security Agreement recorded in the Official Records of Contra Costa County, California, as Instrument No. 2001-0332788-00.

4. Incorporation by Reference into Note. This Amendment to Promissory Note is incorporated by this reference into the Note as if fully set forth therein. Except as expressly modified by this Amendment to Promissory Note, the Note shall continue to be, and shall remain, in full force and effect in accordance with its terms.

IN WITNESS WHEREOF, Borrower and City have entered into this Amendment to Promissory Note as of the date first above written.

CITY:

City of Clayton, a California municipal corporation
and Successor Housing Agency to the City of Clayton
Redevelopment Agency

By: _____
Kris Lofthus, City Manager

APPROVED AS TO FORM:

By: _____
Mala Subramanian, City Attorney

ATTEST:

By: _____
Melissa Rhodes, City Clerk

BORROWER:

Diamond Terrace Investors, a California
Limited Partnership

By: _____, its
Managing General Partner

By: _____

Name: _____

Title: _____

City of Clayton**Diamond Terrace****Original Principal Amount - \$ 4,036,000.00****Remaining Balance - \$ 2,226,600.00****Debt Service Schedule**

#	Payment Due Date	Section 2.6(b) Payment Due	End Balance	Fiscal Year End
1	10/1/2026	150,000.00	2,076,600.00	June 30, 2027
2	10/1/2027	150,000.00	1,926,600.00	June 30, 2028
3	10/1/2028	150,000.00	1,776,600.00	June 30, 2029
4	10/1/2029	150,000.00	1,626,600.00	June 30, 2030
5	10/1/2030	150,000.00	1,476,600.00	June 30, 2031
6	10/1/2031	150,000.00	1,326,600.00	June 30, 2032
7	10/1/2032	150,000.00	1,176,600.00	June 30, 2033
8	10/1/2033	150,000.00	1,026,600.00	June 30, 2034
9	10/1/2034	150,000.00	876,600.00	June 30, 2035
10	10/1/2035	150,000.00	726,600.00	June 30, 2036
11	10/1/2036	150,000.00	576,600.00	June 30, 2037
12	10/1/2037	150,000.00	426,600.00	June 30, 2038
13	10/1/2038	150,000.00	276,600.00	June 30, 2039
14	10/1/2039	150,000.00	126,600.00	June 30, 2040
15	10/1/2040	126,600.00	-	June 30, 2041
		<u>2,226,600.00</u>		