



# **AGENDA**

## **REGULAR MEETING**

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## **CLAYTON CITY COUNCIL**

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**TUESDAY, February 5, 2019**

**7:00 P.M.**

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

**Mayor:** Tuija Catalano  
**Vice Mayor:** Julie K. Pierce

### **Council Members**

Jim Diaz  
Jeff Wan  
Carl Wolfe

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

# \* CITY COUNCIL \*

February 5, 2019

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

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

3. **CONSENT CALENDAR**

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

(a) Approve the minutes of the City Council's regular meeting of January 15, 2019.

[\(View Here\)](#)

(b) Approve the Financial Demands and Obligations of the City. [\(View Here\)](#)

(c) Adopt a Resolution awarding a low-bid contract to Resources Environmental, Inc., in the amount of \$47,100.00 for the demolition of the City-owned bungalows located on City real properties at 1005 and 1007 Oak Street, and authorizing the allocation of \$55,000.00 from the City's Capital Improvement Budget, CIP No. 10400 – Downtown Economic Development Account, to fund the project.

[\(View Here\)](#)

(d) Acceptance of City Investment Portfolio Report for the 2<sup>nd</sup> Quarter of FY 2018-19 ending December 31, 2018. [\(View Here\)](#)

(e) Approve the Mayoral appointment of Edward L. Miller to serve on the Contra Costa Transportation Authority (CCTA) Citizens Advisory Committee with a 4-years' term of office ending February 2023. [\(View Here\)](#)

4. **RECOGNITIONS AND PRESENTATIONS**

(a) Certificates of Recognition to public school students for exemplifying the "Do the Right Thing" character trait of "Kindness" during the months of November and December 2018. [\(View Here\)](#)

5. **REPORTS**

(a) Planning Commission – No meeting held.

(b) Trails and Landscaping Committee – Meeting held on January 28, 2019.

(c) City Manager/Staff

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

(e) Other

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

*Members of the public may address the City Council on items within the Council's jurisdiction, (which are not on the agenda) at this time. To facilitate the recordation of comments, it is requested each speaker complete a speaker card available on the Lobby table and submit it in advance to the City Clerk. To assure an orderly meeting and an equal opportunity for everyone, each speaker is limited to 3 minutes, enforced at the Mayor's discretion. When one's name is called or you are recognized by the Mayor as wishing to speak, the speaker should approach the public podium and adhere to the time limit. In accordance with State Law, no action may take place on any item not appearing on the posted agenda. The Council may respond to statements made or questions asked, or may at its discretion request Staff to report back at a future meeting concerning the matter.*

*Public comment and input on Public Hearing, Action Items and other Agenda Items will be allowed when each item is considered by the City Council.*

**7. PUBLIC HEARINGS – None.**

**8. ACTION ITEMS**

- (a) Consider the report, findings and recommendations by the City Council ad-hoc committee appointed to further examine the street parking and private property impacts occurring on Regency and Rialto Drives due to visitors and hikers accessing the nearby Mt. Diablo State Park trailhead on state park property. (Council Members Wan and Wolfe) ([View Here](#))

Staff recommendation: Following the Council ad-hoc committee's report and opportunity for public comment, that Council provide policy instructions to City staff regarding this matter.

- (b) City Council consideration of the necessity for revisions to the City's existing size and number limitations regarding temporary noncommercial signage (Municipal Code 15.08.040 (G)). ([View Here](#)) (City Attorney)

Staff recommendation: Following staff presentation and opportunity for public comment, the City Council provide policy parameters and direction to staff to initiate the municipal sign code amendment process.

- (c) Council Member request to discuss consideration of the City possibly banning its use of glyphosate (Round Up) in its weed extermination services on City properties and in public rights-of-way. ([View Here](#))  
(Councilmember Wan)

Staff recommendation: Following Council Member Wan's presentation and opportunity for public comments, the City Council provide policy direction regarding the City's continued usage of glyphosate as a weed abatement herbicide.

- (d) Council Member request to discuss City consideration of possible semi-annual public reports by City staff on achievement of Council goals. ([View Here](#))  
(Councilmember Wan)

Staff recommendation: Following Council Member Wan's presentation and opportunity for public comments, the City Council provide policy direction regarding this request.

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

10. **CLOSED SESSION** – None.

11. **ADJOURNMENT**

The next regularly scheduled meeting of the City Council will be February 19, 2019.

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

Agenda Date: 2-05-2019

Agenda Item: 3a

TUESDAY, January 15, 2019

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 4:45 p.m. by Mayor Catalano in Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Catalano, Vice Mayor Pierce and Councilmembers Diaz (arrived at 4:48 p.m.), Wan and Wolfe. Councilmembers absent: None. Staff present: City Manager Gary Napper, Community Development Director Mindy Gentry, and City Clerk/HR Manager Janet Calderon.

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

The City Council separately interviewed the following five (5) candidates who had applied for appointment to the City Planning Commission:

James Porter  
Ann Stanaway  
Karen Amos  
Terri Denslow  
Frank Gavidia

**RECESS:** The City Council took a short recess from 6:56 – 7:04 p.m.

## 7:00 P.M.                      REGULAR PUBLIC MEETING

3. **RECALL TO ORDER THE CITY COUNCIL** – The meeting was recalled to order at 7:04 p.m. by Mayor Catalano in Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Catalano, Vice Mayor Pierce and Councilmembers Diaz, Wan and Wolfe. Councilmembers absent: None. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, Community Development Director Mindy Gentry, Assistant to the City Manager Laura Hoffmeister, Finance Manager Kevin Mizuno, City Engineer Scott Alman, Police Chief Elise Warren, and City Clerk/HR Manager Janet Calderon.

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

5. **CONSENT CALENDAR**

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

- (a) Approved the minutes of the regular meeting of December 18, 2018.
- (b) Approved Financial Demands and Obligations of the City.

- (c) Received the FY 2017-18 Annual Trails and Landscaping Committee Report (TLC) Annual Report regarding voter-approved Measures B (2007) and H (2016).
- (d) Adopted Resolution No. 01-2019 reappointing Ted Sudderth, Doris Ward, and Williams Wiggins to the Trails and Landscaping Citizens' Advisory Committee for the terms of office to expire December 31, 2020.

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

**7. REPORTS**

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

Councilmember Wan indicated “No Report”.

Vice Mayor Pierce attended several meetings including the Metropolitan Transportation Commission (MTC), the Regional Planning Committee of the Association of Bay Area Governments (ABAG), and the Contra Costa County Mayors' Conference in Richmond.

Councilmember Wolfe attended the Clayton Business and Community Association's BBQ Committee meeting, the Contra Costa Water District Operations and Engineering meeting, met with a group in the Peacock Creek subdivision regarding Emergency Preparedness, and the Clayton Business and Community Association's Oktoberfest Committee.

Councilmember Diaz attended two Contra Costa Water District Board meetings, was appointed by the President of the League of California Cities as a member of its Environmental Policy Committee, assisted the Clayton Business and Community Association with the removal of the Christmas decorations in the downtown, met with the Contra Costa County Realignment and Justice group, and he provided an interview with KPIX Channel 5 John Ramos regarding the parking issue on Regency Drive.

Mayor Catalano attended the Contra Costa County Mayors' Conference in Richmond and was appointed by the League of California Cities as a member of its Transportation and Public Works Policy Committee. Mayor Catalano also announced she will hold some office hours with the first one Saturday at Cup O' Joe's from 9:00 am to 11:00 am, and the second one on Friday, January 25 at City Hall in the Mayor's Office from 3:00 pm to 5:00 pm.

- (e) Other – None.

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

Marci Longchamps, 3001 Coyote Circle, expressed her continued concerns for the HOA park near her home not being included as a sensitive site under the Parolee Housing Ordinance; she does not want to be treated any differently than any other area of Clayton. Although she resides in multi-density condominiums further away from the downtown area, she is still a citizen of Clayton. In her opinion, the Parolee Housing Ordinance should have never happened as she feels the City did not do its due diligence and came up with a plan that eliminated most areas of Clayton, but making one huge mistake by not including this park on Coyote Circle. Last fall she was told by Councilmember Diaz there was to be a discussion about this park within thirty days after the Parolee Housing Ordinance was approved and in effect. To date, that discussion has not occurred and has not been an item on the agenda. Ms. Longchamps feels that every child in Clayton should be protected from any convicted felon that may locate to a parolee home. Please do not continue to throw us under the bus based solely on our address.

**9. PUBLIC HEARINGS – None.**

**10. ACTION ITEMS**

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

Community Development Director Mindy Gentry presented the staff report adding the three revisions requested by the City Council at its last meeting have been incorporated into the proposed Ordinance.

Councilmember Wan requested a clarification on Section 17.90.020.C, if both conditions must be met to qualify. City Manager Napper responded a clerical correction can be made to clarify and the Council concurred with the grammatical change of deleting the comma in that sentence and inserting the word "and".

Mayor Catalano opened the item for Public Comment; no comments were offered. Mayor Catalano then closed the Public Comment.

Councilmember Pierce thanked staff for incorporating the revisions into the proposed ordinance.

Councilmember Wan commented by placing inclusionary housing on non-owner occupied units it encourages developers to take advantage of the density law; by passing this Ordinance he feels the Council encourages rental units. He continues to oppose the ordinance.

Mayor Catalano added previously the City was unable to include rental units into its inclusionary housing requirement, but now it can by passage of AB 1505. She believes it is not proper public policy for Council to prefer a particular occupancy type over another.

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

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

**It was moved by Vice Mayor Pierce, seconded by Councilmember Wolfe, to adopt Ordinance No. 484, as revised for grammatical clarity, to amend the Clayton Municipal Code Chapter 17.92 (Inclusionary Housing Requirements) for the purpose of including rental housing projects into this local housing requirement as allowed for by AB1505 with the finding the approval of the Ordinance will not result in a significant adverse environmental impact as these changes were considered as part of the November 18, 2018 City Council adoptions of the initial study negative declaration for the 2015-2023 housing element ZOA 02-18. (Passed 4-1 vote; Wan, no).**

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

Police Chief Elise Warren provided a background of this neighborhood concern and provided three options for Council's consideration: 1.) Installation of a 6-foot high chain link fence prohibiting access to the state park; 2.) Institute residential parking permits for this neighborhood; 3.) Do nothing as this is a public street. Chief Warren also provided a possible fourth option, which is likely not feasible, for construction of a parking lot at the end of Regency Street. She noted the grade is pretty steep in that location which would add additional costs to its construction, and it would still not provide relief of the quality of life the residents of Regency and Rialto Drive are seeking.

Councilmember Diaz inquired on the number of citations issued on Regency and Rialto Drive since installation of the Don't Block Driveway signs. Chief Warren advised thirty-five (35) parking violation citations were issued; the PD did not receive any calls for service regarding vandalism, littering or any other related calls.

Councilmember Wan inquired if the parking citations on Regency and Rialto Drive are greater than other areas in the City? Chief Warren advised since the Police Department has been focusing on that area, the number of citations has increased substantially.

Mayor Catalano inquired if the citations were made due to increased patrol of the area, or complaint driven? Chief Warren advised she directed the officers to increase their patrol of the area during weekends and holidays.

Mayor Catalano asked if the size and placement of "Respect the Neighborhood" signs are regulated. City Manager Napper advised the idea of the larger sign size was to first respect the neighborhood by obeying the laws and not littering, its purpose to serve as a reminder to those using the area to be courteous. Smaller signs were posted existing street light poles at various intervals to convey a message in the area to stay within the legal confines when parking a vehicle. These signs are not traffic regulatory signs.

Councilmember Diaz added it is difficult to read the signs; in his opinion they do not stand out enough, and he suggested a different color combination be used to draw more attention to them.



Mayor Catalano opened Public Comment.

Jeff Weiner, Regency Drive, thanked the Police Department for the signage and increased patrol in the neighborhood; however, he feels the City should find a way to allow residential-only parking with a limited amount of parking available to hikers. Mr. Weiner advised when he purchased his home he knew the state park was there and he used the Mitchell Canyon entrance to access the state park as it has official markers and restrooms. At one time there was a metal gate secured with a padlock at the state park's Regency Gate that has since been removed. He thanked Save Mount Diablo for changing its meeting location of an upcoming hike to the official entrance on Mitchell Canyon. He is a supporter of Save Mount Diablo and has seen the good work they have done to protect open space. Mr. Weiner noted other communities that have had these types of problems have gone to resident-only parking and he would like to see Clayton provide the same type of parking restriction.

Jeff Weiner then read a letter on behalf of his neighbor, Maggie Eraclio: *"has resided in her home since 1997, at that time 85%-90% of the hikers were Clayton residents and she enjoyed meeting them. Approximately 6 years ago websites started advertising our street as a free parking area to access Mt. Diablo, resulting in an increased number of hikers that speed down our street, block our driveways, leave trash, and let their children run all over our yards. Residents of our neighborhood with young children are unable to have birthday parties at their homes on the weekends during the day due to the increased parking by the hikers. The only solution she sees is for Mt. Diablo State Park to have a ranger at Regency Gate and charge a fee."*

Nancy Topp, Peacock Creek, is a regular user of Regency and Mitchell Canyon entrances to access Mt. Diablo State Park. She objects to any fence and resident parking permit options as each impedes access to Mt. Diablo State Park. Clayton would be meeting the needs of a few citizens at the expense of other residents in Clayton and nearby areas. With residential parking permits Clayton will be setting precedence to other locations in Clayton by limiting access to our common areas. What will Clayton do about all the people who will alternatively park at Clayton Community Park and Diablo View Middle School? How will Clayton control the incumbency to those facilities? It is not the nature of Sierra Club members and other hiking groups to destroy areas; for others that do so, it is a sign of our times that people have not been properly educated to be considerate of others. In her neighborhood adjacent to East Bay Regional Park and numerous Clayton trails she also encounters rude visitors, debris and encroachment. This is a societal problem that needs a societal solution. Are there better alternatives than residential parking permits? Has it been considered to construct a parking lot in open space below Regency Drive? Has Clayton considered specialized trash service in the area to accommodate the people that come there? Since the results of the Respect the Neighborhood signs have been posted has yielded positive responses, that is a good indication education may be the solution to our issues than residents prioritizing a long term easement to Mt. Diablo State Park. She hopes we can all work together to maintain full access to all our State Park locations as well as ease the burden of the residents that live nearby.

Karen Shackleten noted the last thing she wants to see as a Mt. Diablo Volunteer is a fence erected as this problem will jump over to Mountaire Parkway. She knows within the state park the volunteers are more than willing to go on the internet and change some of the upcoming hike announcements to direct hikers away from Regency Drive.

Rick Lewis, 170 Regency Drive, remarked the sellers of his home were honest about the Regency Gate access; in the first few years parking and trash was not an issue. In recent years the Regency Gate access has become more popular creating the parking and trash problems, with weekends being more of a battle. Mr. Lewis finds social media

is the cause of the problem in this area as hiking websites promote free parking and the beautiful trail on Regency Drive. Mr. Lewis does not think the installation of a fence is the solution.

Shirley Weiner read a letter from her neighbor Dr. Mark Montijo: *"Outlined his concerns for weekend and holiday parking on Regency Drive, noting there are four official entrances to the State Park and their parking fees, each location allows the park to collect fees and enforce official park hours from 8:00 am to Sunset. Nowhere on the official website for the park does it mention Regency Gate. However, there are multiple websites that direct interested parties to enter the park on Regency Drive, emphasizing the free parking. Over the past few years this has caused a dramatic rise in vehicles parked in our neighborhood which is simply not sustainable. In addition to the personal inconvenience with zero parking on the street on weekends and holidays for our family and guests, we have experienced hikers changing clothes standing in the street in their underwear, a wreath stolen from our front door, vehicles blocking our driveway, additional trash, and the scent of marijuana up and down the street. In addition to causing problems for Clayton residents, the state park is losing income and the ability to monitor people entering and leaving."*

Shirley Weiner added the safety of her children and grandchildren is her number one concern; when her grandchildren visit they are unable to do some of the same activities their fathers did, like ride a bike or play ball in the street because of all the speeding cars and distracted drivers. In a few weeks her son is having a 4 year old birthday party for her grandson as she has never had the enjoyment of attending any of his birthday parties because they reside out of state. She is planning on having some her of son's friends and small children over on Sunday for a party, she is praying for rain, even with a house full of small children so it will halt the hikers' parking. She is concerned they will not have a place to park within a reasonable distance of her home. She hopes the Council will do the right thing for our young neighbors who cannot have parties without juggling parking spots and for our older neighbors who are afraid of being hit while backing out of their driveway.

Judy Moon noted in the last two to three years the parking and speeding in the neighborhood has gotten worse. Ms. Moon recommended painting the curbs in the areas of vacant lots and post signs for hiker parking. She also suggested installation of speed bumps as the speeding up and down the street has been terrible.

Lori Briegleb commented she uses both the Regency Gate and the Mitchell Canyon trail head. She does not want Regency Gate be fenced off and suggested a temporary solution for weekend and holidays permits for the local residents with signage directing hikers where they can park. She suggested the Clayton Business and Community Association reach out to those who come from out of town and encourage them to shop and eat local while they are in Clayton.

Theresa Ruscitti remarked she located to Clayton for the use of its trails and public park. She is not in favor of a fence and suggested permit parking in front of the houses may help; however, she recognized the problem would shift to Mountaire Parkway.

Jennifer Roe commented she is opposed to the installation of a fence and residential permit parking. She pointed out many stakeholders would be affected by the City Council's decision on this matter, not just the residents on Regency and Rialto Drive. She also asked the City Council to consider the less robust hikers and walkers, including elderly, families with small children and individuals with physical limitations the necessity to seek out easier trails to Donner Canyon which is a long stretch with a gentle grade making it a very walkable trail. If this group must now start at Mitchell Canyon, they have effectively been barred from walking Donner Canyon because the added distance and challenge. In recent years she has been a regular volunteer at the Mitchell Canyon

visitors' center and the parking lot at Mitchell Canyon gets full on many popular weekends during the year. It is not true that Mitchell Canyon has ample parking all of the time but if there is data on traffic patterns then it needs to be shared; if not data, then further study is needed to make an informed decision. The least restrictive option in this matter is to enlarge signage and other police efforts yielding in positive results. Build on what has started, add the speed bumps, get the word out on social media, educate park visitors and continue with strict law enforcement.

Daniel Walsh, representing one of his neighbors ... *"who have two young children who are concerned about the vehicles speeding up and down the public street. Regency Gate is an official trail head and doesn't feel a fence would be beneficial. There are a lot of people going out of their way in being disrespectful to the residents and if you leave your home when you come back it is very difficult to find parking."* Mr. Walsh added there needs to be a solution that benefits everyone; perhaps one designated parking spot in front of each home for the residents.

Katherine Benge, 139 Regency Drive, thinks the opening of Regency Gate was the start to recent problems and feels the parking permit would add additional costs to the residents which she doesn't think is right, why should she have to pay anything? She would like to see social media direct hikers to other entrances of the State Park.

Dan Walsh offered he has seen a lot of hostility on Claycord about this issue clarifying that none of the residents on Regency suggested the installation of a fence or blocking access. The residents are here to come up with a solution perhaps some limited parking for the residents. His driveway has been encroached and a hiker drove underneath his son's car, then left to go on a hike. The hikers have parked in red zones blocking fire hydrants, several times almost hit while backing out of their driveway, hikers do not pay attention while looking for parking spots, and trash is left behind, blocking sidewalks, having picnics, and lounging around on private yards. He also noted the trail head is not accessible to those with physical limitations; anyone with those limitations would not be able to walk the grade down to the trail.

Beth Walsh added a newer neighbor has witnessed cars hitting other cars; she had a situation where she thought it was hikers who parked in front of her house only to find out the occupants were stalking their house, stole mail and took off the moment she came out of her house. This neighbor worked for Concord Police Department for twelve years and took calls for service for Clayton prior to residing here. Now that she resides here she foresees the particular calls for service are on the increase. She located here to raise her young children. Ms. Walsh added personally the grade at Regency Gate is her least favorite park of hiking Mt. Diablo and thinks anyone with physical limitations would also have difficulty in using the Regency Gate for access to Mt. Diablo.

Eric Rehn, 176 Regency Drive, is owner of the address [property] where hikers are directed to on social media websites as the last house on the street; he gets most of the problems from the State Park entrance and over the years it has turned into a year round problem with people wanting to avoid the park entrance fee. It has taken away the quiet enjoyment of our properties that we are entitled to. The state park has become a bad neighbor to those who reside along it. Regency Gate can no longer support park visitors and there is no ADA access there. There is not enough space for cars to turn around, resulting in drivers using his driveway to turn around causing excessive wear and damage of his property. There is no waste or recycling facilities, no sanitary facilities. Nonresidents ignore parking regulations and block driveway access; they also ignore the speed limit, and no control over people bringing dogs into the park, which is prohibited, there is no changing facility. Moving to permit parking will lower property values in the area and that is not acceptable. The only long term solution is to close Regency Gate in the State Park. As property owners we now have to legally disclose this parking issue. Almost every day he is impacted by this problem.

Dan Katzman, Kelok Way, noted before locating to Clayton he used to drive out to Regency Drive and begin some of his hikes there because it is a better trail head. Mr. Katzman is not in favor of the fence and suggested speed bumps, painting the edge of the driveways red to encourage people to not block the driveway, and signage directing people where to park. He also suggested outreach to the hiking groups to encourage parking elsewhere.

Juan Pablo Galvan, East Bay Manager for Save Mount Diablo (SMD), noted in 1971 there was just one park on the mountain of less than 7,000 acres; today there are more than fifty parks around Mt. Diablo that total more than 10,000 acres. He acknowledged the neighbors' concerns pointing out it is not a year round problem during the winter but spring impacts weekends and holidays, it can be a significant issue. He also thought the signage was a good first step in addressing the problem. He advised a recent post by Save Mount Diablo for a hike to start at Regency Gate has been revised to meet at Mitchell Canyon and SMD will continue to do so for all of their hikes meeting in Clayton. Mr. Galvan has spoken to volunteers who have reached out to websites and bloggers to ask they also shift the meeting places to Mitchell Canyon. He noted one of the fundamental pillars to improve the state parks experience is to expand access to state parks.

Terri Denslow indicated she located to Dana Hills to be close to the mountain and Regency Drive to hike the trails to the waterfall. She has experienced driving around for thirty to forty minutes to locate parking to access Regency Gate. She suggested adding a day pass permit for hikers at a higher cost than it is to park on Mitchell Canyon; as soon as they violate that and receive tickets, the word will get out on social media to not park there. Ms. Denslow finds it bothersome to block off access at Regency Gate.

Raymond Grimmond, 79 Regency Drive, indicated the problem will expand beyond Regency and Rialto if residential permit parking is granted. Mr. Grimmond inquired if the State Park has looked into other access points near Marsh Creek Road or other areas that could still access the waterfalls.

Rusty Perkins offered most of his concerns have been covered, with the exception of the blatant disrespect from people hanging out in front of his house. He said people will spend the night there at the end of Rialto Drive, sit on his lawn having a picnic, and take all the lemons from his wife's lemon tree. His children's windows are in front of his house and sometimes there are people urinating on the adjacent lemon tree. Mr. Perkins has a "Respect the Neighborhood" sign in front of his home and these things are still happening! He hopes the City Council can find a solution to these problems.

Michelle Huynh, 313 Mountaire Parkway, indicated the problem is working its way into Dana Hills and she has experienced a lot of what the residents on Regency Drive have experienced. She is no longer able to let her son play in front of the house or in the driveway because of these problems. She is not in favor of closing of access and hopes there is a solution that pleases everyone.

Anthony Orantes, 33 Rialto Drive, feels the public has a right to access Mt. Diablo State Park; he thinks part of the problem is the population increase in the Bay Area, and the internet has given access to everyone. He also thinks there is an opportunity for Clayton, likes the parking permit idea, not necessarily charging for parking, giving power back to the residents; if people park illegally in front of their house to have action taken care of for them. He feels blocking off access to the entry is a disservice to mankind and would block someone from having a life experience. He feels like funding could be made for an additional parking lot by charging for Regency Gate access parking and in the future maybe install bathrooms.

With no other speakers, Mayor Catalano closed the item to public comments.

Vice Mayor Pierce asked State Park Superintendent Goering for his input on improvements to address the Regency Drive concerns?

State Park Superintendent Goering advised this has been a recent issue that has gotten worse over the last few years because of social media and many parks throughout California. He is interested in moving the hikers to the Mitchell Canyon entrance where the day use area is located with proper facilities, and will continue to work with the City for some short-term and long-term solutions. He suggested a short-term solution by having volunteers educate the public on what the state park is doing to accommodate access at other locations; although they typically do not have trash cans at trailheads because of lack of their staff, there could potentially be a trash can installed out there maintained by volunteers. In regards to social media sites, Google is a State Parks partner and actually sponsors trails in our State Park; he is confident they can contact Google and get cooperation from them in removing the Regency Drive site. If residents can provide the social media sites to them, his staff can contact them to request removal as a location to access Mt. Diablo State Park. At the Mitchell Canyon day use lot, there is potential for expanding the parking. Mr. Goering also indicated there are some Prop 68 funds available to be used for State Park access.

Mayor Catalano inquired on the capacity of the Mitchell Canyon day use lot and how often is it utilized? Mr. Goering advised currently they have gravel piles there; if those were not there the capacity would be approximately 200 vehicles. If an additional lot were added it should accommodate another hundred vehicles. On the busy weekends the lot gets close to capacity, rarely to maximum capacity.

Councilmember Wan inquired on the additional distance for a hiker by using the Mitchell Canyon entrance. Mr. Goering advised it is approximately one additional mile of hiking to the waterfall trail.

Vice Mayor Pierce requested Superintendent Goering to be sure Google is contacted to update the location of the entrance to Mitchell Canyon.

Councilmember Diaz thanked the residents for coming out regarding this on-going issue. He thinks painting the curbs red may help solve the issue of blocked driveways and improved signage to get attention. He also acknowledged the public offenses are a crime and encouraged residents to contacting law enforcement to assist.

Councilmember Wolfe expressed concerns of merely relocating the problem and suggested a pilot program of 1 hour parking on a short term basis, during a certain time period with residents having a complimentary permit and expanding the suggestion to Mountaire Parkway and the possible installation of a speed bump on Regency Drive to reduce speeding. He is not in favor of a fence and wants what is fair for the community.

Councilmember Wan doesn't feel this is an enforcement problem, or about littering or blocking driveways, or better signage; it's clearly a quality of life issue with action needed. The vehicle code allows for permit parking if the Council chooses and should consider; however, such action may push the congestion to other parts of the city and that will have a negative impact. He suggested proposing designated areas as permit parking during certain hours of the day and day of the week and also provide residents with guest passes.

Councilmember Wolfe inquired on the revenue to the City on citations issued regarding parking enforcement? Chief Warren advised is it very little, maybe a few dollars.

Vice Mayor Pierce added there really is no good solution to this issue. Currently, Regency and Rialto are affected by this issue with nearby areas slowly becoming affected as well. She thinks other areas that have sports fields and public pools deal with these issues all the time with no good solutions. Vice Mayor Pierce feels removing this location from social media sites will help and thinks most people are considerate and may feel it is worth the effort to go to another entrance or park further away. She is not convinced permitted parking works unless there is a designated parking spot in front of each residence and the City cannot guarantee a spot will be available because one has a parking permit. If people are blocking a driveway, law enforcement personnel are able to enforce the vehicle code. She is hopeful the partnerships with Save Mount Diablo and the State Park will be able to help Clayton steer visitors to the Mitchell Canyon entrance. She does not support the idea of speed bumps as that is a steep hill, and the Fire Department has indicated speed bumps increase their time to respond to calls of service by an additional five to ten minutes. She is also not in favor of a fence as it moves the problem to another street. Vice Mayor Pierce believes reaching out to social media sites and more visible signage may help.

Mayor Catalano noted she visited the Regency Drive a few different times over the weekend and counted parking spots along the street and driveways. She feels the issues are if there is adequate parking and if people are behaving badly, by leaving trash behind and blocking driveways, she does not consider a parking program would be the solution to those issues. Mayor Catalano noted when developments are built there is no way to determine if there will be enough parking for the future needs. She thought about the parking program and is concerned about the administrative effort needed to issue parking permits and pushing the problem to other areas. She is not in favor of a fence or construction of a parking lot but would like to explore signage options. Mayor Catalano would like to work with the stakeholders on a solution including Save Mount Diablo and the State Park.

Councilmember Wan is also concerned of pushing the problem somewhere else, and there is no way to enforce the content on the internet. He feels painting the driveway wingtips red eliminates parking from the residents as well and does not guarantee designated spots for the neighbors. Councilmember Wan recommended direction to staff to come up with ideas that could work for the Council to determine a best solution.

Councilmember Wolfe added this is a complicated issue and is interested in a pilot program to have staff explore.

City Manager Napper advised the City Council needs to provide staff with some parameters. Based on his past experience as chair of the Traffic Commission in Glendora, residential permit parking starts as a small circle and invariably expands; it is difficult to determine what the deterrent radius would be. Staff acknowledged there is a problem and yet vehicle speeding is not limited to this area; for emergency response and public safety reasons, the addition of speed humps and bumps would not be an advisable action. Although other cities have permit programs, Clayton does not have the staff to enforce in a timely manner at all times. He suggested the Council may want to appoint an ad-hoc committee to work with staff and other stakeholders on this issue.

Mr. Weiner commented he would like to see resident permit parking without a striped designated parking spot in front of each residence.

Ms. Roe offered she believes the residential permit parking program will create a ripple effect limiting City assets in those areas by creating super citizens to those residents, excluding other residents from these public assets.

City Manager Napper noted staff knows how to implement a residential permit parking program in front or close to homes. He also suggested placing signs that State Park entrance is on Mitchell Canyon Road. Staff can work on the signage. However, if a pilot program is being proposed staff needs further Council parameters to explore options.

Councilmember Wan noted he would like to participate on a subcommittee to work with stakeholders on a solution. He also suggested a City resident day use permit could be obtained City Attorney Subramanian advised she does not think the Vehicle Code allows preferential day passes to only the residents of the City.

Councilmember Wolfe also volunteered to be on the ad-hoc committee.

Mayor Catalano inquired on next steps for the ad-hoc committee. City Manager Napper envisioned the ad-hoc committee invites key members to meet with, including Save Mount Diablo, the State Park, Mr. Wiener as the neighborhood representative and any other stakeholders they may not be in full agreement of a parking permit program.

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

City Manager Napper advised from the staff level many items the City Council deals with are not necessarily of its own doing. The City is an arm of the State of California and in essence we must follow state laws, including new ones enacted each year. Staff thought an effective way to bring the awareness of new state laws impacting City operations or municipal code was to bring those items to the City Council at the beginning of each year so it and the public can have an idea of what to expect in the coming year. Clayton is a General Law City under the guidelines, regulations and laws of the California Government Code, which is controlled through state legislation signed by the Governor.

City Manager Napper had each City staff department head summarize the host of new state legislation going into effect in 2019 with a Power Point presentation.

No action was taken.

- (d) City Council discussion and determination of citizen appointments to one vacated term of office on the City Planning Commission (term expires June 30, 2020).

Mayor Catalano indicated earlier this evening the City Council interviewed five candidates: James Porter, Ann Stanaway, Karen Amos, Terri Denslow and Frank Gavidia, who had applied for the one vacant position on the City Planning Commission. Mayor Catalano explained the nomination and voting process indicating whichever candidate receives three votes will be appointed.

Mayor Catalano opened matter for public comments; no comments were offered.

Councilmember Diaz nominated Frank Gavidia for appointment to the Planning Commission.

Councilmember Wan also nominated Frank Gavidia for appointment to the Planning Commission.

Vice Mayor Pierce expressed support for two candidates, James Porter and Karen Amos, having a difficult time in choosing just one at this point.

Mayor Catalano also expressed support for both James Porter and Karen Amos.

Councilmember Wolfe expressed his support of Frank Gavidia and James Porter.

Mayor Catalano asked if there were any other nominations, there were none.

Councilmember Wolfe asked the City Attorney if there is any conflict in the geographical area in which the candidates reside that could affect them if appointed to the Planning Commission. City Attorney Mala Subramanian advised the initial conflict of interest area is a 500' circle from one's home or property ownership. In addition, if there would be any specific impacts to their property exceeding the 500' circle they may have to recuse themselves from that item.

Councilmember Wan added Mr. Gavidia has participated in the community demonstrating a commitment to the City. Although Mr. Porter presented well, he felt Mr. Gavidia has demonstrated commitment to the City by his involved participation.

Mayor Catalano believed Mr. Porter's experience as a construction litigation attorney would be helpful to the current commission.

Vice Mayor Pierce also preferred Mr. Porter for his calm demeanor and construction litigation experience.

Councilmember Diaz added Mr. Gavidia provides a valuable connection to the entire community. He noted there are still vacancies needing to be filled on the Trails and Landscaping Committee for the other candidates.

Councilmember Wolfe advised the Planning Commission is a diverse group. He has decided to vote for Mr. Gavidia to be appointed to the Planning Commission.

**It was moved by Councilmember Wan, seconded by Councilmember Diaz, to approve Resolution No. 02-2019 appointing Mr. Frank Gavidia to the office on the Clayton Planning Commission, with a term of office to expire June 30, 2020. (Passed 4-1 vote; Pierce, no).**

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

Vice Mayor Pierce suggested Tuesday, January 29 at 5:30 p.m. City Council Members reviewed their calendars and discussed options and availability.

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

Mayor Catalano closed public comments.

**It was moved by Vice Mayor Pierce, seconded by Councilmember Wolfe, to call a City Council special meeting for Tuesday, January 29, at 5:30 p.m. in the 3<sup>rd</sup> Floor Conference Room at City Hall for this purpose. (Passed; 5-0 vote).**



11. **COUNCIL ITEMS** - None.
12. **CLOSED SESSION** – None.
13. **ADJOURNMENT**– on call by Mayor Catalano, the City Council adjourned its meeting at 11:25 p.m.

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

# # # # #

Respectfully submitted,

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Janet Calderon, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL

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Tuija Catalano, Mayor

# # # # #



**Agenda Date:** 2-05-2019

**Agenda Item:** 3b

# STAFF REPORT

Approved:   
 Gary A. Napper  
 City Manager

**TO: HONORABLE MAYOR AND COUNCILMEMBERS**

**FROM: KEVIN MIZUNO, FINANCE MANAGER** 

**DATE: 02/05/19**

**SUBJECT: FINANCIAL DEMANDS AND OBLIGATIONS OF THE CITY**

**RECOMMENDATION:**

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

Cash Requirements Report	Accounts Payable	Report dated	02/01/2019	\$ 411,233.71
Cash Requirements Report	Payroll, Taxes	Pay period ending	01/13/2019	\$ 90,260.52
Cash Requirements Report	Payroll, Taxes	Pay period ending	01/27/2019	\$ 86,343.70
			Total Required	\$ 587,837.93

**Attachments:**

Cash Requirements reports, dated 02/01/19 (7 pages)

Paychex Cash Requirements, weeks 01, 03(4 pages)

## City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
<b>American Fidelity Assurance Company</b>								
American Fidelity Assurance Company	2/5/2019	2/5/2019	2026581	FSA PPE 12/2/18	\$411.14	\$0.00		\$411.14
American Fidelity Assurance Company	2/5/2019	2/5/2019	2026925	FSA PPE 12/16/18	\$411.14	\$0.00		\$411.14
American Fidelity Assurance Company	2/5/2019	2/5/2019	2028565	FSA PPE 12/30/18	\$441.90	\$0.00		\$441.90
American Fidelity Assurance Company	2/5/2019	2/5/2019	2029463	FSA PPE 1/13/19	\$441.90	\$0.00		\$441.90
American Fidelity Assurance Company	2/5/2019	2/5/2019	B831996	Supplemental insurance for December	\$392.16	\$0.00		\$392.16
<i>Totals for American Fidelity Assurance Company:</i>					<u>\$2,098.24</u>	<u>\$0.00</u>		<u>\$2,098.24</u>
<b>AT&amp;T (CalNet3)</b>								
AT&T (CalNet3)	2/5/2019	2/5/2019	12517038	Phones 12/22/18-1/21/19	\$1,661.51	\$0.00		\$1,661.51
<i>Totals for AT&amp;T (CalNet3):</i>					<u>\$1,661.51</u>	<u>\$0.00</u>		<u>\$1,661.51</u>
<b>Best Best &amp; Kreiger LLP</b>								
Best Best & Kreiger LLP	2/5/2019	2/5/2019	839692	Legal services for December	\$8,500.00	\$0.00		\$8,500.00
Best Best & Kreiger LLP	2/5/2019	2/5/2019	839693	Labor/Employment Legal services for Decemb	\$796.50	\$0.00		\$796.50
<i>Totals for Best Best &amp; Kreiger LLP:</i>					<u>\$9,296.50</u>	<u>\$0.00</u>		<u>\$9,296.50</u>
<b>CalPERS Health</b>								
CalPERS Health	2/5/2019	2/5/2019	15554507	Medical for February	\$31,458.77	\$0.00		\$31,458.77
<i>Totals for CalPERS Health:</i>					<u>\$31,458.77</u>	<u>\$0.00</u>		<u>\$31,458.77</u>
<b>CalPERS Retirement</b>								
CalPERS Retirement	2/5/2019	2/5/2019	CC012419	CC Retirement ending 1/24/19	\$75.62	\$0.00		\$75.62
CalPERS Retirement	2/5/2019	2/5/2019	011319	Retirement PPE 1/13/19	\$17,215.06	\$0.00		\$17,215.06
CalPERS Retirement	2/5/2019	2/5/2019	012719	Retirement PPE 1/27/19	\$16,936.37	\$0.00		\$16,936.37
<i>Totals for CalPERS Retirement:</i>					<u>\$34,227.05</u>	<u>\$0.00</u>		<u>\$34,227.05</u>
<b>CCWD</b>								
CCWD	2/5/2019	2/5/2019	G Series	Water services 11/8/18-1/15/19	\$25,334.79	\$0.00		\$25,334.79
<i>Totals for CCWD:</i>					<u>\$25,334.79</u>	<u>\$0.00</u>		<u>\$25,334.79</u>
<b>CERCO Analytical, Inc.</b>								
CERCO Analytical, Inc.	2/5/2019	2/5/2019	1812218	Well bacteria testing, semi-annual	\$425.00	\$0.00		\$425.00
<i>Totals for CERCO Analytical, Inc.:</i>					<u>\$425.00</u>	<u>\$0.00</u>		<u>\$425.00</u>
<b>Cintas Corporation</b>								
Cintas Corporation	2/5/2019	2/5/2019	38K201815	PW uniforms through 1/24/19	\$42.48	\$0.00		\$42.48
Cintas Corporation	2/5/2019	2/5/2019	38L199942	PW uniforms through 1/17/19	\$39.44	\$0.00		\$39.44
Cintas Corporation	2/5/2019	2/5/2019	38K198062	PW uniforms through 1/10/19	\$33.60	\$0.00		\$33.60
Cintas Corporation	2/5/2019	2/5/2019	38K203713	PW uniforms through 1/31/19	\$59.53	\$0.00		\$59.53
<i>Totals for Cintas Corporation:</i>					<u>\$175.05</u>	<u>\$0.00</u>		<u>\$175.05</u>
<b>Cintas Fire Protection</b>								
Cintas Fire Protection	2/5/2019	2/5/2019	OF44693016	EH fire extinguisher inspection	\$187.30	\$0.00		\$187.30
Cintas Fire Protection	2/5/2019	2/5/2019	OF44693017	CH fire extinguisher inspection, service	\$411.13	\$0.00		\$411.13
Cintas Fire Protection	2/5/2019	2/5/2019	OF44693014	City fire extinguisher inspection, service	\$950.69	\$0.00		\$950.69

## City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Cintas Fire Protection	2/5/2019	2/5/2019	OF44693015	Library fire extinguisher inspection, service	\$329.30	\$0.00		\$329.30
<i>Totals for Cintas Fire Protection:</i>					<i>\$1,878.42</i>	<i>\$0.00</i>		<i>\$1,878.42</i>
<b>City of Concord</b>								
City of Concord	2/5/2019	2/5/2019	73196	Letterhead, business cards	\$523.17	\$0.00		\$523.17
City of Concord	2/5/2019	2/5/2019	73143	CAFR printing	\$717.60	\$0.00		\$717.60
<i>Totals for City of Concord:</i>					<i>\$1,240.77</i>	<i>\$0.00</i>		<i>\$1,240.77</i>
<b>Clean Street</b>								
Clean Street	2/5/2019	2/5/2019	92653	Street sweeping for December	\$4,500.00	\$0.00		\$4,500.00
<i>Totals for Clean Street:</i>					<i>\$4,500.00</i>	<i>\$0.00</i>		<i>\$4,500.00</i>
<b>CME Lighting Supply, Inc</b>								
CME Lighting Supply, Inc	2/5/2019	2/5/2019	230970	Library lamps	\$271.90	\$0.00		\$271.90
CME Lighting Supply, Inc	2/5/2019	2/5/2019	230723	CH lamps	\$154.71	\$0.00		\$154.71
<i>Totals for CME Lighting Supply, Inc:</i>					<i>\$426.61</i>	<i>\$0.00</i>		<i>\$426.61</i>
<b>Contra Costa County - Office of the Sheriff</b>								
Contra Costa County - Office of the She	2/5/2019	2/5/2019	CLPD-1812	Toxicology for December	\$1,000.00	\$0.00		\$1,000.00
Contra Costa County - Office of the She	2/5/2019	2/5/2019	CLPD-1811	Toxicology for November	\$977.00	\$0.00		\$977.00
Contra Costa County - Office of the She	2/5/2019	2/5/2019	CLPD-418	Blood withdrawals Q2 FY 19	\$905.52	\$0.00		\$905.52
<i>Totals for Contra Costa County - Office of the Sheriff:</i>					<i>\$2,882.52</i>	<i>\$0.00</i>		<i>\$2,882.52</i>
<b>Contra Costa County Animal Svcs Dept</b>								
Contra Costa County Animal Svcs Dept	2/5/2019	2/5/2019	ASD M6078	Animal control svcs Q2 FY19	\$17,236.31	\$0.00		\$17,236.31
<i>Totals for Contra Costa County Animal Svcs Dept:</i>					<i>\$17,236.31</i>	<i>\$0.00</i>		<i>\$17,236.31</i>
<b>Contra Costa County Public Works Dept</b>								
Contra Costa County Public Works Dept	2/5/2019	2/5/2019	702128	Traffic signal maintenance for November	\$2,002.80	\$0.00		\$2,002.80
<i>Totals for Contra Costa County Public Works Dept:</i>					<i>\$2,002.80</i>	<i>\$0.00</i>		<i>\$2,002.80</i>
<b>CR Fireline, Inc</b>								
CR Fireline, Inc	2/5/2019	2/5/2019	113469	EH Fire alarm/sprinkler test	\$525.00	\$0.00		\$525.00
CR Fireline, Inc	2/5/2019	2/5/2019	113468	Library Fire sprinkler/alarm test	\$375.00	\$0.00		\$375.00
CR Fireline, Inc	2/5/2019	2/5/2019	113470	CH Fire sprinkler/alarm test	\$375.00	\$0.00		\$375.00
<i>Totals for CR Fireline, Inc:</i>					<i>\$1,275.00</i>	<i>\$0.00</i>		<i>\$1,275.00</i>
<b>De Lage Landen Financial Services, Inc.</b>								
De Lage Landen Financial Services, Inc.	2/5/2019	2/5/2019	62309163	Copier lease 2/15/19-3/14/19	\$304.59	\$0.00		\$304.59
<i>Totals for De Lage Landen Financial Services, Inc.:</i>					<i>\$304.59</i>	<i>\$0.00</i>		<i>\$304.59</i>
<b>Digital Services</b>								
Digital Services	2/5/2019	2/5/2019	11279	IT services 12/11/18-1/29/19	\$4,144.07	\$0.00		\$4,144.07
<i>Totals for Digital Services:</i>					<i>\$4,144.07</i>	<i>\$0.00</i>		<i>\$4,144.07</i>
<b>Dillon Electric Inc</b>								
Dillon Electric Inc	2/5/2019	2/5/2019	3829	Streetlight maintenance 1/30/19	\$1,471.27	\$0.00		\$1,471.27

## City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
<i>Totals for Dillon Electric Inc:</i>					\$1,471.27	\$0.00		\$1,471.27
<b>Economic &amp; Planning Systems, Inc</b>								
Economic & Planning Systems, Inc	2/5/2019	2/5/2019	181082-7	Affordable housing, open space fee study, Dec	\$5,367.50	\$0.00		\$5,367.50
<i>Totals for Economic &amp; Planning Systems, Inc:</i>					\$5,367.50	\$0.00		\$5,367.50
<b>Globalstar LLC</b>								
Globalstar LLC	2/5/2019	2/5/2019	10015413	Sat phone 12/16/18-1/15/19	\$89.96	\$0.00		\$89.96
<i>Totals for Globalstar LLC:</i>					\$89.96	\$0.00		\$89.96
<b>Hammons Supply Company</b>								
Hammons Supply Company	2/5/2019	2/5/2019	104883	Library janitorial supplies	\$209.94	\$0.00		\$209.94
<i>Totals for Hammons Supply Company:</i>					\$209.94	\$0.00		\$209.94
<b>Harris &amp; Associates, Inc.</b>								
Harris & Associates, Inc.	2/5/2019	2/5/2019	39887	Engineering services for December	\$9,585.00	\$0.00		\$9,585.00
Harris & Associates, Inc.	2/5/2019	2/5/2019	39735	Engineering services for November	\$9,585.00	\$0.00		\$9,585.00
Harris & Associates, Inc.	2/5/2019	2/5/2019	39737	Verna Wy Engineering svcs for November	\$1,380.00	\$0.00		\$1,380.00
Harris & Associates, Inc.	2/5/2019	2/5/2019	39888	Engineering inspections for December	\$7,920.00	\$0.00		\$7,920.00
Harris & Associates, Inc.	2/5/2019	2/5/2019	39736	Engineering inspections for November	\$7,040.00	\$0.00		\$7,040.00
Harris & Associates, Inc.	2/5/2019	2/5/2019	39889	Verna Wy Engineering svcs for December	\$690.00	\$0.00		\$690.00
<i>Totals for Harris &amp; Associates, Inc.:</i>					\$36,200.00	\$0.00		\$36,200.00
<b>Health Care Dental Trust</b>								
Health Care Dental Trust	2/5/2019	2/5/2019	255687	Dental for February	\$2,303.87	\$0.00		\$2,303.87
<i>Totals for Health Care Dental Trust:</i>					\$2,303.87	\$0.00		\$2,303.87
<b>ICMA Retirement Corporation</b>								
ICMA Retirement Corporation	2/5/2019	2/5/2019	42317	ICMA plan fee Q3 FY 19	\$125.00	\$0.00		\$125.00
<i>Totals for ICMA Retirement Corporation:</i>					\$125.00	\$0.00		\$125.00
<b>J&amp;R Floor Services</b>								
J&R Floor Services	2/5/2019	2/5/2019	One2019	Janitorial services for January	\$4,850.00	\$0.00		\$4,850.00
<i>Totals for J&amp;R Floor Services:</i>					\$4,850.00	\$0.00		\$4,850.00
<b>LarryLogic Productions</b>								
LarryLogic Productions	2/5/2019	2/5/2019	1782	City council meeting production 1/15/19	\$540.00	\$0.00		\$540.00
<i>Totals for LarryLogic Productions:</i>					\$540.00	\$0.00		\$540.00
<b>League of CA Cities East Bay Division</b>								
League of CA Cities East Bay Division	2/5/2019	2/5/2019	4667	East Bay division meeting 1/24/19	\$50.00	\$0.00		\$50.00
<i>Totals for League of CA Cities East Bay Division:</i>					\$50.00	\$0.00		\$50.00
<b>LEHR</b>								
LEHR	2/5/2019	2/5/2019	SI24300	Cable, antenna for car 1742	\$261.91	\$0.00		\$261.91
<i>Totals for LEHR:</i>					\$261.91	\$0.00		\$261.91

## City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
<b>Mark Scott Construction</b>								
Mark Scott Construction	2/5/2019	2/5/2019	CAP0309	C&D refund for 105 Mt Etna Dr	\$2,000.00	\$0.00		\$2,000.00
				<i>Totals for Mark Scott Construction:</i>	<u>\$2,000.00</u>	<u>\$0.00</u>		<u>\$2,000.00</u>
<b>Matrix Association Management</b>								
Matrix Association Management	2/5/2019	2/5/2019	8904	Diablo Estates management for January	\$4,532.50	\$0.00		\$4,532.50
				<i>Totals for Matrix Association Management:</i>	<u>\$4,532.50</u>	<u>\$0.00</u>		<u>\$4,532.50</u>
<b>MPA</b>								
MPA	2/5/2019	2/5/2019	ES-1903	Vehicle damage premium FY 19	\$344.65	\$0.00		\$344.65
MPA	2/5/2019	2/5/2019	012019	Life/LTD for January	\$2,357.69	\$0.00		\$2,357.69
MPA	2/5/2019	2/5/2019	012019	Life/LTD for February	\$2,285.08	\$0.00		\$2,285.08
				<i>Totals for MPA:</i>	<u>\$4,987.42</u>	<u>\$0.00</u>		<u>\$4,987.42</u>
<b>Neopost Northwest</b>								
Neopost Northwest	2/5/2019	2/5/2019	N7529430	Postage meter lease 11/16/18-2/15/19	\$510.81	\$0.00		\$510.81
				<i>Totals for Neopost Northwest:</i>	<u>\$510.81</u>	<u>\$0.00</u>		<u>\$510.81</u>
<b>North San Ramon Development 1, LLC</b>								
North San Ramon Development 1, LLC	2/5/2019	2/5/2019	CAP0265	C&D refund for Verna Wy	\$22,934.00	\$0.00		\$22,934.00
				<i>Totals for North San Ramon Development 1, LLC:</i>	<u>\$22,934.00</u>	<u>\$0.00</u>		<u>\$22,934.00</u>
<b>Pacific Telemanagement Svc</b>								
Pacific Telemanagement Svc	2/5/2019	2/5/2019	2011533	Courtyard payphone for February	\$73.00	\$0.00		\$73.00
				<i>Totals for Pacific Telemanagement Svc:</i>	<u>\$73.00</u>	<u>\$0.00</u>		<u>\$73.00</u>
<b>Gregory or Erika Pangan</b>								
Gregory or Erika Pangan	2/5/2019	2/5/2019	1072	Deposit refund for 5859 Clayton Rd	\$147.87	\$0.00		\$147.87
				<i>Totals for Gregory or Erika Pangan:</i>	<u>\$147.87</u>	<u>\$0.00</u>		<u>\$147.87</u>
<b>Paychex</b>								
Paychex	2/5/2019	2/5/2019	2019011401	Payroll fees PPE 1/13/19, W-2 processing	\$493.36	\$0.00		\$493.36
Paychex	2/5/2019	2/5/2019	2019012801	Payroll fees PPE 1/27/19	\$195.61	\$0.00		\$195.61
				<i>Totals for Paychex:</i>	<u>\$688.97</u>	<u>\$0.00</u>		<u>\$688.97</u>
<b>Paysafe Payment Processing</b>								
Paysafe Payment Processing	2/5/2019	2/5/2019	Dec2018	Online bankcard fees for December	\$53.01	\$0.00		\$53.01
Paysafe Payment Processing	2/5/2019	2/5/2019	Dec2018	Bankcard fees for December	\$183.50	\$0.00		\$183.50
				<i>Totals for Paysafe Payment Processing:</i>	<u>\$236.51</u>	<u>\$0.00</u>		<u>\$236.51</u>
<b>PG&amp;E</b>								
PG&E	2/5/2019	2/5/2019	012319	Energy 12/14/18-1/14/19	\$25,901.08	\$0.00		\$25,901.08
PG&E	2/5/2019	2/5/2019	012219	Energy 12/20/18-1/21/19	\$4,535.29	\$0.00		\$4,535.29
				<i>Totals for PG&amp;E:</i>	<u>\$30,436.37</u>	<u>\$0.00</u>		<u>\$30,436.37</u>
<b>Pond M Solutions</b>								
Pond M Solutic	2/5/2019	2/5/2019	465	Fountain mai	\$650.00	\$0.00		\$650.00

## City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
<i>Totals for Pond M Solutions:</i>					\$650.00	\$0.00		\$650.00
<b>Portable Computer Systems, Inc</b>								
Portable Computer Systems, Inc	2/5/2019	2/5/2019	56091	Installation electronic equip PD vehicles	\$7,560.00	\$0.00		\$7,560.00
<i>Totals for Portable Computer Systems, Inc:</i>					\$7,560.00	\$0.00		\$7,560.00
<b>Psychological Resources Inc.</b>								
Psychological Resources Inc.	2/5/2019	2/5/2019	8283	Pre-employment screening, PD	\$1,000.00	\$0.00		\$1,000.00
<i>Totals for Psychological Resources Inc.:</i>					\$1,000.00	\$0.00		\$1,000.00
<b>Riso Products of Sacramento</b>								
Riso Products of Sacramento	2/5/2019	2/5/2019	191692	Copier contract coverage 12/20/18-1/19/19	\$161.92	\$0.00		\$161.92
<i>Totals for Riso Products of Sacramento:</i>					\$161.92	\$0.00		\$161.92
<b>Sierra Nevada Construction, Inc.</b>								
Sierra Nevada Construction, Inc.	2/5/2019	2/5/2019	01302019R	Retention for CIP 10436, Neighborhood Stre	\$39,279.02	\$0.00		\$39,279.02
<i>Totals for Sierra Nevada Construction, Inc.:</i>					\$39,279.02	\$0.00		\$39,279.02
<b>Stericycle Inc</b>								
Stericycle Inc	2/5/2019	2/5/2019	3004554038	Medical waste disposal	\$111.16	\$0.00		\$111.16
<i>Totals for Stericycle Inc:</i>					\$111.16	\$0.00		\$111.16
<b>Swenson's Mobile Fleet Repair</b>								
Swenson's Mobile Fleet Repair	2/5/2019	2/5/2019	1001117	Service to Groundskeeper 325-D	\$973.57	\$0.00		\$973.57
Swenson's Mobile Fleet Repair	2/5/2019	2/5/2019	1001121	Service to 2015 F-250	\$115.00	\$0.00		\$115.00
Swenson's Mobile Fleet Repair	2/5/2019	2/5/2019	1001122	Service to 2007 F-450	\$115.00	\$0.00		\$115.00
<i>Totals for Swenson's Mobile Fleet Repair:</i>					\$1,203.57	\$0.00		\$1,203.57
<b>Chris Theodorakis</b>								
Chris Theodorakis	2/5/2019	2/5/2019	CAP0284	C&D refund for 428 Mt Sequoia Ct	\$2,000.00	\$0.00		\$2,000.00
<i>Totals for Chris Theodorakis:</i>					\$2,000.00	\$0.00		\$2,000.00
<b>US Bank - Corp Pmt System CalCard</b>								
US Bank - Corp Pmt System CalCard	2/5/2018	2/5/2018	Stmnt end 1/22/19	Paint/supplies for CH doors	\$157.19	\$0.00		\$157.19
US Bank - Corp Pmt System CalCard	2/5/2018	2/5/2018	Stmnt end 1/22/19	Library roof leak supplies	\$56.51	\$0.00		\$56.51
US Bank - Corp Pmt System CalCard	2/5/2018	2/5/2018	Stmnt end 1/22/19	Fuel	\$259.17	\$0.00		\$259.17
US Bank - Corp Pmt System CalCard	2/5/2019	2/5/2019	Stmnt end 1/22/19	Storage unit rent	\$152.00	\$0.00		\$152.00
US Bank - Corp Pmt System CalCard	2/5/2019	2/5/2019	Stmnt end 1/22/19	HR Posters, handbook, postage meter suppli	\$690.03	\$0.00		\$690.03
US Bank - Corp Pmt System CalCard	2/5/2019	2/5/2019	Stmnt end 1/22/19	Employee recognition lunch	\$649.70	\$0.00		\$649.70
US Bank - Corp Pmt System CalCard	2/5/2019	2/5/2019	Stmnt end 1/22/19	Meals for PC interviewers	\$109.49	\$0.00		\$109.49
US Bank - Corp Pmt System CalCard	2/5/2019	2/5/2019	Stmnt end 1/22/19	Successories, Empl of the Year award	\$266.59	\$0.00		\$266.59
US Bank - Corp Pmt System CalCard	2/5/2019	2/5/2019	Stmnt end 1/22/19	Parking for training	\$6.25	\$0.00		\$6.25
US Bank - Corp Pmt System CalCard	2/5/2019	2/5/2019	Stmnt end 1/22/19	ICMA Annual Dues	\$1,400.00	\$0.00		\$1,400.00
US Bank - Corp Pmt System CalCard	2/5/2019	2/5/2019	Stmnt end 1/22/19	Fuel	\$353.85	\$0.00		\$353.85
US Bank - Corp Pmt System CalCard	2/5/2019	2/5/2019	Stmnt end 1/22/19	Fuel	\$229.87	\$0.00		\$229.87
US Bank - Corp Pmt System CalCard	2/5/2019	2/5/2019	Stmnt end 1/22/19	Fuel	\$443.36	\$0.00		\$443.36
US Bank - Corp Pmt System CalCard	2/5/2019	2/5/2019	Stmnt end 1/22/19	Fuel	\$163.35	\$0.00		\$163.35

## City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
US Bank - Corp Pmt System CalCard	2/5/2019	2/5/2019	Stmnt end 1/22/19	Diesel exhaust fluid	\$38.42	\$0.00		\$38.42
US Bank - Corp Pmt System CalCard	2/5/2019	2/5/2019	Stmnt end 1/22/19	Shelves for uniforms, coveralls for mud	\$371.85	\$0.00		\$371.85
US Bank - Corp Pmt System CalCard	2/5/2019	2/5/2019	Stmnt end 1/22/19	Recycling fee, bulbs, gutter cleaner, tape, lad.	\$462.85	\$0.00		\$462.85
US Bank - Corp Pmt System CalCard	2/5/2019	2/5/2019	Stmnt end 1/22/19	Waders for clearing creeks and storm clogs	\$119.98	\$0.00		\$119.98
US Bank - Corp Pmt System CalCard	2/5/2019	2/5/2019	Stmnt end 1/22/19	Security tool for street signs, chainsaw chains	\$268.31	\$0.00		\$268.31
US Bank - Corp Pmt System CalCard	2/5/2019	2/5/2019	Stmnt end 1/22/19	Fuel	\$128.30	\$0.00		\$128.30
US Bank - Corp Pmt System CalCard	2/5/2019	2/5/2019	Stmnt end 1/22/19	Swivel mount light control	\$32.60	\$0.00		\$32.60
US Bank - Corp Pmt System CalCard	2/5/2019	2/5/2019	Stmnt end 1/22/19	Paint/supplies for CH doors	\$157.19	\$0.00		\$157.19
US Bank - Corp Pmt System CalCard	2/5/2019	2/5/2019	Stmnt end 1/22/19	Library roof leak supplies	\$56.51	\$0.00		\$56.51
US Bank - Corp Pmt System CalCard	2/5/2019	2/5/2019	Stmnt end 1/22/19	Fuel	\$259.17	\$0.00		\$259.17
US Bank - Corp Pmt System CalCard	2/5/2019	2/5/2019	Stmnt end 1/22/19	Postage	\$42.01	\$0.00		\$42.01
US Bank - Corp Pmt System CalCard	2/5/2019	2/5/2019	Stmnt end 1/22/19	Fuel	\$375.35	\$0.00		\$375.35
US Bank - Corp Pmt System CalCard	2/5/2019	2/5/2019	Stmnt end 1/22/19	Fuel	\$260.12	\$0.00		\$260.12
US Bank - Corp Pmt System CalCard	2/5/2019	2/5/2019	Stmnt end 1/22/19	Transunion search	\$25.00	\$0.00		\$25.00
US Bank - Corp Pmt System CalCard	2/5/2019	2/5/2019	Stmnt end 1/22/19	Fuel	\$426.31	\$0.00		\$426.31
US Bank - Corp Pmt System CalCard	2/5/2019	2/5/2019	Stmnt end 1/22/19	Fuel	\$147.75	\$0.00		\$147.75
US Bank - Corp Pmt System CalCard	2/5/2019	2/5/2019	Stmnt end 1/22/19	Realtruck	\$269.95	\$0.00		\$269.95
US Bank - Corp Pmt System CalCard	2/5/2019	2/5/2019	Stmnt end 1/22/19	Fuel	\$130.34	\$0.00		\$130.34
US Bank - Corp Pmt System CalCard	2/5/2019	2/5/2019	Stmnt end 1/22/19	Amazon.com - supplies	\$40.06	\$0.00		\$40.06
US Bank - Corp Pmt System CalCard	2/5/2019	2/5/2019	Stmnt end 1/22/19	Fuel	\$259.10	\$0.00		\$259.10
US Bank - Corp Pmt System CalCard	2/5/2019	2/5/2019	Stmnt end 1/22/19	Fuel	\$597.97	\$0.00		\$597.97
US Bank - Corp Pmt System CalCard	2/5/2019	2/5/2019	Stmnt end 1/22/19	Fuel	\$348.59	\$0.00		\$348.59
US Bank - Corp Pmt System CalCard	2/5/2019	2/5/2019	Stmnt end 1/22/19	Office supplies	\$216.46	\$0.00		\$216.46
US Bank - Corp Pmt System CalCard	2/5/2019	2/5/2019	Stmnt end 1/22/19	Fuel	\$126.63	\$0.00		\$126.63
US Bank - Corp Pmt System CalCard	2/5/2019	2/5/2019	Stmnt end 1/22/19	Cops Plus, Inc	\$30.46	\$0.00		\$30.46
US Bank - Corp Pmt System CalCard	2/5/2019	2/5/2019	Stmnt end 1/22/19	Fuel	\$423.53	\$0.00		\$423.53
<i>Totals for US Bank - Corp Pmt System CalCard:</i>					<i>\$10,552.17</i>	<i>\$0.00</i>		<i>\$10,552.17</i>
<b>US Bank Ops Center</b>								
US Bank Ops Center	2/5/2019	2/5/2019	1344520	Interest payment for 1990-1 bonds	\$55,145.45	\$0.00		\$55,145.45
<i>Totals for US Bank Ops Center:</i>					<i>\$55,145.45</i>	<i>\$0.00</i>		<i>\$55,145.45</i>
<b>Waraner Brothers Tree Service</b>								
Waraner Brothers Tree Service	2/5/2019	2/5/2019	14530	Remove Eucalyptus trees, Lydia Lane	\$23,200.00	\$0.00		\$23,200.00
<i>Totals for Waraner Brothers Tree Service:</i>					<i>\$23,200.00</i>	<i>\$0.00</i>		<i>\$23,200.00</i>
<b>Wells Fargo Bank Bank (Bond Debt Service)</b>								
Wells Fargo Bank Bank (Bond Debt Se	2/5/2019	2/5/2019	CLAY 02032019	Interest on Lydia Lane Sewer bonds	\$4,530.02	\$0.00		\$4,530.02
<i>Totals for Wells Fargo Bank Bank (Bond Debt Service):</i>					<i>\$4,530.02</i>	<i>\$0.00</i>		<i>\$4,530.02</i>
<b>Western Exterminator</b>								
Western Exterminator	2/5/2019	2/5/2019	6642526	Pest control for December	\$409.50	\$0.00		\$409.50
<i>Totals for Western Exterminator:</i>					<i>\$409.50</i>	<i>\$0.00</i>		<i>\$409.50</i>
<b>Workers.com</b>								
Workers.com	2/5/2019	2/5/2019	123898	Seasonal work week end 1/13/19	\$3,115.28	\$0.00		\$3,115.28



## City of Clayton Cash Requirements Report

<u>Vendor Name</u>	<u>Due Date</u>	<u>Invoice Date</u>	<u>Invoice Number</u>	<u>Invoice Description</u>	<u>Invoice Balance</u>	<u>Potential Discount</u>	<u>Discount Expires On</u>	<u>Net Amount Due</u>
Workers.com	2/5/2019	2/5/2019	123846	Seasonal workers week end 1/6/19	\$2,066.40	\$0.00		\$2,066.40
Workers.com	2/5/2019	2/5/2019	123958	Seasonal workers week end 1/20/19	\$1,664.32	\$0.00		\$1,664.32
				<i>Totals for Workers.com:</i>	<i>\$6,846.00</i>	<i>\$0.00</i>		<i>\$6,846.00</i>
				<b>GRAND TOTALS:</b>	<b>\$411,233.71</b>	<b>\$0.00</b>		<b>\$411,233.71</b>

# CASH REQUIREMENTS

PPE 1/13/19

**CASH REQUIRED FOR NEGOTIABLE CHECKS &/OR ELECTRONIC FUNDS TRANSFERS (EFT) FOR CHECK DATE 01/16/19: \$90,260.52**

**TRANSACTION SUMMARY**

<b>SUMMARY BY TRANSACTION TYPE -</b>	TOTAL ELECTRONIC FUNDS TRANSFER (EFT)	90,260.52
	CASH REQUIRED FOR NEGOTIABLE CHECKS &/OR EFT	90,260.52
	TOTAL REMAINING DEDUCTIONS / WITHHOLDINGS / LIABILITIES	12,785.32
	CASH REQUIRED FOR CHECK DATE 01/16/19	103,045.84

**TRANSACTION DETAIL**

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

<u>TRANS. DATE</u>	<u>BANK NAME</u>	<u>ACCOUNT NUMBER</u>	<u>PRODUCT</u>	<u>DESCRIPTION</u>		<u>BANK DRAFT AMOUNTS &amp; OTHER TOTALS</u>
01/15/19	BANK OF AMERICA, NA	xxxxxx4799	Direct Deposit	Net Pay Allocations	68,764.88	
01/15/19	BANK OF AMERICA, NA	xxxxxx4799	Direct Deposit	Deductions with Direct Deposit	543.50	69,308.38
01/15/19	BANK OF AMERICA, NA	xxxxxx4799	Readychex®	Check Amounts	528.61	528.61
01/15/19	BANK OF AMERICA, NA	xxxxxx4799	Garnishment	Employee Deductions	47.20	47.20
				<b>EFT FOR 01/15/19</b>		<b>69,884.19</b>
01/16/19	BANK OF AMERICA, NA	xxxxxx4799	Taxpay®	Employee Withholdings		
				Social Security	137.89	
				Medicare	1,368.91	
				Fed Income Tax	9,890.11	
				CA Income Tax	3,786.73	
				<b>Total Withholdings</b>	<b>15,183.64</b>	
				Employer Liabilities		
				Social Security	137.89	
				Medicare	1,368.94	
				Fed Unemploy	409.54	
				CA Unemploy	3,208.07	
				CA Emp Train	68.25	
				<b>Total Liabilities</b>	<b>5,192.69</b>	<b>20,376.33</b>
				<b>EFT FOR 01/16/19</b>		<b>20,376.33</b>
				<b>TOTAL EFT</b>		<b>90,260.52</b>

# CASH REQUIREMENTS

**CASH REQUIRED FOR NEGOTIABLE CHECKS &/OR ELECTRONIC FUNDS TRANSFERS (EFT) FOR CHECK DATE 01/16/19: \$90,260.52**

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

<u>TRANS. DATE</u>	<u>BANK NAME</u>	<u>ACCOUNT NUMBER</u>	<u>PRODUCT</u>	<u>DESCRIPTION</u>	<u>TOTAL</u>
01/16/19	Refer to your records for account information		Payroll	Employee Deductions	
				1959 Surv. Ben.	11.16
				414h2 EE PD ER Cont.	76.03
				414h2 Pretax	6,379.99
				457b EE Pretax	103.85
				DC ICMA Pretax	2,029.80
				FSA Dep Care Pretax	441.90
				Health Prem Pretax	2,779.40
				Nationwide Pretax	720.00
				Supp Ins Post Tax	127.95
				Supplemental Ins	115.24
				<b>Total Deductions</b>	<b>12,785.32</b>
<b>TOTAL REMAINING DEDUCTIONS / WITHHOLDINGS / LIABILITIES</b>					<b>12,785.32</b>

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

<u>DUE DATE</u>	<u>PRODUCT</u>	<u>DESCRIPTION</u>	
01/24/19	Taxpay@	FED IT PMT Group	12,903.74
01/24/19	Taxpay@	CA IT PMT Group	3,786.73

# CASH REQUIREMENTS

PPE 1/27/19

**CASH REQUIRED FOR NEGOTIABLE CHECKS &/OR ELECTRONIC FUNDS TRANSFERS (EFT) FOR CHECK DATE 01/30/19: \$86,343.70**

**TRANSACTION SUMMARY**

<b>SUMMARY BY TRANSACTION TYPE -</b>	TOTAL ELECTRONIC FUNDS TRANSFER (EFT)	86,343.70
	CASH REQUIRED FOR NEGOTIABLE CHECKS &/OR EFT	86,343.70
	TOTAL REMAINING DEDUCTIONS / WITHHOLDINGS / LIABILITIES	12,683.82
	CASH REQUIRED FOR CHECK DATE 01/30/19	99,027.52

**TRANSACTION DETAIL**

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

<u>TRANS. DATE</u>	<u>BANK NAME</u>	<u>ACCOUNT NUMBER</u>	<u>PRODUCT</u>	<u>DESCRIPTION</u>		<u>BANK DRAFT AMOUNTS &amp; OTHER TOTALS</u>
01/29/19	BANK OF AMERICA, NA	xxxxxx4799	Direct Deposit	Net Pay Allocations	67,743.39	
01/29/19	BANK OF AMERICA, NA	xxxxxx4799	Direct Deposit	Deductions with Direct Deposit	543.50	68,286.89
01/29/19	BANK OF AMERICA, NA	xxxxxx4799	Readychex®	Check Amounts	247.27	247.27
01/29/19	BANK OF AMERICA, NA	xxxxxx4799	Garnishment	Employee Deductions	47.20	47.20
				<b>EFT FOR 01/29/19</b>		<b>68,581.36</b>
01/30/19	BANK OF AMERICA, NA	xxxxxx4799	Taxpay®	Employee Withholdings		
				Social Security	44.50	
				Medicare	1,331.49	
				Fed Income Tax	9,817.36	
				CA Income Tax	3,713.55	
				<b>Total Withholdings</b>	<b>14,906.90</b>	
				Employer Liabilities		
				Social Security	44.50	
				Medicare	1,331.54	
				Fed Unemploy	164.39	
				CA Unemploy	1,287.64	
				CA Emp Train	27.37	
				<b>Total Liabilities</b>	<b>2,855.44</b>	17,762.34
				<b>EFT FOR 01/30/19</b>		<b>17,762.34</b>
				<b>TOTAL EFT</b>		<b>86,343.70</b>

# CASH REQUIREMENTS

**CASH REQUIRED FOR NEGOTIABLE CHECKS &/OR ELECTRONIC FUNDS TRANSFERS (EFT) FOR CHECK DATE 01/30/19: \$86,343.70**

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

<u>TRANS. DATE</u>	<u>BANK NAME</u>	<u>ACCOUNT NUMBER</u>	<u>PRODUCT</u>	<u>DESCRIPTION</u>	<u>TOTAL</u>
01/30/19	Refer to your records for account information		Payroll	Employee Deductions	
				1959 Surv. Ben.	11.16
				414h2 EE PD ER ConL	74.78
				414h2 Pretax	6,279.74
				457b EE Pretax	103.85
				DC ICMA Pretax	2,029.80
				FSA Dep Care Pretax	441.90
				Health Prem Pretax	2,779.40
				Nationwide Pretax	720.00
				Supp Ins Post Tax	127.95
				Supplemental Ins	115.24
				<b>Total Deductions</b>	<b>12,683.82</b>
<b>TOTAL REMAINING DEDUCTIONS / WITHHOLDINGS / LIABILITIES</b>					<b>12,683.82</b>

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

<u>DUE DATE</u>	<u>PRODUCT</u>	<u>DESCRIPTION</u>	
02/06/19	Taxpay®	FED IT PMT Group	12,569.39
02/06/19	Taxpay®	CA IT PMT Group	3,713.55



Agenda Date: 2-05-2019

Agenda Item: 3C

Approved:

  
Gary A. Napper  
City Manager

# AGENDA REPORT

**TO: HONORABLE MAYOR AND COUNCILMEMBERS**

**FROM: SCOTT ALMAN, CITY ENGINEER**

**DATE: FEBRUARY 05, 2019**

**SUBJECT: APPROVE THE AWARD OF A LOW-BID CONTRACT TO RESOURCE ENVIRONMENTAL, INC. IN THE AMOUNT OF \$ 47,100.00 FOR THE 1005 & 1007 OAK STREET BUNGALOWS DEMOLITION PROJECT**

## **RECOMMENDATION**

It is recommended the City Council adopt a Resolution to approve the award of a low-bid contract to Resource Environmental, Inc. in the amount of \$ 47,100.00 for the 1005 & 1007 Oak Street Bungalows Demolition Project, and allocate \$55,000.00 from the City's Capital Improvement Budget (CIP No. 10400 – Economic Development Account) to fund the project.

## **BACKGROUND**

The City-owned bungalows at 1005 & 1007 Oak Street have been unused, sitting empty and boarded up for several years. Both buildings have deteriorated badly, are uninhabitable, contain mold, and are a possible attractive nuisance for children near the pick-up location on Oak Street below Mt. Diablo Elementary School as well as youth lingering in the downtown area. The exterior decking is severely rotted and the likely expense of renovation to code exceeds the value of the bungalows.

The City's hope a prospective buyer of the underlying lands for development of the sites (either for the permit-entitled "Creekside Terrace Project" or an alternative use), however that approved development has not attracted a buyer since its approval in July 2010 and the bungalows' deterioration can no longer be ignored.

## **DISCUSSION**

Sealed bids for this demolition project were received and opened by the City Clerk on January 31, 2019. The City received three bids ranging from the low bid of \$47,100 to the high bid of \$122,305! The apparent low bidder at \$47,100.00 is Resource Environmental, Inc. Resource Environmental meets all of the contract requirements, possesses a 'B' General Building Contractor license, C-21 Building Moving & Demolition contractor's license

and a C-22 Asbestos Abatement contractor's license. Resource Environmental has been in business as a licensed contractor for 13 years since its California incorporation in 2005.

Resource Environmental has completed fifteen (15) demolition and abatement projects over the past three years with total value in excess of \$10M. Resource's current project backlog includes nine (9) demolition/abatement projects with total value of \$9.7M. The contractor's proposed Project Manager/Foreman, Don Tinsley, has over 35 years in the demolition/abatement industry. 100% of Tinsley's time will be allocated to this project. The project specifications require the contractor to recycle demolished materials to the greatest extent practicable in order to assist the City in meeting its state mandates for recycling.

The scope of demolition as recommended includes the removal of the concrete pads, which saves approximately \$3,000 on the bid. Should the contractor be required to "save" the concrete pads in order to retain the original footprint of the bungalows, there is increased expense for this workaround component and there is no guaranty the pad remains salvageable. Retaining the pads in an open area of the downtown also represents a continued attraction and possible hazard requiring further fencing or enclosure, which extends the blighted nature of the site.

#### **FISCAL IMPACT**

There are adequate funds available in the City's Capital Improvement Budget (CIP No. 10400 – Downtown Economic Development Account; \$1.4 million) to fully underwrite the cost of this contract work, a 5% construction contingency and the required contractor oversight. The proposed project budget allocation is recommended at \$55,000.00, which includes a 5 percent (\$2,355.00) construction contingency and an 11.77 percent (\$5,545.00) construction management and inspection budget. Unused monies will remain in the CIP account.

Attachments: Resolution [2 pp.]

**BID TABULATION SUMMARY SHEET**

## Project Information:

Location: City of Clayton, CA - 1005 &amp; 1007 Oak Street Building Demolition

Limits: 1005 &amp; 1007 Oak Street

Bid Open Date: 1/31/2019		Contract Award Date: 2/5/2019		Engineer's Estimate		Bidder #1 Yelton Company		Bidder #2 DGSi		Bidder #3 Resource Enve.	
Item No.	Bid Item	Quantity	Unit	Unit Price	Cost	Unit Price	Cost	Unit Price	Cost	Unit Price	Cost
1	Mobilization	1.0	LS	\$0.00	\$0.00	\$1,200.00	\$1,200.00	\$18,320.00	\$18,320.00	\$6,265.00	\$6,265.00
2	Sheet/Shoring/Brcing	1.0	LS		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
3	Demo 1005 Oak Street	1.0	LS		\$0.00	\$28,240.00	\$28,240.00	\$25,175.00	\$25,175.00	\$19,000.00	\$19,000.00
4	Demo 1007 oak Street	1.0	LS		\$0.00	\$20,330.00	\$20,330.00	\$22,585.00	\$22,585.00	\$19,000.00	\$19,000.00
5	Grading & Murch Installation	8,000.0	SF		\$0.00	\$0.50	\$4,000.00	\$3.90	\$31,200.00	\$0.50	\$4,000.00
6	Remove Water Laterals	2.0	EA		\$0.00	\$300.00	\$600.00	\$0.00	\$0.00	\$150.00	\$300.00
7	Remove Sewer Laterals	2.0	EA		\$0.00	\$300.00	\$600.00	\$0.00	\$0.00	\$150.00	\$300.00
8	Repair Ex. CG&SW	325.0	SF		\$0.00	\$53.86	\$17,504.50	\$77.00	\$25,025.00	\$3.80	\$1,235.00
9					\$0.00		\$0.00		\$0.00		\$0.00
<b>Total Bid:</b>					<b>\$0.00</b>		<b>\$72,474.50</b>		<b>\$122,305.00</b>		<b>\$50,100.00</b>



**RESOLUTION NO. - 2019**

**A RESOLUTION APPROVING THE AWARD OF A LOW BID CONTRACT TO RESOURCE ENVIRONMENTAL, INC., IN THE AMOUNT OF \$47,100.00 FOR THE 1005 & 1007 OAK STREET BUILDING DEMOLITION PROJECT AND AUTHORIZING THE ALLOCATION OF \$55,000.00 FROM THE CITY CAPITAL IMPROVEMENT BUDGET (CIP NO. 10400) TO FUND THE PROJECT**

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

**WHEREAS**, the City Engineer recently designed and bid the 1005 & 1007 Oak Street Building [Bungalows] Demolition Project and the City received three sealed bids ranging in price from the apparent low of \$47,100.00 to a high of \$122,305; and

**WHEREAS**, the apparent low bidder, Resource Environmental, Inc., with the apparent low bid of \$47,100.00, has been determined by the City Engineer to be a responsible bidder based on submitted bid documents and experience within the industry; and

**WHEREAS**, there are sufficient monies in the City's Capital Improvement Budget, CIP No. 10400 – Downtown Economic Development Account, to fully fund this project as bid; and

**WHEREAS**, the demolition and removal of existing building improvements contemplated by this project are exempt under Section 15302(c) of the CEQA guidelines; and

**WHEREAS**, in its accompanying report City staff has recommended the City Council adopt this Resolution approving the award of a contract to Resource Environmental, Inc. in the amount of \$47,100.00 for the 1005 & 1007 Oak Street Building Demolition Project;

**NOW THEREFORE, BE IT RESOLVED** that the City Council of the City of Clayton, California does hereby adopt this Resolution approving the award of a low-bid contract to Resource Environmental, Inc. in the amount of \$47,100.00 for 1005 & 1007 Oak Street Building [Bungalows] Demolition Project, does hereby authorize its City Manager to execute the contract on behalf of the City, does herein authorize the allocation of \$55,000.00 from the City's Capital Improvement Budget, CIP No. 10400 – Downtown Economic Development Account to fund the project, and does herewith determine and find the contemplated works are categorically exempt under CEQA Section 15302(c).

**PASSED, APPROVED and ADOPTED** by the City Council of Clayton, California at a regular public meeting thereof held on the 5<sup>th</sup> day of February 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

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Tujia Catalano, Mayor

ATTEST:

---

Janet Calderon, City Clerk



Approved:

  
Gary A. Napper  
City Manager

# STAFF REPORT

**TO: HONORABLE MAYOR AND COUNCILMEMBERS**

**FROM: KEVIN MIZUNO, FINANCE MANAGER**

**DATE: FEBRUARY 5, 2019**

**SUBJECT: SECOND QUARTER FY 2018-19 INVESTMENT PORTFOLIO REPORT AND PROPOSAL TO AMEND CITY INVESTMENT POLICY**

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## RECOMMENDATION

It is recommended the City Council, by minute motion, accept the City Investment Portfolio Report for the second quarter of the fiscal year ending June 30, 2019 (FY 2018-19).

## BACKGROUND

Pursuant to the section XIII of the City of Clayton Investment Policy, the Finance Manager is required to submit a quarterly investment report to the City Council. This quarterly report is also designed to meet the local agency reporting requirements outlined in *California Government Code* section 53646. The FY 2018-19 second quarter report is provided herein.

The City's Investment Policy guides staff and its advisors for all investment activities. Permitted investment activities are primarily governed by state law (*California Government Code* sections 53600-53610) and the City's adopted Investment Policy. The City's Investment Policy is consistent with state law and is designed to be more restrictive for the purpose of added safety and liquidity, which take precedence over yield. Section XVI of the Investment Policy states it shall be periodically reviewed by the City Treasurer and the City Council to ensure its consistency with the overall objectives of preservation of principal, liquidity, and return on investments, along with its relevance to current law, financial and economic trends, and to meet the needs of the City. The policy was last amended by the City Council, following recommendation by the Finance Manager and City Treasurer on November 20, 2018 to add the California Asset Management Program (CAMP) as an authorized investment type. No revisions to the Policy are being recommended at this time.

## **DISCUSSION**

With the second quarter of the fiscal year complete, interest earnings for the General Fund is \$57,079, or 64.72% of forecasted General Fund interest revenues per the FY 2018-19 adopted budget of \$88,200. City-wide investment earnings solely attributable to pooled investments (i.e. not related to cash with fiscal agents such as bond proceeds) through the second quarter of FY 2018-19 totaled \$135,364.

Only a small proportion (0.16%) of the current City Investment Portfolio is invested in Local Agency Investment Funds (LAIF), with no funds having yet been invested in the newly established CAMP account. The Investment Portfolio's unusually small share of liquid externally investment pools (i.e. LAIF and CAMP) is due to the first installment of property taxes being received from the County just shortly prior to the quarter's end. Furthermore, at the time the first installment of property taxes was received in mid-December, staff was still finalizing the account set-up resulting in CAMP not being available for investment of excess liquidity until January 2019.

At December 31, 2018 the LAIF quarterly apportionment rate was 2.40%, which is a noteworthy increase from a rate of 2.16% in just the preceding quarter. Comparatively, the CAMP apportionment rate for the month ended December 31, 2018 was 2.46%. Similar to the prior quarter, the apportionment rates of LAIF and CAMP both exceed the quarterly weighted average yield to maturity for the City's two non-governmental investment accounts with UBS and Morgan Stanley, which is an unusual trend first observed in the previous quarter. This phenomenon is due to the external UBS and Morgan Stanley accounts being composed nearly entirely of fixed-income securities, such as certificates of deposit and government agency notes purchased in previously during a period of rising interest rates. Nevertheless, an advantage with these accounts is that proceeds of matured securities can be used to purchase new two to five year low risk fixed income investment instruments currently yielding between 2.65% to 3.20%, beating both LAIF and CAMP.

This reporting quarter, investments in certificates of deposit comprised approximately 82.82% of the portfolio and were the second highest yielding investment type (after LAIF and CAMP deposits) with a collective weighted average interest rate of 2.12%. Federal Agency Notes, authorized by the revised April 21, 2015 Investment Policy, were the third highest yielding investment type making up approximately 7.35% of the portfolio with a weighted average interest rate of 1.94%. As discussed previously, at December 31, 2018 a higher than usual proportion of the Investment Portfolio (9.68%) was made up of non CAMP or LAIF cash deposits and low interest bearing money market mutual funds that are liquid and available for normal operating cash flow purposes.

The market value of the total investment portfolio was approximately \$12,070,663, which is \$181,493 lower than total carrying value as of December 31, 2018. Currently, the cost of securities in the Investment Portfolio exceeds the estimated market value due to the City's heavy investment in two to five year fixed income securities during a period of rising interest rates. The relatively marginal difference (-1.48%) demonstrates how the cautious nature of the

City's investment strategy mitigates the risk of the City incurring large unrealized losses in market declines. Simultaneously, given less risk being incurred, more predictable and modest investment returns will be realized following this same strategy.

The City of Clayton Investment Portfolio was managed in accordance with the City's Investment Policy. Furthermore, the City's cash management program provides sufficient liquidity to meet the next six month's expenditures. The attached City of Clayton Investment Holdings Summary – Second Quarter of Fiscal Year 2018-19 (Attachment 1) provides additional analysis and the specific investment reporting criteria required by *California Government Code* section 53646.

### **FISCAL IMPACT**

The acceptance of this report has no direct fiscal impact to the City of Clayton.

Attachments: 1. City of Clayton Investment Holdings Summary – Second Quarter of Fiscal Year 2018-19 (October 1, 2018 – December 31, 2018) [2 pp.]

City of Clayton  
Investment Holdings Summary  
Quarter Ending: December 31, 2018

ATTACHMENT 1

Investment Account	Investment Type	Institution	CUSIP	Carrying Value	Rate	Current Yield	Settlement Date	Maturity Date	Market Value
CAMP	Local Agency Pool	California Asset Management Program	n/a	-	2.46%	2.46%	n/a	n/a	-
LAIF	Local Agency Pool	Local Agency Investment Fund	n/a	19,547.68	2.40%	2.40%	n/a	n/a	19,529.13
UBS Financial Services Inc.	Money Market Fund	RMA Government Portfolio	n/a	6,907.35	1.75%	1.75%	n/a	n/a	6,907.35
	Certificate of Deposit	Keybank NA, IN	49306SVY9	100,000.00	1.53%	1.55%	1/20/16	1/22/19	99,979.00
	Certificate of Deposit	Preferred Bank, CA	740367BR4	197,000.00	1.20%	1.20%	3/9/16	3/29/19	196,513.41
	Certificate of Deposit	First Savings Bank, IN	33621L8V4	99,000.00	1.15%	1.16%	5/4/16	5/24/19	98,477.28
	Certificate of Deposit	UBS Bank, UT	90348JAS9	200,000.00	1.20%	1.21%	6/9/16	6/17/19	198,754.00
	Certificate of Deposit	First Financial NW, WA	32022MAJ7	147,000.00	1.45%	1.46%	2/10/16	8/19/19	145,946.01
	Certificate of Deposit	Third Fed S&L Assn, OH	88413QAY4	200,000.00	1.50%	1.50%	2/19/15	8/19/19	199,356.00
	Certificate of Deposit	Park Natl Bk Newar, OH	700654AT3	240,000.00	2.15%	2.16%	9/12/14	9/12/19	238,996.80
	Certificate of Deposit	Gulf Coast B&T, LA	402194FB5	99,000.00	1.25%	1.27%	10/14/16	10/15/19	97,804.08
	Certificate of Deposit	GE Capital Bank UT	36162YF24	145,000.00	1.80%	1.81%	1/16/15	1/16/20	144,166.25
	Certificate of Deposit	Mercantile Comm Ban, FL	58733AEJ4	100,000.00	1.90%	1.92%	8/15/17	3/2/20	98,988.00
	Certificate of Deposit	BMW Bank NA, UT	05580AHL1	198,000.00	1.80%	1.82%	4/12/17	4/21/20	195,400.26
	Certificate of Deposit	Wells Fargo Bk Na Sd Us	94986TTT4	197,000.00	1.25%	2.00%	4/30/15	4/30/20	196,625.70
	Certificate of Deposit	Washington Trust, RI	940637HX2	99,000.00	1.45%	1.48%	11/18/16	5/18/20	97,127.91
	Certificate of Deposit	Comenity Bank, DE	981996XS5	100,000.00	2.30%	2.33%	6/30/15	7/1/20	98,552.00
	Certificate of Deposit	World's Foremost B, NE	9159919E5	200,000.00	2.30%	2.34%	8/6/15	8/6/20	196,504.00
	Certificate of Deposit	Merrick Bk, UT	59013JHE2	149,000.00	1.90%	1.93%	8/20/15	8/20/20	146,526.60
	Certificate of Deposit	Morgan Stanley Bk, UT	61747MC96	245,000.00	2.45%	2.48%	1/18/18	1/25/21	241,971.80
	Certificate of Deposit	JP Morgan Chase, OH	48125YZB3	200,000.00	1.25%	1.52%	1/26/16	2/10/21	197,944.00
	Certificate of Deposit	Synchrony Bank, UT	87164XLH7	94,000.00	1.70%	1.74%	2/25/16	3/4/21	91,645.30
	Certificate of Deposit	BLC Comenity Bank, WI	05549CGN4	198,000.00	2.00%	2.05%	11/13/17	5/28/21	192,852.00
	Certificate of Deposit	Webbank, UT	947547KC8	200,000.00	3.00%	3.01%	5/18/18	5/28/21	199,442.00
	Certificate of Deposit	Barclays Bank, DE	06740KCC0	100,000.00	2.00%	2.06%	7/12/17	7/12/21	97,246.00
	Certificate of Deposit	Comenity Cap Bank UT	20033AUX2	245,000.00	2.00%	2.06%	7/16/17	7/16/21	238,171.85
	Certificate of Deposit	UBS Bank, UT	90348JAU4	50,000.00	1.50%	1.56%	7/20/16	7/20/21	47,926.00
	Certificate of Deposit	Synchrony Bank, UT	87164XNA0	50,000.00	1.45%	1.51%	7/22/16	7/22/21	47,920.00
	Certificate of Deposit	Peples Soc B&T Co, PA	71293AA4	100,000.00	3.01%	3.01%	8/20/18	8/31/21	99,595.00
	Certificate of Deposit	Medallion Bk, UT	5840389Q5	198,000.00	2.05%	2.12%	12/5/16	12/16/21	191,555.10
	Certificate of Deposit	Mercantile Comm Bank	58733ADT3	150,000.00	2.10%	2.17%	1/27/17	1/27/22	145,054.50
	Certificate of Deposit	Texas Exchange Bank, TX	88241TBD1	150,000.00	2.25%	2.32%	3/28/17	3/28/22	145,309.50
	Certificate of Deposit	First National Bank of McGregor, TX	36A99U934	145,000.00	2.35%	2.44%	12/20/18	6/20/22	139,474.05
	Certificate of Deposit	Bank of New England, NH	06426KAL2	246,000.00	3.15%	3.17%	7/17/18	7/28/22	244,356.72
	Certificate of Deposit	First Bank Highland, IL	319141HN0	247,000.00	2.20%	2.29%	9/7/17	9/7/22	237,026.14
	Certificate of Deposit	Capital One Bank	1404205H9	99,000.00	2.30%	2.39%	10/4/17	10/4/22	95,209.29
	Certificate of Deposit	Belmont Svgs Bk, MA	080515CH0	200,000.00	2.70%	2.78%	2/13/18	2/28/23	194,030.00
	Certificate of Deposit	Citibank, NA SD	17312QJ26	200,000.00	2.90%	2.97%	4/2/18	4/11/23	195,364.00
	Certificate of Deposit	Toyota Financial Savings Bank, NV	89235MJAO	250,000.00	3.40%	3.42%	6/29/18	7/24/23	248,732.50
	Certificate of Deposit	Bank of Baroda, NY	06063HBH5	250,000.00	3.55%	3.56%	12/17/18	12/28/23	249,637.50
	Government Agency	FHLMC	3134G8VZ9	250,000.00	1.50%	1.52%	3/29/16	4/28/21	246,830.00
	<b>Total UBS Financial Services Inc.</b>			<b>6,343,907.35</b>					<b>6,243,917.90</b>

City of Clayton  
Investment Holdings Summary  
Quarter Ending: December 31, 2018

ATTACHMENT 1

Investment Account	Investment Type	Institution	CUSIP	Carrying Value	Rate	Current Yield	Settlement Date	Maturity Date	Market Value
Morgan Stanley	Money Market Fund	Morgan Stanley	n/a	8,485.93	0.15%		n/a	n/a	8,485.93
	Certificate of Deposit	State Bank of India, ILL	856283YN0	198,000.00	1.65%	0.83%	5/28/15	5/28/19	197,287.20
	Certificate of Deposit	First Business Bank, WI	31938QL85	50,000.00	1.50%	0.75%	6/11/15	6/11/19	49,769.00
	Certificate of Deposit	Ally Bank, UT	02006LE66	148,000.00	1.25%	0.63%	6/23/16	6/24/19	147,026.16
	Certificate of Deposit	American Express Bank FSB, UT	02587CAJ9	247,000.00	2.00%	2.01%	7/24/14	7/24/19	246,209.60
	Certificate of Deposit	BMW, UT	05580afa7	50,000.00	1.20%	1.21%	8/26/16	8/26/19	49,509.50
	Certificate of Deposit	Comenity Bank, DE	20099A7A9	100,000.00	2.10%	1.41%	8/27/14	8/27/19	99,255.64
	Certificate of Deposit	JPM, OH	48126XCP8	48,000.00	1.25%	0.95%	8/31/16	8/31/19	47,526.72
	Certificate of Deposit	Capital One Bank, VA	140420QF0	130,000.00	2.15%	2.16%	10/16/14	10/16/19	129,443.60
	Certificate of Deposit	State Bk India, NY	8562842P8	50,000.00	2.25%	2.26%	8/27/14	10/17/19	49,847.50
	Certificate of Deposit	The Privatebank & Trust Co., IL	74267GUL9	100,000.00	1.90%	1.91%	1/23/15	1/23/20	99,387.00
	Certificate of Deposit	American Express Centurion Bank, UT	02587DXE3	47,000.00	1.95%	1.97%	1/30/15	1/30/20	46,602.85
	Certificate of Deposit	Peoples United Bank, CT	71270QML7	151,000.00	1.75%	1.77%	3/4/15	3/4/20	149,704.42
	Certificate of Deposit	Riverbank, FL	29976DVW7	200,000.00	1.75%	1.77%	3/30/15	3/30/20	197,404.00
	Certificate of Deposit	CIT Bank, UT	17284DBM3	50,000.00	1.98%	2.02%	6/3/15	6/3/20	49,397.00
	Certificate of Deposit	Capital One NA McLean, VA	14042E4Y3	245,000.00	2.22%	2.27%	7/22/15	7/22/20	242,354.00
	Certificate of Deposit	Beneficial Mut. PA	08173QBT2	200,000.00	1.37%	1.39%	10/7/16	10/7/20	194,142.00
	Certificate of Deposit	Connectone England Cliffs, NJ	20786ACD5	100,000.00	2.60%	2.63%	3/28/18	3/29/21	98,924.00
	Certificate of Deposit	Townebank Portsmouth, VA	89214PBL2	200,000.00	2.80%	2.82%	4/19/18	4/30/21	198,614.00
	Certificate of Deposit	Wells Fargo, SD	9497485W3	50,000.00	1.77%	1.82%	6/17/16	6/17/21	48,193.00
	Certificate of Deposit	1st Internet Bank Indianapolis, IN	32056GCP3	100,000.00	1.95%	2.01%	7/14/17	7/14/21	97,099.00
	Certificate of Deposit	Bank Hapoalim, NY	06251AU32	147,000.00	3.00%	3.01%	8/23/18	8/23/21	146,414.94
	Certificate of Deposit	First Bank PR Santurce, PR	33767A4K4	157,000.00	2.05%	2.11%	8/25/17	8/25/21	152,582.02
	Certificate of Deposit	Enerbank USA, UT	29266N3H8	50,000.00	1.48%	1.52%	8/26/16	8/26/21	47,827.50
	Certificate of Deposit	Privatebank, IL	74267GVM6	147,000.00	1.53%	1.57%	8/30/16	8/30/21	140,662.83
	Certificate of Deposit	Commercial Bank Harrogate, Tenn	20143PDR8	197,000.00	3.00%	3.01%	6/19/18	9/21/21	196,135.17
	Certificate of Deposit	Franklin Syn Bank, TN	35471TCV2	204,000.00	2.00%	2.07%	1/12/17	1/31/22	196,637.64
	Certificate of Deposit	Live Oak Banking, NC	538036CM4	97,000.00	2.25%	2.32%	4/7/17	4/7/22	93,925.10
	Certificate of Deposit	Commercial Savings Bank, IA	202291AD2	247,000.00	2.10%	2.20%	10/18/17	10/18/22	235,628.12
	Certificate of Deposit	Industrial & Coml, NY	45581EAR2	250,000.00	2.85%	2.74%	2/17/18	2/14/23	242,170.00
	Certificate of Deposit	Enerbank USA, UT	29278TCG3	100,000.00	3.20%	3.24%	7/31/18	7/31/23	98,616.00
	Government Agency	Federal Farm Credit Bank	3133EGEX9	200,000.00	1.67%	1.70%	6/9/16	6/14/21	195,758.00
	Government Agency	Federal Home Loan Bank	3130A8HH9	250,000.00	1.62%	1.65%	6/16/16	6/23/21	244,457.50
	Government Agency	Federal Home Loan Bank	3130AE6H8	200,000.00	3.15%	3.14%	5/3/18	5/2/23	200,004.00
	<b>Total Morgan Stanley</b>			<b>4,718,485.93</b>					<b>4,637,000.94</b>
Bank of America (book balance)	Cash (checking account)	Bank of America		1,170,214.91	0.00%	0.00%	n/a	n/a	1,170,214.91

Broker/Institution	Carrying Value	Percentage of Portfolio	Weighted Average Yield to Maturity	W.A.M. (yrs)	Market Value
CAMP	-	0.00%	2.46%	0.11	-
LAIF	19,548	0.16%	2.40%	0.53	19,529
UBS Financial Services Inc.	6,343,907	51.78%	2.11%	2.31	6,243,918
Morgan Stanley	4,718,486	38.51%	2.09%	1.99	4,637,001
Bank of America (book balance)	1,170,215	9.55%	0.00%	0.00	1,170,215
<b>Total investment Portfolio</b>	<b>12,252,156</b>	<b>100.00%</b>	<b>1.90%</b>	<b>1.96</b>	<b>12,070,663</b>
2018-19 Budgeted Interest - General Fund	\$	88,200			
2018-19 Actual Interest Revenue to date (7/1/18 - 12/31/18)	\$	57,079			
Percent of General Fund Budget Realized		64.72%			
Quarterly Weighted Average Annual Yield*		1.90%			
2018-19 Total Pooled Investment Income To Date (7/1/18 - 12/31/18)	\$	135,364			

\*This calculation excludes the City's non-interest bearing pooled checking account with Bank of America

I verify that this investment portfolio is in conformity with State laws and the City of Clayton's investment policy. The City's cash management program provides sufficient liquidity to meet the next six month's expenditures.

  
 Kevin Mizuno, Finance Manager      1/17/19  
 Date


  
 Hank Stratford, City Treasurer      1/22/19  
 Date



Agenda Date: 2-05-2019

Agenda Item: 3e

Approved:

  
Gary A. Napper  
City Manager

# AGENDA REPORT

**TO: HONORABLE MAYOR AND COUNCILMEMBERS**

**FROM: Janet Calderon, City Clerk**

**DATE: February 5, 2019**

**SUBJECT: Council appointment of Edward L. Miller to the Contra Costa County Transportation Authority Citizen Advisory Committee (CCTA).**

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## **RECOMMENDATION**

By minute motion appoint Edward L. Miller to the serve as the City of Clayton representative on the Contra Costa Transportation Authority (CCTA) Citizen Advisory Committee for a 4 year term expiring February 2023.

## **BACKGROUND**

The term of office for Clayton's CCTA Citizen Advisory Committee representative has been vacant since February 2013. As required by law, the City Clerk posts a Notice of Commission Vacancies on each posting board each December encouraging residents to apply for positions on City Boards, Commissions, and Committees that will have vacancies in the following year. These openings are also published on the City's website. With all the various outreach effort, including announcements of the openings at regular City Council meetings, to date, one application was received by Mr. Edward L. Miller to fill the Contra Costa Transportation Authority Citizen Advisory Committee (CCTA).

To become a member of the CCTA Citizen Advisory Committee, the local jurisdiction making the appointment, Clayton City Council, must take formal action to confirm membership on the Committee.

Mayor Catalano has reviewed the application and recommends City Council appointment of Mr. Miller to this advisory position.



**FISCAL IMPACT**

None. Representatives to the CCTA Citizen Advisory Committee serve without compensation.

**CONCLUSION**

Appoint Mr. Miller to serve on the CCTA's Citizen Advisory Committee for a 4-year term ending February 2023.

Attachments: 1. Edward L. Miller Application (3 pages)  
2. CAC bylaws (7 pages)

RECEIVED

JAN 28 2019

City of Clayton



CONTRA COSTA  
transportation  
authority

Citizens Advisory Committee Application

The Contra Costa Transportation Authority (CCTA) maintains a standing Citizens Advisory Committee (CAC) to provide citizen perspective, participation and involvement in the CCTA's \$3 billion voter-approved Transportation Expenditure Plan and Growth Management Program. The CAC is comprised of 23 members: 20 are appointed by each of the 20 local jurisdictions within Contra Costa (the cities, towns, and the County); three "at-large" members are nominated by community-based stakeholder organizations within Contra Costa, and subsequently appointed to the CAC by CCTA.

To become a member of the CAC, you must reside within the local jurisdiction making the appointment, and your Council or Board must take formal action to confirm your membership on the Committee. At-large members should be residents of Contra Costa.

Meetings are scheduled for the fourth Wednesday of the month at 6:30 p.m. in the CCTA's Walnut Creek offices at 2999 Oak Road, Suite 100. CAC members are appointed to serve for a four-year term without compensation. Members will, however, receive reimbursement for travel expenses to and from the CAC meetings.

For further information regarding transportation projects and programs Contra Costa, please visit the CCTA website at [www.ccta.net](http://www.ccta.net). To view the CAC Charter and Bylaws, or to download the Word® file for this application, go to <http://www.ccta.net/GEN/downloads.htm>.

This application is for (check one): Local Jurisdiction  At-large member

Name of Appointing Agency/Organization: City of Clayton

Name Edward L. Miller

Address 590 Mt. Dell Dr. Clayton CA 94517  
Street City Zip Code

Phone (925) 567-3563

E-mail edmiller@edmiller.net Fax n/a

How many years have you lived in Contra Costa County? 15 (Nov 2003)

Are you registered to vote in Contra Costa County?  Yes  No

Education B.S. '93 Eastern New Mexico University, Computer Science/  
Physical Chemistry  
double-major

Briefly describe your interest in serving on the Citizens Advisory Committee, citing any relevant volunteer or work experience.

Please see attached page.

List and briefly describe any participation in volunteer, community or professional organizations that are relevant to your candidacy for the Citizens Advisory Committee.

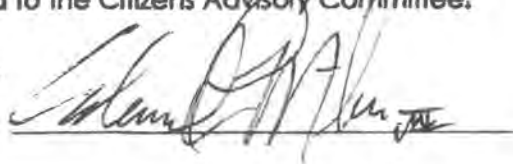
" "

What is your particular interest in transportation?

" "

I have sufficient time to devote to this responsibility and will attend the required meetings if appointed to the Citizens Advisory Committee.

Applicant's  
Signature



Date

1/27/2018

**Briefly describe your interest in serving on the Citizens Advisory Committee, citing any relevant volunteer or work experience.**

My interest in serving on this Citizens Advisory Committee is to do my civic duty to not just passively observe the problems of my community, but to roll up my sleeves and assist in solving those problems. It is our duty and responsibility to put our experience, education and passion to work to benefit those around us. While I have no direct experience with transportation systems, my work planning and leading IT and database projects at Lawrence Livermore Nat'l Laboratory, Wells Fargo, and various other financial and insurance institutions will allow me to contribute meaningfully to this commission.

**List and briefly describe any participation in volunteer, community, or professional organizations that are relevant to your candidacy for the Citizens Advisory Committee.**

From 2004 to 2010 I served as the president of my homeowners association, which required me to become familiar with the legal and financial responsibilities of that organization. My other volunteer work in recent years, like so many of us, has paralleled the interests of my children. I've served in the Boy Scouts of America as a den leader for five years in Clayton Pack 262, and now serve as an Assistant Scoutmaster for Troop 317 out of Concord. I've also served for three years as a referee for AYSO Soccer in Concord/Clayton. Each of these positions requires a commitment of time, persistence, dedication to community, teamwork and research, just as this appointment would.

**What is your particular interest in transportation?**

My particular interest is the same as any other citizen of my community. I have commuted to work regularly since moving to Clayton, to various locations (Livermore, SF, Orinda, and most recently Walnut Creek). I have witnessed firsthand how commutes have seriously worsened for residents of my town, whether it be Marsh Creek Road to Vasco Road, I-680, Clayton Road, or the dreaded Ygnacio Valley Road commute --- which now regularly takes 35-40 minutes to go 7.5 miles during peak commute. At the end of the work day in BART's Montgomery Station, I've stood there watching 3-5 outbound trains arrive, already full, stop just long enough to open doors because there's no room for anyone to get aboard. My interest is to change these experiences for my neighbors here in Clayton and across Contra Costa County, to make life easier for all of us.

ORIGINAL

**ORDINANCE 06-05**  
**AMENDMENTS TO THE ADMINISTRATIVE CODE REGARDING THE**  
**STRUCTURE, COMPOSITION AND APPOINTMENT OF MEMBERS OF THE**  
**AUTHORITY'S CITIZENS ADVISORY COMMITTEE**

**AN ORDINANCE** amending the Administrative Code regarding the structure, composition and appointment or members of the Authority's Citizens Advisory Committee.

**WHEREAS**, the Measure C Ordinance as amended establishes the Citizens Advisory Committee (CAC) to serve as the Authority's citizens advisory committee; and

**WHEREAS**, the Authority has determined that it is necessary and advisable to restructure the CAC to increase community perspective, participation and involvement in Authority policy determination and implementation; and

**WHEREAS**, at the July 17, 1996 Regular Meeting of the Authority Board, the Board approved and adopted a revised structure, membership and appointment procedure for the CAC (formerly TPAC – the Transportation Partnership Advisory Committee), subject to review and approval of necessary amendments to the Authority's Administrative Code; and

**WHEREAS**, at the September 18, 1996 Regular Meeting of the Authority Board, Ordinance 96-04, incorporating the recommended structure, membership and appointment procedures for the CAC (formerly TPAC) was duly approved and adopted by the Board, amending Chapter 1, Article IV of the Administrative Code, Section 104.3(b)(1) and (2), excluding section 104.3 (b) (3) & (4), which was referred back to staff for further development; and

**WHEREAS**, at its October 19, 1996 Regular Meeting of the Authority Board, Ordinance 96-04 (Revision 1) was duly approved and adopted by the Board, including section 104.3 (b)(3) & (4) of Chapter 1, Article IV of the Administrative Code; and

**WHEREAS**, at the June 21, 2006 Regular Meeting of the Authority Board, Ordinance 06-01 was duly approved and adopted by the Board, Amending and Restating Sales Tax Ordinance 88-01, as Amended, to Make Non-Substantive Changes and Conform to Existing Conditions, among which changes included changing the name of the Authority's citizen advisory committee from the TPAC to the CAC; and

**WHEREAS**, at its meeting on September 27, 2006, the CAC has reviewed and unanimously approved proposed bylaws to govern the CAC's operations; and

**WHEREAS**, it is necessary and advisable to further amend the Administrative Code to reflect revisions to the Authority citizen advisory committee's name structure, composition, and

incorporation of proposed bylaws as recommended to the Board at its October 18, 2006 meeting.

**NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:**

1. Section 104.3, subdivision (b) of Article IV of Chapter 1 of the Administrative Code is amended to read in full as follows:

**(b) Citizens Advisory Committee.** The CAC is a citizens' advisory committee to the Authority. The purpose of the citizens' advisory committee is to provide citizen perspective, participation and involvement in Authority policy development and implementation.

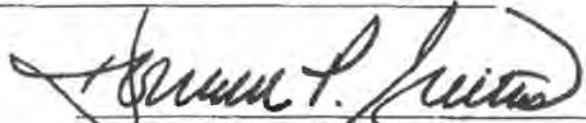
- (1) **Membership.** Each of the Cities and the County shall appoint one member to the CAC. In addition, three (3) members shall be appointed by the Authority as "at large" members. Members shall be selected to reflect community and business organizations and interests within the County. Members shall not serve in a representative capacity with respect to their appointing authorities.
- (2) **Terms of membership.** Members shall be appointed for four (4) year terms. There shall be no limit on the number of consecutive terms which a member may serve. At the discretion of the respective appointing body, CAC members are subject to re-call at anytime.
- (3) **Subcommittees, select committees and ad hoc committees.** The CAC may create such subcommittees, select committees and ad hoc committees, and shall fix the membership and duties thereof, as it determines necessary or advisable to carry out its functions. Except as otherwise provided herein, such subcommittees, select committees and ad hoc committees shall be advisory only, and their recommendations and reports shall be made to the CAC.
- (4) **Growth Management Compliance Checklist Review Subcommittee.** A Growth Management Compliance Checklist Review subcommittee may be created, and its members appointed from the CAC membership by the full membership of the CAC. The subcommittee, if constituted, shall be charged with responsibility for reviewing and making recommendations to the Authority and any appropriate standing committee of the Authority with respect to Growth Management checklists which have been submitted to the Authority by the Cities and the County in accordance with requirements of Ordinance 88-01 (as amended). In the interest of meeting timetables established by the Authority for review of Growth Management Checklists by the subcommittee, the report and recommendations of the Growth Management Compliance Checklist Review subcommittee may be submitted directly by the subcommittee to the Authority and/or any appropriate Authority standing committee. In such event, the report and recommendation

need not be reviewed or approved by the full membership of the CAC. In the event the full membership of the CAC reviews reports and recommendations made by the subcommittee, such review shall comply with the Authority timetable for review of the Checklists.

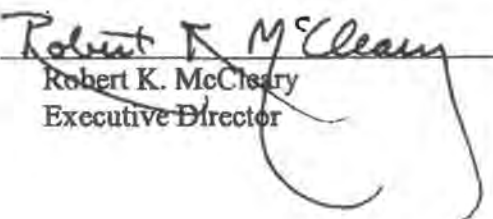
- (5) **CAC Bylaws.** The CAC may develop and adopt bylaws setting forth procedures for meetings, election of officers, attendance requirements, and other matters as necessary to facilitate CAC functions. Initial adoption of the bylaws, and subsequent approval of any amendments to the bylaws, requires a two-thirds (2/3) vote of the CAC members present and voting at any regular meeting of the CAC, and subsequent approval by the full Authority Board.
2. Ordinance 96-04 is hereby rescinded;
3. Ordinance 96-04 (Rev. 1) is hereby rescinded.

Passed and adopted by the Contra Costa Transportation Authority on October 18, 2006, 2006 by the following vote:

Abelson, Abrams, Alegria, Freitas, Gioia, Glover, Hudson,  
AYES: Tatzin for Metcalf, Nix, Pierce, Viramontes  
NOES: None  
ABSENT: Metcalf

  
Donald P. Freitas, Chair

This ORDINANCE was entered into at a meeting of the Contra Costa Transportation Authority held on October 18, 2006 and held in Pleasant Hill, California, and became effective forthwith.

Attest:   
Robert K. McCleary  
Executive Director

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**CONTRA COSTA TRANSPORTATION AUTHORITY  
CITIZENS ADVISORY COMMITTEE (CAC)**

**BYLAWS**

**November 29, 2006**

**1.0 NAME AND AUTHORIZATION**

The name of this organization shall be the Citizens Advisory Committee (CAC). The CAC was authorized and established pursuant to Ordinance 88-01 as amended.

**2.0 PURPOSE**

- 2.1. The purpose of the CAC is to provide citizen perspective, participation and involvement in Authority policy development and implementation.
- 2.2. Subject to the direction and concurrence of the Board of Directors of the Contra Costa Transportation Authority (the Authority), the CAC may engage in related activities as appropriate to the discharge of its responsibilities, and bring matters of public concern to the attention of the Authority. The CAC shall identify and educate themselves on transportation issues of regional, countywide, and local concern. The CAC shall report to the Authority on those issues deemed of importance to the CAC. The Authority may also assign issues to the CAC for its review, comment and recommendation.
- 2.3. The CAC shall provide recommendations to the Authority regarding matters of interest and concern to the community.

**3.0 MEMBERSHIP**

- 3.1. Each of the cities, towns, and the County of Contra Costa shall appoint one member to the CAC. In addition, three (3) members shall be appointed by the Authority as "at large" members. Members shall be selected to reflect community and business organizations and interests within Contra Costa County. Members shall not serve in a representative capacity with respect to their appointing authorities or any specific organization.
- 3.2. At the discretion of the respective appointing body, CAC members are subject to recall at anytime.
- 3.3. Members shall be appointed for four (4) year terms. There shall be no limit on the number of consecutive terms which a member may serve. To assure continuity, membership terms should be staggered and should overlap.
- 3.4. The CAC shall encourage prompt filling of vacancies.
- 3.5. Except as noted in Section 8.0 below, CAC members serve without any compensation.

#### **4.0 OFFICERS**

4.1. The Officers of the CAC shall be a Chair and a Vice-Chair. Their duties shall be as follows:

4.1.1. Chair: Presides over CAC meetings; develops the monthly meeting agenda; appoints subcommittees and subcommittee chairs; and reports the CAC's actions and decisions to the Authority as appropriate.

4.1.2. Vice-Chair: Presides over the CAC meetings in the absence of the Chair; conducts the other duties of the Chair in his/her absence.

4.2. Election of Officers shall be made as follows:

4.2.1. Chair: The Chair's term of office shall be for one calendar year. The Chair shall be elected each year at the last meeting of the calendar year by a majority of the CAC members present and voting, and shall serve until replaced by a newly-elected chair. If the term of appointment of the Chair expires before the year is out, and that member does not seek or accept reappointment, the Vice-Chair will serve as Chair until the following January.

4.2.2. Vice-Chair: This officer shall be elected by a majority of the CAC members present and voting at the last meeting of the calendar year. The term of office shall be for one year. If the term of appointment of the Vice-Chair expires before the year is out and that member does not seek or accept reappointment, the Committee will hold an election for a Vice-Chair to serve out the remainder of the term.

#### **5.0 MEETINGS**

5.1. The regular meetings of the CAC are generally scheduled for the fourth Wednesday of each month at 6:30 p.m. in the Authority offices at 3478 Buskirk Avenue, Suite 100, Pleasant Hill, California 94523.

5.2. The CAC meetings and subcommittee meetings are subject to the Brown Act.

5.3. A quorum is defined as a majority of currently appointed members.

5.4. Any member who is absent for four (4) of any twelve (12) regularly scheduled consecutive meetings shall be subject to termination. Any resulting vacancy shall be filled for a new four-year period. There are no provisions for alternates to serve as substitutes for CAC members who are unable to attend a CAC meeting.

5.5. The rules contained within the current edition of Robert's Rules of Order (Newly Revised) shall govern the CAC in all cases to which they are applicable and in which they are not inconsistent with these bylaws, the Authority's Administrative Code, the Authority's Office Procedures Guide, and any special rules of order the CAC may adopt.

## **6.0 SUBCOMMITTEES**

- 6.1. The Chair may establish Subcommittees and Ad Hoc Committees as necessary.
- 6.2. Each subcommittee shall consist of at least three (3) CAC members appointed by the CAC Chair and reappointed annually.
- 6.3. A Growth Management Compliance Checklist Review Subcommittee may be created, and its members appointed from the CAC membership by the CAC Chairperson with the concurrence of the full CAC. The subcommittee, if constituted, shall be charged with responsibility for reviewing and making recommendations to the Authority and any appropriate standing committee of the Authority with respect to Growth Management Checklists which have been submitted to the Authority by the Cities and the County in accordance with requirements of Ordinance 88-01 as amended and the applicable sales tax expenditure plan.
  - 6.3.1. Normally, the subcommittee's recommendations will be forwarded to the full CAC for review and recommendation for approval. In the interest of meeting timetables, however, the report and recommendations of the Growth Management Compliance Checklist Review subcommittee may be submitted directly by the Checklist Review subcommittee to the Authority and/or any appropriate Authority standing committee. In such event, the report and recommendation need not be reviewed or approved by the full membership of CAC.
  - 6.3.2. When the full membership of the CAC reviews reports and recommendations made by the subcommittee, such review shall comply with the Authority timetable for review of the Checklists.
  - 6.3.3. Questions or requests for additional information from a local jurisdiction shall be communicated from the CAC to local staff through Authority staff.

## **7.0 AMENDMENT OF BYLAWS**

Amendment of these bylaws requires a two-thirds (2/3) vote of the CAC members present and voting at any regular meeting of the CAC, and subsequent approval by the full Authority Board.

## **8.0 REIMBURSEMENT OF TRAVEL EXPENSES**

If authorized by the Authority, CAC members will be reimbursed for travel expenses incurred for transportation to and from regular and subcommittee meetings of the CAC. Such reimbursement shall be consistent with the Authority's Administrative Code and Office Procedures Guide. If applicable, payment will be issued quarterly based upon members' signed verification of mileage on a monthly Meeting Attendance Log.

**9.0 COMMUNICATIONS AND REPORTING**

- 9.1. The primary channel of communication for the CAC shall be through written and oral reports from the Chair of the CAC to the Authority or its standing committee.
- 9.2. Reports from the CAC to the Authority should reflect the consensus of the CAC. If consensus has not been achieved, the Chair shall convey to the Authority that the CAC position reflects a majority vote, and the Chair shall acknowledge and convey minority opinions.
- 9.3. CAC members are encouraged to report back to their appointing Councils or boards on at least an annual basis and more frequently if warranted.

**10.0 CONFLICT OF INTEREST**

- 10.1. There shall be no monetary gain by members of the CAC as a result of their membership and actions on the CAC.
- 10.2. CAC members shall recuse themselves from discussion and voting on issues in which they might have a financial interest or benefit.

**ABIGAIL BUDELL**  
for  
"Doing the Right Thing"  
at  
Mt. Diablo Elementary  
by exemplifying great "Kindness"  
November and December 2018

**Agenda Date:** 2-05-2019

**Agenda Item:** 4a

**KAITLYN CONNERS**  
for  
"Doing the Right Thing"  
at  
Mt. Diablo Elementary  
by exemplifying great "Kindness"  
November and December 2018

**GENEVIEVE DENNIS**  
for  
"Doing the Right Thing"  
at  
Diablo View Middle School  
by exemplifying great "Kindness"  
November and December 2018

**MATTHEW DIAS-MARTIN**  
for  
"Doing the Right Thing"  
at  
Diablo View Middle School  
by exemplifying great "Kindness"  
November and December 2018






Agenda Date: 2-05-2019

Agenda Item: 8a

Approved:

  
Gary A. Napper  
City Manager

# AGENDA REPORT

**TO: HONORABLE MAYOR AND COUNCILMEMBERS**

**FROM: CITY MANAGER**

**DATE: 05 FEBRUARY 2019**

**SUBJECT: CONSIDER FINDINGS AND RECOMMENDATIONS BY THE CITY COUNCIL  
AD-HOC COMMITTEE REGARDING STREET PARKING IMPACTS  
TO RESIDENTS ON REGENCY AND RIALTO DRIVES FROM STATE  
PARK VISITORS AND HIKERS**

---

## **RECOMMENDATION**

Following a report by Council's ad-hoc committee members, Council Members Wan and Wolfe, regarding its findings and recommendations to mitigate street parking impacts experienced by residents of Regency and Rialto Drives associated with visitors and hikers to nearby Mt. Diablo State Park, and the opportunity for public comments, that Council provide policy instructions to City staff pertaining to this matter.

## **BACKGROUND**

At its regular public meeting held on 15 January 2019, the City Council held and received public input concerning impacts to the Regency and Rialto Drives neighborhoods associated with visitors and hikers using public streets to park vehicles and access the nearby Mt. Diablo State Park. In particular, the area attraction to the "waterfalls hike" on Mt. Diablo from the State Park's trailhead gate on the adjacent state park property has generated unintended consequences overwhelming the residential character of these neighborhoods.

After public testimony, the City Council formed an ad-hoc committee comprised of Council Members Wan and Wolfe to meet with representatives of the Regency/Rialto Drives petition, other stakeholders and state park personnel to consider and recommend mitigating measures to address the on-street parking and private property impacts.

The Council ad-hoc committee held its inclusive meeting on 30 January 2019, and has subsequently prepared and now submits its attached findings and recommendations for the full City Council to consider and act upon [ref. Attachment 1].

For background reference the Agenda Packet report for the 15 January 2019 City Council meeting has been included [ref. Attachment 2].

### **FISCAL IMPACT**

Depending on the scope of implementations ordered by the City Council, certain City expenses will be incurred for a preferential parking permit program, signage and post installations, local law enforcement, and preparation of the necessary City ordinance to establish preferential parking. A portion of the resultant City expenses may be wholly or partial recoverable (e.g. parking permits) while other elements will become one-time and recurring expenses to the City General Fund (e.g., initial signage, poles and maintenance; permit enforcement; City ordinance).

Attachments:    1. Findings and Recommendations of Council Ad-Hoc Committee [1 pg.]  
                      2. Staff Report ((10 b) from 15 January 2019 Agenda Packet

## Goals:

- Alleviate parking congestion in certain residential areas near the Mt. Diablo Regency Gate trailhead.
- Protect neighborhoods from polluted air, excessive noise, trash, and refuse caused by the entry and exit of non-resident vehicles.
- Protect the residents from unreasonable burdens in finding parking near their homes and gaining access to their residence.
- Promote traffic safety and the peace, good order, comfort, convenience, and general welfare of the residents.
- Preserve a neighborhood's quality of life by ensuring adequate parking for neighborhood residents.
- Encourage visitors of Mt. Diablo State Park to use designated staging area at Mitchell Canyon.
- Provide some reasonable parking for both short-term parking for visitors to the area, and to the residents displaying residential permits, but not assign or guarantee parking spaces for permit holders or visitors and guests.
- Regulate parking within a designated area in the least restrictive manner that best minimizes the spillover parking problem.
- Require vehicles parked during restricted hours to properly display a valid parking permit issued by the City, even if the vehicle is owned by a resident, or be subject to citation.
- Residential parking permits shall be subject to all other parking restrictions, i.e., the permit holders will not be able to park in yellow, green, red, and blue zones as well as other restricted parking areas outside of the neighborhood for which the permit is issued.

## Resolved – The Council should direct staff to create a preferential parking program near the Regency Gate with the following characteristics:

- Designate certain impacted streets and potential substitution streets as permit only parking during certain hours, suggest 8am – 5pm on weekends and holidays. Have a certain number of guest passes per residence as well.
- Exclude areas at on Regency Dr. that is not in front of anyone's property. There is room to park approximately 20-25 cars there without permit at the end of Regency Dr., as well as 20 or more additional spaces on Regency near the old Seminary.
- For all other areas in front of or adjacent to people's residences, require permits.
- Make permits a periodic renewal. Have nominal fees to cover increased administrative burden with the overall goal of having the program be expense neutral to the City.
- Allow any city resident to obtain a temporary use permit
- Create a process that contemplates future permit zones, create criteria for additions to such a program:
  - Petition required with greater than a certain percentages of households in favor, suggest 80% with each household getting one vote
  - Upon receipt of petition, a survey should be conducted
  - Survey must demonstrate a certain number of parking spaces occupied over a certain time period
  - Should establish minimum radius of parking permit zone to avoid the issue of spillover

## Other actions to pursue:

- Staff should work with Mt. Diablo State Park to pursue trash receptacles near trailhead in state park land
- Improve signage consistent with preferential parking program of sufficient size, visibility, and that directs visitors to Mitchell Canyon staging area



Agenda Date: 1-15-2019

Agenda Item: 10b

Approved:   
\_\_\_\_\_  
Gary A. Napper  
City Manager

# AGENDA REPORT

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

## RECOMMENDATION

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

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

## BACKGROUND

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

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

### **SUMMARY OF NEIGHBORHOOD ISSUES**

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

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

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

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

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

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

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

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

#### **DISCUSSION**

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

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

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

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

### **OPTIONS FOR COUNCIL POLICY CONSIDERATION**

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

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

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

2. Institute residential parking permits for this neighborhood.

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

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

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

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

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

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

### **FISCAL IMPACT**

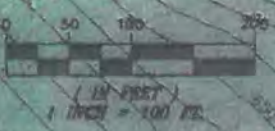
The fiscal impact of each option identified above is as follows:

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

#### **Attachments:**

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





STATE OF CALIFORNIA  
122-060-001

MOUNT DIABLO  
STATE PARK

CITY OF  
CLAYTON

STATE OF CALIFORNIA  
122-060-016

Mr mayor and council members

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

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

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

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

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

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

To quote the new Police chief:

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

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

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


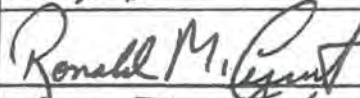

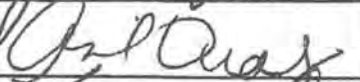

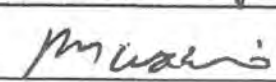
- Hikers sleeping overnight in vehicles in front of our homes
- Hikers leaving cars for multiple days/ nights on our street while on the mountain
- Hikers urinating frequently in our front yards
- Dumping portable commode waste in the street
- Excessive litter on homeowner's property and state property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

Thank you for considering our concerns on Rialto Drive.

Shirley and Jeff  
Weiner

## Petition to Establish Resident Only Parking on Regency & Rialto Dr, Clayton CA

<b>Petition summary and background</b>	<p>We, the residents of Regency and Rialto Dr, Clayton Ca, petition the City of Clayton to establish a resident only parking zone on this street. We are severely impacted by non residents who park their car in front of our homes for the purpose of using Mt Diablo State Park and and the Clayton community Park. Both in print and social media, Regency Dr is now recommended as a free parking lot for the state Park. Residential parking on Regency Dr has become impossible, as the impact from visitors to Mt Diablo State Park and the Clayton Park displaces all residential parking This has negatively impacted our neighborhood in many ways, including but not limited to:</p> <ul style="list-style-type: none"><li>-We are unable to leave our home in the morning or afternoon and return to a parking space in front of, or near our home.</li><li>-We cannot have visitors, contractors or deliveries during these times because they cannot park on Regency Dr.</li><li>-There is a unacceptable increase in car traffic, noise, pollution, and garbage due to 100s of extra cars and people parking in our neighborhood. This has lowered our property values and upset our enjoyment of our home and neighborhood.</li><li>-Park visitors drive over the speed limit, park in our driveways, back up the wrong way down the street and many are rude and walk on our lawns</li></ul>
<b>Action petitioned for</b>	<p>We, the undersigned, are concerned citizens who urge our leaders to act now to establish a resident only parking zone on Regency and Rialto Dr from 8am to 6pm.</p>

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

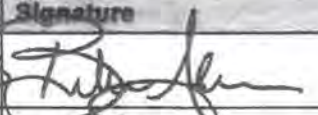

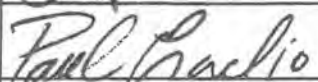
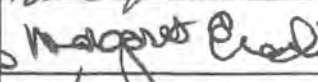
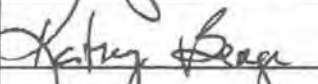
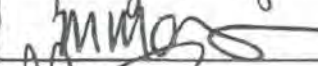
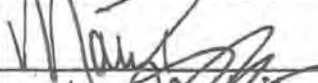
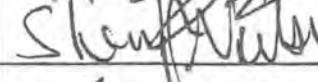
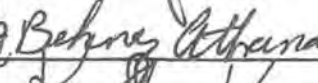
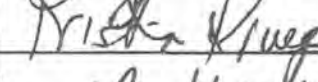
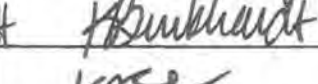
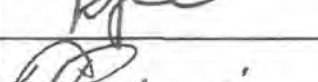
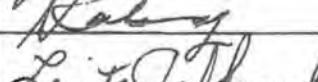
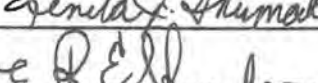
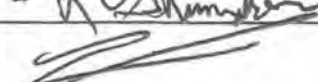



## Petition to Establish Resident only Parking on Regency Dr, Clayton CA

AD



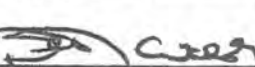
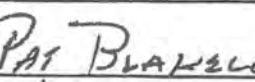


<b>Petition summary and background</b>	<p>We, the residents of Regency Dr , Clayton Ca, petition the City of Clayton to establish a resident only parking zone on this street. We are severely impacted by non residents who park their car in front of our homes for the purpose of using Mt Diablo State Park and and the Clayton community Park. Both in print and social media, Regency Dr is now recommended as a free parking lot for the state Park. Residential parking on Regency Dr has become impossible, as the impact from visitors to Mt Diablo State Park and the Clayton Park displaces all residential parking This has negatively impacted our neighborhood in many ways, including but not limited to:</p> <ul style="list-style-type: none"> <li>-We are unable to leave our home in the morning or afternoon and return to a parking space in front of, or near our home.</li> <li>-We cannot have visitors, contractors or deliveries during these times because they cannot park on Regency Dr.</li> <li>-There is a unacceptable increase in car traffic, noise, pollution, and garbage due to 100s of extra cars and people parking in our neighborhood. This has lowered our property values and upset our enjoyment of our home and neighborhood.</li> <li>-Park visitors drive over the speed limit, park in our driveways, back up the wrong way down the street and many are rude and walk on our lawns</li> </ul>
<b>Action petitioned for</b>	<p>We, the undersigned, are concerned citizens who urge our leaders to act now to establish a resident only parking zone on Regency Dr from 8am to 6pm.</p>

Printed Name	Signature	Address	Comment	Date
Judy Moran	<i>Judy Moran</i>	121 Regency Dr	would like speed bumps	5/4/18
Marc Lewis	<i>Marc Lewis</i>	164 Regency Dr		5/4/18
Louis Simpson	<i>Louis Simpson</i>	157 Regency Dr.		5/4/18
Judy Hunt	<i>Judy Hunt</i>	145 Regency Dr	the curb needs to be painted Red	5/4/18
Jeff Werner	<i>Jeff Werner</i>	133 Regency Dr	Red	5/4/18
Rick Lewis	<i>Rick Lewis</i>	170 Regency Dr		5/4/18

Printed Name	Signature	Address	Comment	Date
Brooke Adams		134 Regency Dr		5/4/18
JONATHAN ADAMS		134 REGENCY DR		5.5.18
PAUL ERACLIO		151 REGENCY DR		5/5/18
Margaret Eraclio		151 Regency Dr		5/5/18
Katly Bogan		139 Regency Dr		5/5/18
MARK MONTIJO		127 REGENCY		5/5/18
Mary Bogan		26 Regency Dr		5/5/18
Sheryl Nunn		3 Weymouth Dr		5/8/18
BEHNAZ ATHA		92 Regency		5/5/18
Kristin Kueger		14 Regency		5/5/18
Kristen Burkhardt		20 Regency Dr.		5/5/18
Kayla Price		14 Regency Dr.		5/5/18
TOM RALUCAO		15 Regency Dr.		5/5/18
Lenita Shumaker		55 Regency Dr.		5/5/18
Richard Shumaker		55 Regency Dr.		5/5/18
TOMMANY FANNIN		61 " "		5/5/18

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

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


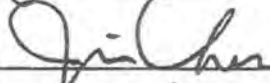
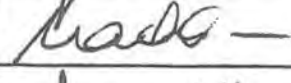

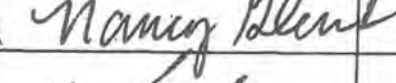

Printed Name	Signature	Address	Comment	Date
Carolyn Stanoff		140 Regency Dr.		5/5/18
GARY STANDOFF		140 REGENCY DR.		5/05/18
Beth Walsh		152 Regency Dr		5/5/18
Pat Blakely		116 Regency		5/5/18
	KEN ALCOCK	110 Regency		5/5/18
	Sydney Alcock	" "		5/5/18





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

<b>Petition summary and background</b>	<p>We, the residents of Regency Dr , Clayton Ca, petition the City of Clayton to establish a resident only parking zone on this street. We are severely impacted by non residents who park their car in front of our homes for the purpose of using Mt Diablo State Park and and the Clayton community Park. Both in print and social media, Regency Dr is now recommended as a free parking lot for the state Park. Residential parking on Regency Dr has become impossible, as the impact from visitors to Mt Diablo State Park and the Clayton Park displaces all residential parking This has negatively impacted our neighborhood in many ways, including but not limited to:</p> <ul style="list-style-type: none"> <li>-We are unable to leave our home in the morning or afternoon and return to a parking space in front of, or near our home.</li> <li>-We cannot have visitors, contractors or deliveries during these times because they cannot park on Regency Dr.</li> <li>-There is a unacceptable increase in car traffic, noise, pollution, and garbage due to 100s of extra cars and people parking in our neighborhood. This has lowered our property values and upset our enjoyment of our home and neighborhood.</li> <li>-Park visitors drive over the speed limit, park in our driveways, back up the wrong way down the street and many are rude and walk on our lawns</li> </ul>
<b>Action petitioned for</b>	<p>We, the undersigned, are concerned citizens who urge our leaders to act now to establish a resident only parking zone on Regency Dr from 8am to 6pm.</p>

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

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

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

<b>Petition summary and background</b>	<p>We, the residents of Regency Dr , Clayton Ca, petition the City of Clayton to establish a resident only parking zone on this street. We are severely impacted by non residents who park their car in front of our homes for the purpose of using Mt Diablo State Park and and the Clayton community Park. Both in print and social media, Regency Dr is now recommended as a free parking lot for the state Park. Residential parking on Regency Dr has become impossible, as the impact from visitors to Mt Diablo State Park and the Clayton Park displaces all residential parking This has negatively impacted our neighborhood in many ways, including but not limited to:</p> <ul style="list-style-type: none"> <li>-We are unable to leave our home in the morning or afternoon and return to a parking space in front of, or near our home.</li> <li>-We cannot have visitors, contractors or deliveries during these times because they cannot park on Regency Dr.</li> <li>-There is a unacceptable increase in car traffic, noise, pollution, and garbage due to 100s of extra cars and people parking in our neighborhood. This has lowered our property values and upset our enjoyment of our home and neighborhood.</li> <li>-Park visitors drive over the speed limit, park in our driveways, back up the wrong way down the street and many are rude and walk on our lawns</li> </ul>
<b>Action petitioned for</b>	<p>We, the undersigned, are concerned citizens who urge our leaders to act now to establish a resident only parking zone on Regency Dr from 8am to 6pm.</p>

Printed Name	Signature	Address	Comment	Date
Susan Lloyd	<i>Susan Lloyd</i>	158 Regency Drive Clayton		5/8/18
NATHALIE MONTIJO	<i>N. Montijo</i>	127 REGENCY DR. CLAYTON		5/6/18
MARK MONTIJO	<i>M. Montijo</i>	127 REGENCY DR. CLAYTON		5/6/18
Kayla Luttrell	<i>K. Luttrell</i>	121 Regency Dr Clayton		5/6/18
Chris Luttrell	<i>Chris Luttrell</i>	121 Regency Dr. Clayton		5/6/18
Don Kanaka	<i>Don Kanaka</i>	109 Regency Dr. Clayton		5/6/18

Printed Name	Signature	Address	Comment	Date
Cheryl Kanda	Cheryl Kanda	109 Regency Dr		5/6/18
PAAT GRIMMOND	PAAT GRIMMOND	79 REGENCY DR		5/6/18
SUE GRIMMOND	SUE GRIMMOND	79 REGENCY DR		5/6/18
John Beren	John Beren	167 Regency Dr		5/6/18
Pat Beren	Pat Beren	167 Regency Dr		5/6/18
Cathy Glenn	Cathy Glenn	31 Regency Dr		5/6/18
Daniel Esquivra	Daniel Esquivra	139 Regency Dr.		5/6/18



Agenda Date: 2-05-2019

Agenda Item: 8b

# AGENDA REPORT

**TO: HONORABLE MAYOR AND COUNCIL MEMBERS**

**FROM: CITY ATTORNEY**

**DATE: FEBRUARY 5, 2019**

**SUBJECT: CONSIDER THE NECESSITY OF REVISIONS TO THE SIGN PROVISIONS ORDINANCE (CMC SECTION 15.08)**

## RECOMMENDATION

Consider options for revisions to the sign ordinance to address size limitations for temporary noncommercial signage and provide policy direction to staff to initiate the amendment process.

## BACKGROUND

On May 16, 2017, the City Council introduced Ordinance No. 475 updating the Sign Provisions section of the Clayton Municipal Code (Section 15.08) to comply with recent case law and to incorporate other best practices. At the time, the recent United Supreme Court Case *Reed v. Town of Gilbert, Arizona* provided that a city's sign ordinance must be content-neutral. Therefore, one of the required revisions to the City's ordinance to comply with *Reed* was to amend Section 15.08.040G, which allowed political signs to not exceed three square feet in area, with one sign per property for each candidate, party or issue. This was revised in the proposed draft ordinance to remove the reference to political signs, making it content neutral, and to allow temporary noncommercial signs with an aggregate of thirty square feet of signage per parcel, with no limitation on individual sign size, and no limit on the number of individual signs per candidate, party or issue.

At the May 16, 2017 meeting, the Council noted its concern regarding the proposed change for temporary noncommercial signage from a maximum of three (3) square feet per parcel, to an aggregate of up to thirty (30) square feet in area of signage per parcel. At the time it was noted that thirty (30) square feet was a policy decision staff recommended pursuant to the City Attorney's office advice that eighty (80) square feet had been upheld by the courts. The Council decided to reduce the size to three (3) square feet and directed the Planning Commission to consider the revisions due to the community's concerns regarding visual

clutter during political campaign season. The Ordinance was eventually adopted by the Council on July 18, 2017 with this revision.

## **DISCUSSION**

During the 2018 municipal election, the maximum size and aggregate area of signage related to temporary noncommercial signs was raised as an issue when a property owner received a courtesy notice of violation based on the adopted Ordinance. At the time, the City Manager determined to suspend enforcement of Section 15.08.040G of the sign ordinance until a future date when the City Council could reconsider the matter.

Below is an overview of relevant cases regarding the two elements of this sign regulation:

1. Per sign size; and
2. Aggregate sign area limits that courts have allowed and/or invalidated.

### 1. Per Sign Size

While some cases have invalidated restrictions on the number of signs per property (see *Arlington County Republican Committee v. Arlington County*, Va. (4th Cir. 1993) 983 F.2d 587 [invalidating two signs per lot]), the Ninth Circuit previously upheld an ordinance that limited individual political signs up to 16 square feet in area, implicitly limiting the number of signs as the ordinance also contained an aggregate sign limit. (*Baldwin v. Redwood City* (9th Cir. 1976) 540 F.2d 1360, 1368.) It has also invalidated an ordinance that limited sign size to four (4) square feet per sign. (*Verrilli v. City of Concord* (9th Cir. 1977) 548 F.2d 262, 265.)

Based on this, the City could adopt a per sign size limit of 16 square feet but it should be aware this limit is not without some risk. *Baldwin* is an older case from the 1970s and case law has become less favorable to municipalities over the years. If the Ninth Circuit revisited the issue, it might apply similar reasoning to *Arlington* and preclude per sign size restrictions.

In *Arlington*, the court explained that "we question whether the County needs to limit the number of signs on private property to protect aesthetics. As the Court noted in *Vincent*, '[p]rivate property owners' esthetic concerns will keep the posting of signs on their property within reasonable bounds.' 466 U.S. at 811, 104 S.Ct. at 2132. We also find persuasive the fact the County in this case could not show any specific aesthetic or traffic problems arising while the preliminary injunction was in force. In contrast, the district court found that after issuing the preliminary injunction, 'additional signs posted were neatly displayed and not unreasonably numerous.'" (*Arlington* at 594.)

As *Arlington* is a Fourth Circuit case, it is not binding on the City of Clayton, which is bound by the Ninth Circuit of the United States Court of Appeals. However, the Council should be aware there is some risk that a future court might overrule *Baldwin* and determine that per sign limitations are invalid under similar reasoning.

### Aggregate Size Limit

Limitations upon the aggregate area of political signs have also been permitted. For example, in *Baldwin v. Redwood City*, that City's ordinance limited the aggregate area of all signs on a single parcel to 80 square feet in order to reduce the accumulation of debris and minimize traffic hazards. (*Baldwin* at 1369.) However, a similar limitation of 64 square feet aggregate was struck down in *Verrilli v. City of Concord* because that City did not make any findings identifying the substantial public interests that could not have been protected by less restrictive regulations. (*Verrilli* at 265.) In addition, this limitation applied to all parcels, including a political campaign headquarters. Based on the outcomes of *Baldwin* and *Verrilli*, the safest approach is to assume that 80 square feet is the minimum aggregate size limit. If the sign is double sided, this would result in a 40 square feet sign. However, it is possible that a smaller amount is permissible with the appropriate record to support it.

### CONCLUSIONS

Based on the above, the safest approach is to not have restrictions on individual sign size and to limit the aggregate area to 80 square feet or 40 square feet for a double sided sign. Alternatively, the City Council could place a restriction on individual sign sizes and reduce the aggregate, so long as it is comfortable with the potential risk of a challenge. In this regard, courts tend to protect property owners' rights given the core First Amendment issues at stake. This raises the bar for the City to defend its Ordinance. In addition, if the City is challenged and loses, it may be forced to pay the plaintiff's legal fees.

Lastly, the case law over the years has become less favorable to cities on infringement of First Amendment expressions, and a future court may overrule *Baldwin* given this shift. However, if the Council is willing to accept the risk, the Council could utilize a size limitation for residential parcels of sixteen (16) square foot per sign and thirty-two (32) square foot in aggregate with appropriate findings.

The Council cannot limit the number of signs per candidate, party or issue as previously provided in the sign ordinance as this is not content neutral and is impermissible under *Reed*.

#### Attachments

1. Minutes from May 16, 2017 City Council meeting
2. Minutes from July 18, 2017 City Council meeting
3. Sign Ordinance



7. PUBLIC HEARINGS

- (a) Public Hearing to consider the Introduction and First Reading of a proposed City-initiated Ordinance No. 475 updating the Clayton Municipal Code, Title 15 Building & Construction, Section 15.08 – Sign Provisions, to comply with the United States Supreme Court's recent decision in *Reed vs. Town of Gilbert, AZ*, to prohibit mobile billboards, and to incorporate other best practices.

Mindy Gentry, Community Development Director, presented the report noting the United States Supreme Court recently ruled in the case *Reed vs. Town of Gilbert, Arizona* the provisions of a municipality's sign code must be content-neutral. Portions of the Town of Gilbert's sign code was struck down by the U.S. Supreme Court due to its sign code subjecting ideological, political, and directional signs to size, location, and length of display time regulations. The court was clear that, as long as the regulation is not based on a sign's message, local governments may regulate the size, lighting, location, timing, and number of signs.

The majority of the proposed sign code changes are definitions in order to clarify and create regulations that do not distinguish between sign content such as ideological, political, or directional. Staff also recommends prohibition of mobile billboards; although this has not been an issue locally, prohibition is in the interest of the public for the safe movement of vehicular traffic, reduction of air pollution, and to maintain the aesthetic appearance of the City. Staff further recommends some clean-up language to the addition and deletion of zoning districts that have been removed or added since the last Sign Code update; consistency in height for monument signs, pole signs, commercial entry signs and noncommercial signs; and consistency with the prohibition of all signs in the public rights of way, with the exception of City-sponsored events.

Councilmember Pierce recalled last time the Sign Ordinance was updated there was a long drawn-out discussion about the size of what is now termed "temporary noncommercial signs," i.e., political signs, and others that are posted around town. Councilmember Pierce noted the proposed Ordinance has changed the size limit to thirty (30) square feet, whereas previously it was restricted to three (3) square feet. If the size of these signs is increased for posting on residential and non-commercial properties, there will be a public outrage as Clayton's current size restrictions are widely supported and admirably differentiate this city from others during election times.

Ms. Gentry responded that type of provision must be applied across the board severely restricting other types of signage by community organizations. She also noted thirty (30) square feet was a policy decision staff recommended pursuant to legal counsel advice that eighty (80) square feet was upheld in the courts; however, it is still possible the City Council has the ability to make a policy decision in terms of the square footage.

Councilmember Pierce indicated she would like to restrict that sign size, perhaps to four (4) feet at a maximum. Councilmember Shuey also recalled that historical discussion and would like to make a policy decision to reduce that sign size maximum, even though he noted it could be a legal risk. City Attorney Mala Subramanian advised the proposed reduction in sign size could be considered too small.

Councilmember Catalano inquired if banner sizes were also included in the proposed Sign Code Ordinance. Ms. Subramanian confirmed that banners are exempt in this section and covered under another section of the Clayton Municipal Code. She further indicated that a size modification suggested from 80 sq. ft. to 3-4 sq. ft. is a significant change to the proposed Ordinance, and therefore the Ordinance must go back to the Planning Commission for its review of the proposed modification as the provision is a part of the Zoning Code; the Commission can then make its recommendations to the City Council.

Councilmember Pierce added during a campaign season, Councilmembers receive a number of phone calls inquiring on where signs can be placed; she noted the current process of obtaining permits for the rights of way signs appear to be working.

Mayor Diaz opened the Public Hearing for public comment.

Dan Hummer, Stranahan resident, agrees with limiting the size of political signs.

Russ Remoy, 1843 Yolanda Circle, shared his concerns about high-density housing changing the character of Clayton. Mayor Diaz advised him those concerns would be allowed during the next item on the agenda.

Mayor Diaz closed the Public Hearing.

**It was moved by Councilmember Pierce, seconded by Councilmember Shuey, to refer this item back to the Planning Commission for its further review on the sign size limit change to retain the existing 3 sq. ft. aggregate limitation in the Sign Provisions Ordinance (Passed; 5-0 vote).**

~~(b) Public Hearing to consider a proposed City-initiated General Plan Amendment to modify the determination of residential developable acreage and density calculations and to not require a minimum density on residentially designated property with sensitive land areas and the Introduction and First Reading of Ordinance No. 476 adding Section 17.22 – Residential Density Calculations for Residential with Sensitive Land Areas to Title 17 Zoning of the Clayton Municipal Code describing and determining how General Plan densities are calculated for proposed residential projects with sensitive land areas.~~

~~Community Development Director Mindy Gentry presented the staff report noting as a real life example, the proposed Silver Oak Estates subdivision project will discussed tonight as to why these amendments are being proposed. However, she noted that project is not on the agenda therefore staff recommends the ensuing discussion not focus on the merits or details of that project; it is merely a real-world example to illustrate the beneficial necessity of the proposed amendments.~~

~~Ms. Gentry advised the proposed Silver Oaks Estates project consists of 59 units which are comprised of seven single family homes, 28 town homes and 24 "Green Courts" in the terminus of Lydia Lane. The currently proposed project has been through various stages in the entitlement process since 2010. Due to City staff attrition and cursory review of the project, in 2016 it became apparent the proposed townhomes and green courts were not in conformance with the City's General Plan. The General Plan designation for the property is Single Family Medium Density which calls for 3.1 to 5 units per acre with a product type of single family detached homes. Consequently, the current General Plan would allow 43 to 70 units on the property. Although the proposed 59 units fits within that overall allowed density, the various single family detached product types do not; therefore, the proposed attached product type would only fit within one of three Multifamily General Plan land use designations. If the project applicant wanted to further pursue the proposed product type, a General Plan Amendment to multifamily low density would be required, resulting in a minimum unit count of 106 units, an increase of 47 units on the property above the proposed 59 units. Alternatively, if the project applicant tried to fit the proposed single family detached homes on the site resulting in a small lot single-family development of detached homes, it would likely occur with a zero lot line and/or minimal setbacks. Given the physical constraints of the property, it is questionable whether the parcel is large enough to even fit a detached~~

~~owners along with the Engineer's Report, for the benefit of the residents, the mailing included the detailed expenditures of the District for last year along with an accounting of its reserve funds. Mr. Angrisani advised the Benefit Assessment District's Fund balance will cover the District's costs through the property management contract with no impact to the City's General Fund.~~

~~Mayor Diaz opened the Public Hearing; no comments were offered.  
Mayor Diaz closed the Public Hearing.~~

~~It was moved by Councilmember Catalano, seconded by Vice Mayor Haydon, to adopt Resolution No. 31-2017 confirming assessments for the operation and maintenance of improvements within the Diablo Estates at Clayton Benefit Assessment District for Fiscal Year 2017-18. (Passed; 4-0 vote).~~

- (b) Public Hearing to consider the Introduction and First Reading of a proposed City-initiated Ordinance No. 475 updating the Clayton Municipal Code, Title 15 Building & Construction, Section 15.08 – Sign Provisions, to comply with the United States Supreme Court's recent decision in *Reed vs. Town of Gilbert, AZ*, to prohibit mobile billboards, and to incorporate other best practices.  
(Community Development Director)

Community Development Director Mindy Gentry presented the staff report noting at its public meeting of May 16<sup>th</sup> the City Council expressed concern to any increase in the proposed allowable square footage for "temporary noncommercial signs," which signage would be allowed up to 30 square feet. The City Council's historical discussion of that item and its subsequent direction was to restrict the size of campaign signs to three (3) square feet. The Council expressed a lack of interest in allowing thirty (30) square feet for temporary noncommercial signs due to campaign signs falling into that designation and because of the community's concerns regarding visual clutter during political campaign seasons. The U.S. Supreme Court's ruling in the case of *Reed vs. Town of Gilbert, Arizona* determined the provisions of a municipality's sign code must be content-neutral; therefore, this distinction resulted in placing campaign signs, nonprofit organization signs, and community event signs, amongst others, under the same umbrella called "temporary noncommercial signs."

An unintended consequence of the desired three (3) square-foot restriction under the current provisions of our Sign Code would prohibit all of the City's community event banners (e.g. Oktoberfest, Library Book Sale, 4<sup>th</sup> of July Parade, etc.) from being displayed at the City Council-approved site locations due to the size of the banners exceeding three (3) square feet. Therefore staff has added new provisions regarding community event signs as being allowable up to twenty-four (24) square feet in those City-approved display areas to address the City Council's concerns. The case law of *Reed vs. Town of Gilbert, Arizona* did not have any restriction regarding government speech; therefore, the City is allowed to create different parameters governing community events signage separate from temporary noncommercial signs.

Councilmember Pierce inquired about the new language specifically focusing on noncommercial temporary signs; is very strict in its language as it seems to now limit only one campaign sign per property. In the past the City allowed no more than one sign per campaign issue per property, only one sign per candidate per office yet multiple signs not to exceed the number of political offices available. As an example: if there is more than one candidate running for a seat on the City Council a property owner may display up to the number of open seats, limited to one sign though for a particular candidate. Are we able to restore that provision to the adopted Code for Campaign Sign Regulations?

Ms. Gentry advised as proposed and consistent with new case law, the ordinance reads the amount of signage allowed is a maximum of three (3) square feet per property. City Attorney Subramanian noted the Supreme Court's ruling is clear that local laws cannot regulate differences in signage regulations when related to the content of the sign. Therefore, the City could not allow more political signs per property yet restrict other types of signage to a total of 3 square feet. City Manager Napper added it is problematic under this case law because the past practice on political campaign signs would constitute the City giving greater preference to those types of signage over others, which results in the City regulating content. He indicated multiple signs would be allowed but limited to an aggregate signage total of 3 square feet.

Councilmember Catalano requested clarification if the community events provision is limited to events organized by the City or events taking place in the City. Ms. Gentry responded Community Event signs are essentially the banners the City of Clayton has allowed at specific City-owned property sites and as further defined by City Council policies that were passed some years ago.

Mayor Diaz opened the Public Hearing; no comments were offered.  
Mayor Diaz closed the Public Hearing.

**It was moved by Councilmember Pierce, seconded by Vice Mayor Haydon, to have the City Clerk read Ordinance No. 475, by title and number only and waive further reading. (Passed; 4-0 vote).**

The City Clerk read Ordinance No. 475 by title and number only.

**It was moved by Councilmember Pierce, seconded by Vice Mayor Haydon, to approve for Introduction Ordinance No. 475 amending Chapters 15.08 of the Clayton Municipal Code regarding sign provisions with the finding the action does not constitute a project under CEQA. (Passed; 4-0 vote).**

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8. **ACTION ITEMS**

- (a) Consider the award of competitive bid contract to Servi-Tech Controls, Inc. (Fresno, CA) in the amount of \$253,398.00 for replacement of Clayton City Hall's 20-year old HVAC units and heater/boiler unit, and authorize the allocation of additional project funds in the amount of \$170,126.06 from either the General Fund reserves or the Clayton Finance Authority's unrestricted-use funds (Fund No. 405).  
(Maintenance Supervisor)

Maintenance Supervisor Mark Janney provided a brief background noting in February 2012 the City commissioned an on-site technical study on the HVAC systems at City Hall and the Clayton Community Library. At that time, one of the most pressing concerns was the failing HVAC chiller unit at the Clayton Community Library. The study also reported the air handler at City Hall was approaching its functional life expectancy, and the boiler was showing signs of failing. Today, 3 of the 5 City Hall HVAC air compressors have now failed and the system is operating at 40% capacity; the boiler then started to fail with a leak to its heating coil and in April this year it failed completely and has been shut down resulting in no heat to the City Hall building and limited air-conditioning.

Last year an inquiry was made to our current HVAC maintenance service company for a quote to replace both the existing HVAC cooling system and the boiler with like-kind equipment; the quote came in at approximately \$85,000. Based on that representation

ORDINANCE NO. 475

AN ORDINANCE AMENDING CHAPTER 15.08 OF THE CLAYTON MUNICIPAL CODE REGARDING SIGN PROVISIONS

THE CITY COUNCIL

City of Clayton, California

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

WHEREAS, the City Council wishes to update its sign regulations to comply with the U.S. Supreme Court's decision in *Reed v. Town of Gilbert* and to incorporate other current best practices; and

WHEREAS, the City Council further wishes to eliminate mobile billboard advertising within the city in order to promote the safe movement of vehicular traffic, to reduce air pollution, and to maintain the aesthetic appearance of the city as recognized in *Showing Animals Respect & Kindness v. City of West Hollywood* (2008) 166 Cal.App.4th 815 and other applicable law; and

WHEREAS, this Ordinance will ensure that City residents and others are able to exercise one's constitutional right to free speech subject to the City's substantial interests in traffic safety, aesthetics and otherwise ensuring the general health, safety and welfare.

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

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

**Section 2. Amendment.** Chapter 15.08 of the Clayton Municipal Code is hereby amended to read in full as set forth in Exhibit A, attached hereto and incorporated herein by this reference. As set forth in Section 15.08.020 of Exhibit A, the graphic attached as Exhibit B to this Ordinance shall be inserted into Section 15.08.020 in any codification of this Ordinance or the Clayton Municipal Code.

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

**Section 4. CEQA.** The City Council hereby determines that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(3) because this activity is not a project as defined by Section 15378 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, and pursuant to CEQA Guidelines Section 15061(b)(3) it can be seen with certainty that this activity will not have a significant effect or physical change to the environment.

**Section 5. Conflicting Ordinances Repealed.** Any ordinance or part thereof, or regulations in conflict with the provisions of this Ordinance, are hereby repealed. The provisions of this Ordinance shall control with regard to any provision of the Clayton Municipal Code that may be inconsistent with the provisions of this Ordinance.

**Section 6. Effective Date and Publication.** This Ordinance shall become effective thirty (30) days from and after its passage. Within fifteen (15) days after the passage of the Ordinance, the City Clerk shall cause it to be posted in three (3) public places heretofore designated by resolution of the City Council for the posting of ordinances and public notices. Further, the City Clerk is directed to cause Section 2 of this Ordinance to be entered into the City of Clayton Municipal Code.

The foregoing Ordinance was introduced at a noticed public hearing during a regular public meeting of the City Council of the City of Clayton, California held on July 18, 2017.

Passed, adopted, and ordered posted by the City Council of the City of Clayton, California at a regular public meeting thereof held on August 1, 2017, by the following vote:

AYES: Mayor Diaz, Vice Mayor Haydon, Councilmembers Catalano, Pierce and Shuey.  
NOES: None.  
ABSENT: None.  
ABSTAIN: None.

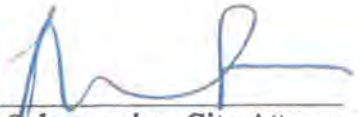
THE CITY COUNCIL OF CLAYTON, CA

  
\_\_\_\_\_  
Jim Diaz, Mayor

ATTEST

  
\_\_\_\_\_  
Janet Brown, City Clerk

APPROVED AS TO FORM



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Malathy Subramanian, City Attorney

APPROVED BY ADMINISTRATION



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Gary A. Napper, City Manager

I hereby certify that the foregoing Ordinance was duly introduced at a regular public meeting of the City Council of the City of Clayton held on July 18, 2017, and was duly adopted, passed, and ordered posted at a regular public meeting of the City Council held on August 1, 2017.



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Janet Brown, City Clerk

# EXHIBIT A

## Chapter 15.08 SIGN PROVISIONS

### Sections:

15.08.010	Purpose Statements
15.08.020	Definitions
15.08.030	Permit Procedures
15.08.040	Exempt Signs
15.08.050	Prohibited Signs
15.08.060	General Sign Requirements and Standards
15.08.070	Regulations for Special Signs
15.08.080	Computation of Sign Area and Height
15.08.090	Maintenance
15.08.100	Non-conforming Signs
15.08.105	Substitution
15.08.110	Enforcement

15.08.010     Purpose. The purpose of this chapter is to provide standards for the height, size, location, and appearance of building and street graphics, in order to:

- A.     Encourage sound signing practices as an aid to business and to inform the public. Signage is to be used primarily for identification, not for advertising.
- B.     Create an attractive economic and business climate.
- C.     Preserve and improve the appearance of the city as a place in which to live and work and as an attraction to nonresidents who come to visit or trade.
- D.     Protect and enhance the rural atmosphere of the city.
- E.     Minimize adverse effects on public and private property.
- F.     Prevent excessive and confusing sign displays.
- G.     Reduce hazards to motorists and pedestrians.
- H.     Enable the fair and consistent enforcement of sign regulations.
- I.     Promote the public health, safety, and general welfare.

### 15.08.020     Definitions.

- A.     Address Sign: A sign listing the street address and, in the case of a residential use, the name of the occupants of the premises.
- B.     Animated Sign: A sign that conveys its message or attracts attention through moving, rotating, changing, or flashing lights or components.
- C.     Awning: A hood or cover that projects from the wall of a building and is composed of rigid or non-rigid materials.
- D.     Awning Sign: A sign or graphic attached to or printed on an awning (see Sign Illustrations).
- E.     Banner: A temporary commercial, noncommercial, or community event sign of lightweight fabric, plastic, paper, or similar material that is mounted on a building or street light pole (see Sign Illustrations).



- F. **Billboard:** A sign that directs attention to a product, place, activity, person, institution, business, or subject that is not entirely related to the premises on which the sign is located.
- G. **Building Marker:** A sign indicating the name of a building, date of construction, and incidental information about its construction, which is cut into masonry or made of bronze or other permanent material.
- H. **Building Sign:** A permanent sign attached to a building or other structure that is an integral part of a building. A building sign includes an awning sign, a projecting sign, a suspended sign, a wall sign, and a window sign, an address sign, and a building marker.
- I. **Canopy (or Marquee):** A permanent roof-like shelter extending from part or all of a building face over a public right-of-way and constructed of some durable material such as metal, wood, glass, or plastic.
- J. **Commercial Center Entry Sign:** A sign located at the entry to a shopping center, business area, or office park identifying the center, area, or park and identifying the businesses located therein.
- K. **Commercial Sign:** Any sign with an image or message which primarily concerns the commercial or economic interests of the sign sponsor or intended audience, or which proposes a commercial transaction.
- L. **Community Event Sign:** A banner advertising a City of Clayton community event as defined by the City Council in its policies pertaining to the usage of signage in the public right-of-way per Resolution 46-2007 or any subsequent revisions thereafter.
- M. **Directory Sign:** A sign or set of similarly designed individual signs displayed in sequence that lists tenants or occupants within a building or business center, and is designed or be viewed primarily by pedestrians (see Sign Illustrations).
- N. **Flag:** Fabric, banner, or bunting containing distinctive colors, patterns, or symbols.
- O. **Ground Sign (or Freestanding Sign):** A permanent sign supported by one or more uprights, poles, or braces in or upon the ground or placed upon a planter, wall, retaining wall, or other structure that is not an integral part of a building. A ground sign includes a monument sign, a pole sign, a kiosk sign, commercial center entry sign, directory sign, multiple address sign, neighborhood/district entry sign.
- P. **Incidental Sign:** An informational sign, whose purpose is secondary to the use of the lot on which it is located, such as "no parking", "entrance", "loading only", "telephone", and other similar directives.
- Q. **Interior Sign:** A sign located in the interior of a building, mall, court, standing or enclosed lobby intended for interior viewing only.
- R. **Kiosk Sign:** A sign located on a small freestanding structure which has three (3) or more surfaces.
- S. **Mobile Billboard:** Any vehicle, or wheeled conveyance which carries, conveys, pulls, or transports any sign or billboard for the primary purpose of advertising. Mobile billboard shall not include (1) any vehicle which displays an advertisement or business identification of its owner, so long as such vehicle is engaged in the usual business or regular work of the owner, and not used merely, mainly or primarily to display advertisements; (2) buses; or (3) taxicabs.
- T. **Monument Sign:** A type of ground sign constructed upon a solid appearing base or pedestal (see Sign Illustrations).

- U. Multiple Address Sign: A sign or set of similarly designed individual signs displayed in sequence placed at the entrance of a private residential street or area that lists the street address and names of the occupants of the residences along the street or within the area.
- V. Mural: A work of art, containing no commercial message, applied to and made an integral part of an exterior wall.
- W. Neighborhood/District Entry Sign: A sign identifying a neighborhood or district (see Sign Illustrations).
- X. Noncommercial Sign: Any sign displaying a message that is not commercial.
- Y. Noncommercial Location Sign: A sign identifying a noncommercial use.
- Z. Nonconforming Sign: A sign legally existing at the time of the effective date of this Chapter which does not conform to the provisions of this Chapter.
- AA. Off-Site Sign: A sign directing attention to a business, service, product, or entertainment that is not sold or offered on the site where the sign is located, including billboards and other outdoor advertising signs.
- BB. On-Site Sign: A sign directing attention to a business, service, product, or entertainment that is sold or offered on the site where the sign is located.
- CC. Parapet or Parapet Wall: That portion of a building wall that rises above the roof level or eave line.
- DD. Pennant: A sign of lightweight fabric, plastic, or similar material that is attached to a pole at one edge (see Sign Illustrations).
- EE. Permanent Sign: Any sign intended for use for a period greater than thirty (30) calendar days.
- FF. Personal Property Sale Sign: A temporary commercial sign advertising a sale of personal property.
- GG. Pole Sign: A type of ground sign mounted to or hanging from a pole or similar structure (see Sign Illustrations).
- HH. Portable Sign: A sign not permanently attached to the ground, building, or other permanent structure and designed to be transported, including but not limited to: signs designed to be transported by means of wheels; signs in the form of A-frames or T-frames; menu or sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked in or visible from the public right of way, unless said vehicle is used in the normal day-to-day operations of the business. Portable signs do not include mobile billboards.
- II. Projecting Sign: A sign extending from a building face or wall so that the sign face is perpendicular or at an angle to the building face or wall (see Sign Illustrations).
- JJ. Real Estate Sign: A commercial sign advertising the sale, lease, or rent of property and the identification of the firm handling the sale, lease, or rent.
- KK. Residential Open House Sign: A temporary commercial sign advertising an open house for a house for sale.
- LL. Roof Sign: A sign erected upon or above a roof or parapet of a building or structure. A sign mounted on a vertical extension of a wall that extends above a roof structure is considered a wall sign.
- MM. Sign: Any name, identification, description, symbol, display, illustration, or device, including any structure, machine (including vending machine), component parts and paint, viewable by the general public that directs attention to a product, place, activity, person, institution, or business.

- NN. Sign Area: The area within a perimeter which forms the outside shape, including any frame, and forms an integral part of the display, but excluding the necessary supports, poles, or uprights on which the sign may be placed. If the sign consists of more than one section or module, all areas visible from any position at one (1) time will be totaled.
- OO. Sign Face: The visible portions of a sign including all characters and symbols, but excluding structural elements not an integral part of the display.
- PP. Sign Illustrations: Examples of various signs in pictorial format incorporated into Section 15.08.020 of the Clayton Municipal Code.
- QQ. String Pennant: A lightweight plastic, fabric, or other material, whether or not containing a message or symbols, suspended from a rope, wire, or string in series, usually designed to move in the wind.
- RR. Subdivision Marketing Pole Pennant: A single piece of lightweight plastic, fabric, or other material, whether or not containing a message of any kind that is temporarily suspended from a pole and is designed to move in the wind to promote the sale of newly subdivided lots and/or newly constructed dwellings.
- SS. Subdivision Marketing Signs: Temporary commercial signs, including ground signs, wall-mounted signs, pole signs, pennants, and real estate signs, designed to promote the sale of newly subdivided lots and/or newly constructed dwellings (see Sign Illustrations).
- TT. Suspended Sign: A sign attached to and located below any permanent eave, roof, or canopy (see Sign Illustrations).
- UU. Temporary Commercial Sign: Any commercial sign intended for use for a period of less than thirty (30) days.
- VV. Temporary Noncommercial Sign: Any noncommercial temporary sign displaying an ideological, political or other noncommercial message, that is constructed of paper, cloth, canvas, light fabric, cardboard, wallboard or other similar lightweight materials, with or without frames which is designed or intended to be displayed for a limited period of time.
- WW. Wall Sign: A sign not exceeding six (6) inches in thickness that is painted on, attached to, or erected against the wall of a building or structure with the exposed face of the sign parallel to the plane of said wall (see Sign Illustrations).
- XX. Window Sign: A sign displayed on window glass (including the glass of doors) or within three (3) feet of a window, designed to be viewed from the exterior of the window (see Sign Illustrations).

15.08.030 Permit Procedures.

- A. City Review - General. City review and approval is required for all signs except those specified by this Chapter as exempt or prohibited. No City review or approval is required for a change of copy on an existing permitted sign that is in full compliance with the requirements and standards of this Chapter. In addition to meeting the requirements of this Chapter, all signs shall comply with all applicable California Building Code requirements. No sign shall be constructed, placed, erected, or modified unless such construction, placement, erection, or modification is authorized by the owner, or his or her representative, of the property upon which the sign is to be placed. Application for sign review and approval shall be accompanied by written authorization from the

property owner, or his or her authorized representative, for placement of the proposed sign or signs.

B. City Review and Approval. The City shall review and approve signs according to the following procedures:

1. Administrative Review and Approval. The following signs shall be reviewed and approved administratively by the Community Development Department if they conform to the general sign requirements and standards of Section 15.08.060 and the regulations for special signs of Section 15.08.070.
  - a. Directory signs provided the sign does not exceed ten (10) square feet in area, nor a height of six (6) feet.
  - b. Any sign proposed for a property consistent in terms of size, number, and location with a previously-approved master sign plan, unless otherwise specified in an applicable master sign plan.
  - c. All building and ground signs proposed for individual businesses that are located on a property that have a previous approval for similar signage, and the proposed sign(s) are consistent in terms of size, number, and location with the previous approval. (This provision does not apply to a Corner Lot or Through Lot where signage is being proposed along multiple property frontages)
2. Exception. Any sign proposal considered within the parameters of this subsection that in the judgment of the Community Development Director may not comply with the intent or purpose of this Chapter may be referred to the Planning Commission for consideration.
3. Planning Commission Review and Approval. The following signs shall be reviewed and approved by the Planning Commission in accordance with Chapter 17.64 of the Clayton Municipal Code.
  - a. Master sign plans.
  - b. Neighborhood/district entry signs.
  - c. Commercial center entry signs.
  - d. Subdivision marketing sign program.
  - e. Noncommercial locational signs.
  - f. Directory signs that exceed ten (10) square feet in area and six (6) feet in height.
  - g. All building and ground signs for individual businesses that are located on a property that have not had previous approval for signage, involve signage on multiple frontages, and/or involve an increase in the previously-approved signage area, increase in the number of signs, or substantially change the location of signage.
  - h. Any sign proposal that, in the judgment of the Community Development Director, may not comply with the intent or purpose of this Chapter.
4. Variance. A variance shall be required from the Planning Commission for any deviations from the general sign requirements and standards of Section 15.08.060 or the regulations for special signs of Section 15.08.070 of this Chapter according to the procedures set out in Chapter 17.52 of the Clayton Municipal Code.

15.08.040 Exempt Signs. The following signs shall not require review and approval by City:

- A. Address signs, provided the sign does not exceed two (2) square feet in area.
- B. Public information, identification, civic event, and directional signs erected by a public agency or public utility.
- C. Incidental signs.
- D. Legal notices posted by law.
- E. Building markers, provided the sign does not exceed four (4) square feet in area and is not illuminated.
- F. Signs displayed by private individuals, when required by law or regulations of any governmental agency.
- G. Temporary noncommercial signs on private real property, provided the aggregate signage displayed at one time does not exceed three (3) square feet in area per parcel.
- H. Wall signs indicating the historical significance of a site or building, provided the sign does not exceed four (4) square feet in area and is not illuminated.
- I. Signs displayed in the interior of a building, mall, court, stadium, or enclosed lobby more than three (3) feet from an exterior window or door and intended for interior viewing only.
- J. Multiple address signs, provided the individual signs do not exceed four (4) inches by twenty-four (24) inches.
- K. Residential open house signs for a home sale in accordance with the standards of Section 15.08.070 of this Chapter.
- L. Flags, provided they are not used in a commercial manner or to advertise a business or its location.
- M. Murals containing no commercial message, provided the mural has intrinsic artistic value or appeal regardless of the business in the building on whose wall the mural is painted. Murals shall take into consideration the overall architecture of the building and shall not be placed on decorative surfaces or finishes. The colors and materials used shall be reasonably harmonious with those in the area.
- N. Personal property sale signs, in accordance with the standards of Section 15.08.070 of this Chapter.
- O. Real estate signs in accordance with the provisions of Section 15.08.070 of this Chapter.
- P. Portable signs in accordance with the provisions of Section 15.08.070 of this Chapter.
- Q. Banners and pennants in accordance with the provisions of Section 15.08.070 of this Chapter.
- R. Community event signs not exceeding twenty-four (24) square feet in area.

**15.08.050 Prohibited Signs.** The following signs are prohibited anywhere in the City:

- A. Animated signs.
- B. Flags used in a commercial manner or to advertise a business or its location.
- C. Signs that by color, wording, design, location, or illumination resemble or conflict with any traffic-control device or with safe and efficient flow of traffic.
- D. Signs that obstruct the free and clear vision of or create confusion for motorists or pedestrians.
- E. Signs with lighting detrimental to surrounding property or prevents peaceful enjoyment of residential uses.
- F. Banners and pennants, except as provided in Section 15.08.070 of this Chapter.
- G. Roof signs.

- H. String pennants.
- I. Balloons and similar inflatable signs.
- J. Permanent signs mounted on fences or deck/balcony railings.
- K. Portable signs except as provided in Section 15.08.070 of this Chapter.
- L. Temporary signs are prohibited in the public right-of-way except for signs for City-sponsored community events in location(s) approved by the City.
- M. Signs located on private property without the property owner's approval.
- N. Off-site signs except for:
  - 1. Temporary noncommercial signs.
  - 2. Residential open house signs.
  - 3. Garage or yard sale signs.
  - 4. Signs attached to trees, shrubs, or other natural features.
- O. Mobile billboard operating on a street or other public place within the city in which the public has the right of travel.

15.08.060 General Sign Requirements and Standards.

- A. Signs in the R-10, R-12, R-15, R-20, R-40, R-40-H, M-R, M-R-M, M-R-H, PF, and A Districts - Sign Permits. A sign permit is required in the R-10, R-12, R-15, R-20, R-40, R-40-H, M-R, M-R-M, M-R-H, PF, and A Districts for all non-exempt signs as follows:
  - 1. Noncommercial locational signs in accordance with the standards of Section 15.08.070 of this Chapter.
  - 2. Neighborhood/district entry signs in accordance with the standards of Section 15.08.070 of this Chapter.
  - 3. Subdivision marketing sign program in accordance with the standards of Section 15.08.070 of this Chapter.
  - 4. No other non-exempt signs are allowed in these districts.
- B. Signs in the L-C District - Sign Permits. A sign permit is required in the L-C District for all non-exempt signs as follows:
  - 1. Noncommercial locational signs in accordance with the standards of Section 15.08.070 of this Chapter.
  - 2. Neighborhood/district entry signs in accordance with the standards of Section 15.08.070 of this Chapter.
  - 3. Master sign plan in accordance with the standards of Section 15.08.070 of this Chapter.
  - 4. Commercial center entry signs in accordance with the standards of Section 15.08.070 of this Chapter.
  - 5. Subdivision marketing sign program in accordance with Section 15.08.070 of this Chapter.
- C. Signs in the L-C District - Standards. Ground and building signs relating to on-site commercial activities are authorized in the L-C Districts in accordance with the following standards:
  - 1. The aggregate sign area of any combination of ground signs and building signs for a building or a business shall not exceed one (1) square foot per lineal foot of building frontage or store frontage. Exempt signs, directory signs, commercial center entry signs, pennants, and portable signs are not subject to this aggregate sign limit.

2. Monument signs (ground signs) shall not exceed eight (8) feet in height, and the size of such signs may be no greater than sixty percent (60%) of the allowable aggregate sign area for the building frontage to a maximum of twenty-four (24) square feet.
  3. Pole signs (ground signs) shall not exceed eight (8) feet in height, and the size of such signs may be no greater than sixty percent (60%) of the allowable aggregate sign area for the building frontage to a maximum of twenty-four (24) square feet.
  4. Kiosk signs (ground signs) shall not exceed twenty-four (24) square feet in area (all faces) and shall not exceed seven (7) feet in height.
  5. Projecting signs (building signs) shall not exceed twelve (12) square feet in area and shall maintain a vertical clearance of at least eight (8) feet.
  6. Suspended signs (building signs) oriented toward pedestrian areas or walkways shall not exceed six (6) square feet in area and shall maintain a vertical clearance of at least eight (8) feet above the surface of a walkway, sidewalk, or pedestrian path.
  7. Suspended signs (building signs) oriented toward street traffic and/or parking lots shall maintain a vertical clearance of at least eight (8) feet above the surface of a walkway, sidewalk, or pedestrian path, and may not be displayed over vehicular access. The size of such a suspended sign may be no greater than sixty percent (60%) of the allowable aggregate sign area for the building frontage to a maximum of twenty (20) square feet.
  8. Window signs (building signs) shall not cover more than forty (40) percent of the glazed area of an individual window panel or more than twenty (20) percent of the aggregate glazed area on any one building frontage or store frontage.
  9. Wall Signs (building signs) - one (1) square foot per lineal foot of building or store frontage.
  10. Awning Signs (building signs) - one (1) square foot per lineal foot of building or store frontage.
- D. Signs in the PD District. Signs in the PD District shall conform to the standards or signs for uses defined in the applicable General Plan designation. For signs in areas designated residential, cultural center, institutional, school, or open space by the General Plan, the requirements and standards for signs in the R-10, R-12, R-15, R-20, R-40, R-40-H, M-R, M-R-M, M-R-H, PF, and A Districts shall apply. For signs in areas designated commercial by the General Plan, the requirements and standards for signs in the L-C District shall apply unless otherwise specified by a master sign plan.

**15.08.070 Regulations for Special Signs.**

- A. Neighborhood/District Entry Signs. Neighborhood/district entry signs are allowed in all districts subject to the following standards:
  1. The sign shall include only the name of the neighborhood or district.
  2. Lettering shall not exceed eighteen (18) inches in height.
  3. The top of the letters shall not exceed six (6) feet in height.
- B. Commercial Center Entry Signs. Commercial center entry signs are allowed in commercial districts subject to the following standards:
  1. One (1) sign may be located near each main vehicular entrance to the shopping center, business area, or office park fronting on a public roadway.

2. The sign may be a pole sign or monument sign.
  3. The sign shall not exceed eight (8) feet in height.
  4. Lettering shall not exceed twenty-two (22) inches in height.
- C. Banners. Banners for new or relocated businesses are allowed temporarily in commercial districts subject to the following standards:
1. Banner in lieu of permanent sign:
    - a. The banner shall be secured on all sides.
    - b. The banner may only be displayed for up to thirty (30) days, with up to an additional thirty (30) day extension if approved administratively by the Community Development Department.
    - c. The banner must conform to the sign area dimensions and location of Section 15.08.060 C of this Chapter.
  2. Promotional banner. A second banner in addition to that noted above may be allowed subject to the following standards:
    - a. The banner may be a wall, window, or suspended sign.
    - b. The banner may only be displayed for up to thirty (30) days.
    - c. The banner may be no larger than the banner as approved per Section 15.08.070 C1 and must conform to the sign area dimensions of Section 15.08.060 C of this Chapter.
- D. Pennants. Pennants are allowed in commercial districts subject to the following standards.
1. Only one (1) pennant may be displayed by any one (1) business.
  2. The pennant shall be secured to a pole on one (1) side and shall be hanging.
  3. The pennant shall not exceed two (2) feet in width or four (4) feet in length.
  4. The pennant shall be made in a professional manner and workmanship of fabric, plastic, or similar material designed to withstand at least six (6) months of outdoor exposure. Paper pennants shall not be allowed.
  5. The bottom of a pennant shall be at least eight (8) feet above the surface of a walkway, sidewalk, or pedestrian path. A pennant may not be displayed over a street, driveway, or vehicular access.
- E. Portable Signs. Portable signs are allowed in commercial districts subject to the following standards:
1. Only one (1) portable sign may be displayed by any one (1) business.
  2. The sign shall only be in the form of an A-frame, sandwich board, menu board, or umbrella.
  3. The sign shall not exceed three (3) feet in height or two (2) feet in width per face, except for an umbrella.
  4. The sign shall be displayed only during the hours the business is open to the public and shall be removed during non-business hours.
  5. The sign shall be displayed immediately adjacent to the business it advertises.
  6. The sign shall not be displayed in a public right-of-way nor shall it obstruct a pedestrian walkway.
  7. The sign shall be constructed out of a stable and rigid material (i.e., PVC is not considered an acceptably rigid material).
- F. Residential Open House and Personal Property Sale Signs. Residential open house and personal property sale signs are allowed for residential uses subject to the following standards:



1. A total of one (1) on-site sign and up to six (6) off-site signs.
  2. Only one (1) off-site sign may be displayed at any one intersection for each residential open house or personal property sale.
  3. The signs shall not exceed three (3) feet in height or two (2) feet in width.
  4. The signs shall only be displayed up to one (1) hour before, during, and up to one (1) hour following the residential open house or personal property sale.
  5. The signs shall not be displayed in a public right-of-way nor shall they obstruct a pedestrian walkway, except signs shall be allowed behind the sidewalk or behind the curb if there is no sidewalk.
  6. No signs shall be displayed on private property without the prior consent of the property owner.
  7. Balloons, flags, pennants, animated devices, and similar objects are prohibited. (see Section 17.16.020E of the Municipal Code for further regulations for Personal Property Sales).
- G. Noncommercial Locational Signs. Noncommercial locational signs are allowed in all districts subject to the following standards:
1. The signs may include building signs and ground signs.
  2. The aggregate sign area may not exceed twenty-four (24) square feet for a lot up to forty thousand (40,000) square feet in size. For lots larger than forty thousand (40,000) square feet, sign area may be increased subject to specific Planning Commission review and approval.
  3. No ground or pole sign shall exceed eight (8) feet in height.
- H. Real Estate Signs. Real estate signs are allowed in all districts subject to the following standards:
1. Only one (1) on-site real estate sign may be displayed on a front or side yard frontage. An additional real estate sign may be displayed on a rear yard frontage.
  2. Real estate signs in residential districts shall not exceed six (6) square feet in area. Real estate signs in commercial districts shall not exceed twelve (12) square feet in area.
  3. The sign may be in the form of a pole sign or a wall sign.
  4. The sign shall not exceed six (6) feet in height.
  5. The sign shall be removed within ten (10) days of the lot or building(s) being sold, leased, or rented.
  6. Real estate signs located off-site of the subject property (e.g., at nearby intersection, public landscape, public property, public right of way) are not allowed.
- I. Subdivision Marketing Sign Program. Subdivision marketing signs are allowed in residential districts subject to the approval of a subdivision marketing sign program in accordance with the following standards:
1. The program may include a combination of temporary ground signs, wall signs, subdivision marketing pole pennants, and real estate signs.
  2. All subdivision marketing signs shall be displayed within the boundaries of the subdivision.
  3. Subdivision marketing pole pennants shall not exceed twenty-five (25) feet in height or be located closer than every fifty (50) feet.

4. All subdivision marketing signs shall be removed within thirty (30) days of the opening of escrow for sale of the last home in the subdivision.
  5. The dimensions of any sign shall not exceed eight (8) feet in length, nor eight (8) feet in height, nor a total area of sixty (60) square feet.
- J. Master Sign Plan. At the discretion of the City or one or more property owners, a master sign plan may be established for a shopping center, business area, office park, or similar identifiable geographic area. Such master sign plan may impose sign requirements and standards addressing the number, height, area, color, or other sign characteristics in a manner more restrictive than that allowed by the general sign requirements and standards of Section 15.08.060 of this Chapter. Such a master sign plan may be established to promote an enhanced sense of identity, aesthetic value, or other feature. A master sign plan will not only identify and describe those sign characteristics that are more restrictive than those allowed by the general sign requirements and standards of Section 15.08.060 of this Chapter, but also the purpose or goal for which the master sign plan is established.

15.08.080 Computation of Sign Area and Height. The following principles shall govern the computation of sign area and height.

- A. Computation of Area of Individual Signs. The sign area of a sign face (which is also the sign area of a wall sign or other sign with only one (1) face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative wall when such wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.
- B. Computation of Area of Multi-Faced Signs. The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any one point. When two (2) sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one (1) of the faces.
- C. Computation of Height. The height of a sign shall be computed as the distance from the grade at the edge of the public way along which a sign is placed or oriented to the highest point of the sign, or any structural or architectural component of the sign. When the grade at the edge of the public way is higher than the site on which the sign is placed, that portion of the sign below the grade at the edge of the public way shall not be included in determining the sign's overall height.
- D. Computation of Total Permitted Sign Area. The total area of all individual signs permitted on a lot shall be computed according to Section 15.08.060 C of this Chapter. Property fronting two (2) or more streets are allowed the permitted sign area specified in Section 15.08.060 C for each such street frontage.

15.08.090 Maintenance. All signs shall be maintained in good repair and shall be cleaned, painted, and replaced as necessary to present a neat appearance at all times.

**15.08.100**     Nonconforming Signs.

- A.     Except for regular maintenance, no non-conforming sign shall be altered, modified, added to, or increased in area, unless the entire sign is brought into conformity with the requirements and standards of this Chapter.
- B.     Any non-conforming sign that is damaged or destroyed to the extent of fifty (50) percent or more of its estimated market value shall not be replaced or repaired except by a sign that conforms to the requirements and standards of this Chapter.
- C.     Any non-conforming sign relating to a business that has not operated for six (6) consecutive months shall be removed.

**15.08.105**     Substitution. In each instance and under the same conditions to which this Chapter permits any sign, a sign containing an ideological, political or other noncommercial message that is constructed to the same physical dimensions of the permitted sign shall be permitted.

**15.08.110**     Enforcement. Any person erecting, displaying, or maintaining a sign in violation of this Chapter is guilty of an infraction and shall be subject to enforcement and penalties set out in Chapters 1.12, 1.14, 1.16, and 1.20 of Title 1 of the Clayton Municipal Code.

**Gary Napper**

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**Subject:** Future agenda items

**From:** Jeff Wan  
**Sent:** Friday, January 18, 2019 11:22 AM  
**To:** Gary Napper  
**Subject:** Future agenda items

Hi, Gary -

### **Glyphosate Usage**

Given the State of California has added glyphosate (Round Up) to its list of known carcinogens, some cities like Santa Rosa, Novato, and Benecia have prohibited or restricted the use of Roundup, and there was a recent lawsuit in which a municipal employee was awarded damages based on the utilization of glyphosate, this is a matter of importance to the City of Clayton and its residents.

Resolved: City Staff should write a staff report addressing the following issues:

The extent of use of glyphosate by city staff.

The potential risk to the city based on its continued use of glyphosate based products.

Alternatives to glyphosate and the impact of using these instead of glyphosate based products, both in effectiveness of weed abatement and cost.

# Resource information

Prepared by

Jim Warburton

City of Clayton Maintenance Supervisor

# Glyphosate Use

By the City of Clayton

February 5, 2019

- The City uses Glyphosate products to eliminate weeds on public properties.
- City Maintenance purchases 30 gallons of Glyphosate (concentrate) per year for application citywide (\$1,700 expense). A maximum 1,920 gallons of diluted Glyphosate is sprayed annually by Maintenance on public landscape weeds.
- Glyphosate has a one hour drying time and is perfectly safe after it is dry.
- The City does not use Glyphosate on turf [e.g. park turf].
- There is no effective herbicide substitute for Glyphosate at this time.
- Should the City Council decide the continuing use of glyphosate is unsafe, there is no effective alternative to eliminate weeds from public landscaping as manual removal is an impractical option.
- The predominate danger/risk for use of Glyphosate is to the applicator.
- It has been suggested Maintenance spray more pre-emergent in our medians and rights-of-way but this option does not eliminate all weeds. All pre-emergent needs to be watered into the soil; this means areas with no irrigation must rely on unpredictable rainfall to trigger the effectiveness of the pre-emergent product.
- Glyphosate is used worldwide by crop producers and landscape professionals, and remains lawful to purchase and to apply.
- With proper personal protective equipment (PPE) the use of Glyphosate is not hazardous to the applicator. Maintenance has always required its workers to use proper PPE when using Glyphosate.
- Proper PPE would include (as the MDS label states): long sleeve shirt, long pants, boots, rubber or nitrile gloves with at least a 14 mil rating, and safety glasses with side protection.
- Glyphosate (as with other chemicals) shall not be sprayed in winds higher than 10 miles per hour to prevent drift affecting other plant material, non-target areas or the public.
- In Clayton, the primary public areas sprayed with Glyphosate are the landscaped medians and rights-of-way.
- It is unknown the extent of private use of Glyphosate in the city by private property owners and HOAs (home owners associations).
- City Maintenance has initiated posting signage across public areas being sprayed while spraying is taking place and until the herbicide dries in 1 hour.

**Gary Napper**

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**Subject:** Future agenda items

**From:** Jeff Wan  
**Sent:** Friday, January 18, 2019 11:22 AM  
**To:** Gary Napper  
**Subject:** Future agenda items

Hi, Gary -

### **City Objectives**

Given City Staff resources are limited in terms of dollars and time, it is critical to prioritize the objectives and direction given to staff. Many of the objectives would take significant time and resources to accomplish. To make sure that the city staff's time and energy, and taxpayer dollars are being used effectively, the Council should take action to ensure that prioritization of goals aligns with the interests of the residents. The first step in doing that is assessing where we are. And while the city discusses goal setting during Council meetings, there doesn't seem to be a public report out on how well the city has done in achieving these goals.

Resolved: City Staff should prepare a semi-annual report that addresses:

The status of all existing goals directed by the Council, including what has been done, what is planned to be done, and an outline of how each goal is expected to be achieved and when.

A process to be created to review and eliminate existing items with no activity for a certain period of time.

Given there are 25+ items on the list of things the Council has directed Staff to work on, some 5 and 10 or more years old, this will ensure that the current Council is in agreement with what past Councils have directed.