



AGENDA

REGULAR MEETING

* * *

CLAYTON CITY COUNCIL

* * *

TUESDAY, March 1, 2022

7:00 P.M.

***** NEW LOCATION*****

This meeting is being held in accordance with AB 361, given the proclaimed state of emergency and the Contra Costa County Health Officer's recommendation for social distancing for public meetings, which is also consistent with Cal OSHA requirements for social distancing, the City Council will be participating in meetings via phone/video conferencing. The public is invited to watch and participate via the methods listed below:

Mayor: Peter Cloven
Vice Mayor: Holly Tillman

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 on the City's website at www.claytonca.gov
- 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.claytonca.gov
- 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 is available for review on the City's website at www.claytonca.gov
- 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) 673-7300.

Instructions for Virtual City Council Meeting – March 1

To protect our residents, officials, and staff, and aligned with the Governor’s executive order to Shelter-at-Home, this meeting is being conducted utilizing teleconferencing means consistent with State order that that allows the public to address the local legislative body electronically.

To follow or participate in the meeting:

1. **Videoconference:** to follow the meeting on-line, click here to register:

https://us02web.zoom.us/webinar/register/WN_06q0GcosRnmvy4dNOutGlw

After clicking on the URL, please take a few seconds to submit your first and last name, and e-mail address then click “Register”, which will approve your registration and a new URL to join the meeting will appear.

Phone-in: Once registered, you will receive an e-mail with instructions to join the meeting telephonically, and then dial Telephone: 877 853 5257 (Toll Free)

2. using the *Webinar ID* and *Password* found in the e-mail.

E-mail Public Comments: If preferred, please e-mail public comments to the City Clerk, Ms. Calderon at janetc@claytonca.gov by 5 PM on the day of the City Council meeting. All E-mail Public Comments will be forwarded to the entire City Council.

For those who choose to attend the meeting via videoconferencing or telephone shall have 3 minutes for public comments.

Location:

Videoconferencing Meeting (this meeting via teleconferencing is open to the public)

To join this virtual meeting on-line click here:

https://us02web.zoom.us/webinar/register/WN_06q0GcosRnmvy4dNOutGlw

To join on telephone, you must register in the URL above, which sends an e-mail to your inbox, and then dial (877) 853-5257 using the *Webinar ID* and *Password* found in the e-mail.

*** CITY COUNCIL ***

March 1, 2022

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

2. **MEETING PROTOCOL VIDEO**– City Clerk

3. **PLEDGE OF ALLEGIANCE** – led by Councilmember Diaz.

4. **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 February 15, 2022. (City Clerk) ([view here](#))
- (b) Approve the Financial Demands and Obligations of the City. (Finance) ([view here](#))
- (c) Adopt a Resolution of the City Council of the City of Clayton Allowing for Video and Teleconference Meetings during the COVID-19 State of Emergency Under AB 361. (City Manager) ([view here](#))
- (d) Adopt a Resolution Appointing Nine (9) Citizens to the Trails and Landscaping Committee for terms of office commencing March 1, 2022 through December 31, 2023. (City Clerk) ([view here](#))
- (e) Acceptance of the 2021 General Plan Implementation and Housing Element Annual Progress Report. (Community Development Director) ([view here](#))
- (f) A Resolution of the City Council of the City of Clayton: 1) Identifying the Replacement of the School-Age and Toddler Play Structures for the Application to the California Department of Parks and Recreation's Office of Grants and Local Services' (OGAL), for Receipt of Grant Funds Pursuant to the Proposition 68 Per Capita Grant Program; 2) Establishing a Capital Improvement Project (CIP) for Clayton Community Park Playground Replacement (CIP 10454) in a Total Amount of \$378,074; 3) Accepting and Appropriating to CIP 10454 \$185,074 in Proposition 68 Per Capita Grant Funds for CIP 10454; 4) Accepting and Appropriating to CIP 10454 the Donation of \$20,000 from Clayton Valley Concord Sunrise Rotary; 5) Appropriating \$173,000 in Developer Impact Fees to CIP 10454; Delegating Authority to the City Manager or Designee to Execute Any Required Documents;

and Directing the City Manager to File a Notice of Exemption from the California Environmental Quality Act for the Project.

(Community Development Director) ([view here](#))

- (g) Adopt a Resolution Approving an Agreement with Precision Civil Engineering for Preparation of Pre-Approved Accessory Dwelling Unit (ADU) Plans and an ADU Information Brochure, and Appropriating Funding for a Not-to-Exceed Amount of \$54,500 in Reimbursable Funds from the Senate Bill 2 Planning Grants Program. (Community Development Director) ([view here](#))
- (h) Establish a City Council Ad Hoc CEMEX Committee. (City Manager) ([view here](#))
- (i) A Resolution of the City Council of the City of Clayton Adopting a Notification of Intention to Comply with Senate Bill 1383, California's Short-Lived Climate Pollutant Reduction Law (Organic Waste Reduction Regulations). (Assistant to the City Manager) ([view here](#))

5. RECOGNITIONS AND PRESENTATIONS

- (a) Certificates of Recognition to public school students for exemplifying the "Do the Right Thing" character trait of "Self-Discipline" during the months of January and February 2022. (Mayor Cloven) ([view here](#))
- (b) Proclamation declaring March as "Irish-American Heritage Month" in the City of Clayton. (Mayor Cloven) ([view here](#))
- (c) Proclamation declaring March as "National Women's History Month" in the City of Clayton. (Mayor Cloven) ([view here](#))
- (d) Proclamation declaring March 31, as "Cesar Chavez Day" in the City of Clayton. (Mayor Cloven) ([view here](#))

6. REPORTS

- (a) City Manager/Staff
- (b) City Council - Reports from Council liaisons to Regional Committees, Commissions and Boards.

7. PUBLIC COMMENT ON NON - AGENDA ITEMS

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

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

8. **PUBLIC HEARINGS** – None.

9. **ACTION ITEMS**

- (a) Discussion of Availability of a Quorum at the April 5, 2022 Regular City Council Meeting. (City Manager) ([view here](#))

10. **CLOSED SESSION** – None.

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

12. **ADJOURNMENT** - the next regularly scheduled City Council meeting will be March 15, 2022.

#

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

TUESDAY, February 15, 2022

1. **CALL TO ORDER THE CITY COUNCIL** – The meeting was called to order at 7:00 p.m. by Mayor Cloven on a virtual web meeting and telephonically (877) 853-5257. Councilmembers present: Mayor Cloven, Vice Mayor Tillman (arrived at 7:03 p.m.), and Councilmembers Diaz, Wan, and Wolfe. Councilmembers absent: None. Staff present: City Manager Reina Schwartz, City Attorney Mala Subramanian, Finance Director Katherine Korsak, and City Clerk/HR Manager Janet Calderon.

2. **MEETING PROTOCOL VIDEO** – City Clerk.

3. **PLEDGE OF ALLEGIANCE** – led by Councilmember Diaz.

4. **CONSENT CALENDAR**

It was moved by Councilmember Diaz, seconded by Councilmember Wolfe, to approve the Consent Calendar items 4(a) – 4(e) as submitted. (Passed 5-0).

- (a) Approved the minutes of the City Council's regular meeting of February 1, 2022. (City Clerk)
- (b) Approved the Financial Demands and Obligations of the City. (Finance)
- (c) Adopted Resolution No. 11-2022 of the City Council of the City of Clayton Allowing for Video and Teleconference Meetings during the COVID-19 State of Emergency Under AB 361. (City Manager)
- (d) Adopted Resolution No. 12-2022 Accepting the Recommendation of the City Engineer Regarding Posting and Authorizing Enforcement of No Parking at Specified Locations to Provide for Improved Visibility and Safety. (City Engineer and City Manager)
- (e) Set March 21, 2022 for the City Council Special Meeting: City Council Goal Setting. (City Manager)

5. **RECOGNITIONS AND PRESENTATIONS**

- (a) Proclamation declaring February as "Black and African American History Month". (Mayor Cloven)

Vice Mayor Tillman read the proclamation declaring February as “Black and African American History Month”.

6. REPORTS

(a) City Manager/Staff

City Manager Reina Schwartz advised that next week portions of The Grove Park will be fenced off for turf maintenance, announced City Hall will be reopening to the public February 16th, and is hopeful the City Council will return to in-person meetings in April.

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

Vice Mayor Tillman attended the Contra Costa County Mayors’ conference, the BART redistricting meeting, the Clayton Community Library Foundation meeting, the CalCities Community Services Policy Committee meeting, met with the City Manager, met with the Mayor, and attended a re-election kick-off event for District Attorney Diane Becton.

Councilmember Wan indicated “No Report”.

Councilmember Wolfe met with the City Manager, met with the Finance Director, met with the Mayor, emailed and called constituents, attended the BART redistricting meeting, and attended the Clayton Community Library Foundation.

Councilmember Diaz met with the City Manager, met with the Police Chief, attended the Clayton Business and Community Association Art & Wine Committee meeting, and attended the Celebration of Life for Teddy McDavitt.

Mayor Cloven attended the BART Redistricting meeting, the Contra Costa County Mayors’ Conference, the Transportation Partnership and Cooperation for Central Contra Costa (TRANSPAC) meeting, met with Councilmember Tim McGallian from the City of Concord, met with Councilmember Amy Worth from the City of Orinda, met with Debora Allen from the BART, met with Councilmembers, met with various City staff, spoke with various constituents, advised he has received some proclamation requests, and advised will consider the request of additional essential worker pay per the request he received after the City receives the next American Rescue Plan Funds.

7. PUBLIC COMMENT ON NON - AGENDA ITEMS

Roy Correa requesting City Council reports to contain more value/benefit to the City of Clayton. He also requested a report out regarding the city’s budget.

Mayor Cloven closed public comment.

8. **PUBLIC HEARINGS** – None.

9. **ACTION ITEMS**

- (a) Audited Annual Comprehensive Financial Report (ACFR) of the City of Clayton for the Fiscal Year Ended June 30, 2021. (Finance Director)

Finance Director Korsak presented the report.

Bryce Rojas, CPA, Auditor, Cropper Accountancy Corporation continued the presentation.

Following questions by the City Council, Mayor Cloven opened the item to public comment.

Frank Gavidia expressed his concerns of the vulnerability of the City's accounts.

Mayor Cloven closed public comment.

It was moved by Councilmember Wan, seconded by Vice Mayor Tillman, to accept the Audited Comprehensive Financial Report (ACFR) of the City of Clayton for the Fiscal Year Ended June 30, 2021. (Passed 5-0).

- (b) Adopted Resolution No. 13-2022 Appropriating \$30,000 from the Rainy Day Fund in FY2021/22 to Engage Strategy Research Institute for Research Related to a Potential Tax Measure for the November 2022 Ballot. (City Manager)

City Manager Schwartz presented the report.

Following questions by the City Council, Mayor Cloven opened the item to public comment.

Frank Gavidia expressed concern regarding additional taxes when it is unknown of how the money is being spent.

Terri Denslow expressed her support for this item.

Roy Correa expressed concern regarding the audit and would like to see more collaboration in the best interest of the city.

William Jordan also expressed support of this item.

Mayor Cloven closed public comment.

It was moved by Mayor Cloven, seconded by Vice Mayor Tillman, to adopt Resolution No. 13-2022 Appropriating \$30,000 from the Rainy Day Fund in FY2021/22 to Engage Strategy Research Institute for Research Related to a Potential Tax Measure for the November 2022 Ballot. (Passed 3-2; Diaz and Wan, No).

10. **CLOSED SESSION** – None.

11. **COUNCIL ITEMS**

Mayor Cloven requested future agenda item pertaining to CEMEX Revised Reclamation Plan and requested formation of a City Council ad-hoc committee consisting of himself and Councilmember Diaz, and he also requested consideration of the formation of another City Council ad-hoc committee including the Finance Director regarding the potential Tax Measure.

Vice Mayor Tillman requested a future agenda item to discuss the City Council's calendar for April.

12. **ADJOURNMENT**– on call by Mayor Cloven, the City Council adjourned its meeting at 9:42 p.m.

The next regularly scheduled meeting of the City Council will be March 1, 2022.

#

Respectfully submitted,

Janet Calderon, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL

Peter Cloven, Mayor

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STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: JENNIFER GIANTVALLEY, ACCOUNTING TECHNICIAN

DATE: 03/01/2022

SUBJECT: FINANCIAL DEMANDS AND OBLIGATIONS OF THE CITY

RECOMMENDATION:

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

Attached Report	Purpose	Date	Amount
Open Invoice Report	Accounts Payable	2/23/2022	\$ 228,413.32
Payroll Reconciliation Summary	Payroll, Taxes	2/11/2022	\$ 87,667.82
		Total Required	<u>\$ 316,081.14</u>

Attachments:

1. Open Invoice Report, dated 2/23/22 (4 pages)
2. Payroll Reconciliation Summary report PPE 02/06/22 (2 pages)

City of Clayton

Open Invoice Report

Obligations

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
All City Management Services, Inc.								
All City Management Services, Inc.	3/1/2022	1/26/2022	74803	School crossing guard svcs 1/9/22-1/22/22	\$1,158.30	\$0.00		\$1,158.30
All City Management Services, Inc.	3/1/2022	2/9/2022	75199	School crossing guard svcs 1/23/22-2/5/22	\$1,544.40	\$0.00		\$1,544.40
				<i>Totals for All City Management Services, Inc.</i>	<u>\$2,702.70</u>	<u>\$0.00</u>		<u>\$2,702.70</u>
AT&T (CalNet3)								
AT&T (CalNet3)	3/1/2022	2/22/2022	17799684	Phones 1/22/22-2/21/22	\$1,243.97	\$0.00		\$1,243.97
				<i>Totals for AT&T (CalNet3)</i>	<u>\$1,243.97</u>	<u>\$0.00</u>		<u>\$1,243.97</u>
Bank of America								
Bank of America	3/1/2022	1/5/2022	123121	Monthly svc chg December 2021	\$367.09	\$0.00		\$367.09
Bank of America	3/1/2022	2/3/2022	013122	Monthly svc chg January 2022	\$421.17	\$0.00		\$421.17
				<i>Totals for Bank of America</i>	<u>\$788.26</u>	<u>\$0.00</u>		<u>\$788.26</u>
Best Best & Kreiger LLP								
Best Best & Kreiger LLP	3/1/2022	2/11/2022	926961	PD Legal svcs January 2022	\$348.80	\$0.00		\$348.80
Best Best & Kreiger LLP	3/1/2022	2/11/2022	926962	Labor/Empl Legal svcs January 2022	\$69.20	\$0.00		\$69.20
Best Best & Kreiger LLP	3/1/2022	2/11/2022	926963	Employee Benefit Legal svcs January 2022	\$173.00	\$0.00		\$173.00
Best Best & Kreiger LLP	3/1/2022	2/11/2022	926964	Complex Code Enf Legal svcs January 2022	\$1,072.60	\$0.00		\$1,072.60
Best Best & Kreiger LLP	3/1/2022	2/11/2022	926965	Legal svcs January 2022	\$9,938.00	\$0.00		\$9,938.00
				<i>Totals for Best Best & Kreiger LLP</i>	<u>\$11,601.60</u>	<u>\$0.00</u>		<u>\$11,601.60</u>
CalPERS Health								
CalPERS Health	3/1/2022	2/14/2022	16715980	Medical March 2022	\$38,238.58	\$0.00		\$38,238.58
				<i>Totals for CalPERS Health</i>	<u>\$38,238.58</u>	<u>\$0.00</u>		<u>\$38,238.58</u>
CalPERS Retirement								
CalPERS Retirement	3/1/2022	2/20/2022	022022	Retirement PPE 2/20/22	\$19,621.99	\$0.00		\$19,621.99
				<i>Totals for CalPERS Retirement</i>	<u>\$19,621.99</u>	<u>\$0.00</u>		<u>\$19,621.99</u>
CCWD								
CCWD	3/1/2022	2/7/2022	H Series	Water 12/7/21-2/3/22	\$10,031.04	\$0.00		\$10,031.04
				<i>Totals for CCWD.</i>	<u>\$10,031.04</u>	<u>\$0.00</u>		<u>\$10,031.04</u>
Cintas Corporation								
Cintas Corporation	3/1/2022	2/10/2022	4110319779	PW uniforms through 2/10/22	\$49.00	\$0.00		\$49.00
Cintas Corporation	3/1/2022	2/3/2022	4109648030	PW uniforms through 2/03/22	\$49.00	\$0.00		\$49.00
				<i>Totals for Cintas Corporation</i>	<u>\$98.00</u>	<u>\$0.00</u>		<u>\$98.00</u>
City of Concord								
City of Concord	3/1/2022	2/10/2022	91663	Dispatch svcs March 2022	\$25,639.87	\$0.00		\$25,639.87
				<i>Totals for City of Concord</i>	<u>\$25,639.87</u>	<u>\$0.00</u>		<u>\$25,639.87</u>
Clayton Valley Village								
Clayton Valley Village	3/1/2022	2/11/2022	HH111716	Deposit refund	\$200.00	\$0.00		\$200.00

City of Clayton
Open Invoice Report
Obligations

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Expires On	Net Amount Due
Totals for Clayton Valley Village					\$200.00	\$0.00		\$200.00
Comcast Business (PD)								
Comcast Business (PD)	3/1/2022	2/1/2022	138727932	PD Internet January 2022	\$935.42	\$0.00		\$935.42
Comcast Business (PD)	3/1/2022	2/15/2022	021522	The Grove Park Internet 2/15/22-3/14/22	\$213.19	\$0.00		\$213.19
Totals for Comcast Business (PD)					\$1,148.61	\$0.00		\$1,148.61
Concord Uniforms								
Concord Uniforms	3/1/2022	2/9/2022	19215	PD uniform	\$124.90	\$0.00		\$124.90
Concord Uniforms	3/1/2022	2/7/2022	19202	PD uniform	\$268.78	\$0.00		\$268.78
Concord Uniforms	3/1/2022	2/4/2022	19197	PD uniform	\$35.07	\$0.00		\$35.07
Totals for Concord Uniforms					\$428.75	\$0.00		\$428.75
Contra Costa County Animal Svcs Dept								
Contra Costa County Animal Svcs Dept	3/1/2022	1/1/2022	ASD M7096	Animal services Q3 FY 2022	\$19,244.56	\$0.00		\$19,244.56
Totals for Contra Costa County Animal Svcs Dept					\$19,244.56	\$0.00		\$19,244.56
De Lage Landen Financial Services, Inc.								
De Lage Landen Financial Services, Inc.	3/1/2022	2/5/2022	75314678	Late fee copier contract	\$27.19	\$0.00		\$27.19
De Lage Landen Financial Services, Inc.	3/1/2022	2/21/2022	75549486	Copier lease March 2022	\$1,004.48	\$0.00		\$1,004.48
Totals for De Lage Landen Financial Services, Inc.					\$1,031.67	\$0.00		\$1,031.67
Heidi Flores								
Heidi Flores	3/1/2022	2/22/2022	CAP0390	Deposit refund	\$1,873.50	\$0.00		\$1,873.50
Totals for Heidi Flores					\$1,873.50	\$0.00		\$1,873.50
Globalstar LLC								
Globalstar LLC	3/1/2022	2/16/2022	27869743	Sat Phone 2/16/22-3/15/22	\$110.55	\$0.00		\$110.55
Totals for Globalstar LLC					\$110.55	\$0.00		\$110.55
Harris & Associates, Inc.								
Harris & Associates, Inc.	3/1/2022	12/28/2021	51005	GHAD Engineering svcs November 2021	\$660.00	\$0.00		\$660.00
Harris & Associates, Inc.	3/1/2022	2/10/2022	51503	CIP Engineering svcs January 2022	\$2,082.50	\$0.00		\$2,082.50
Harris & Associates, Inc.	3/1/2022	2/10/2022	51504	Engineering svcs January 2022	\$11,601.00	\$0.00		\$11,601.00
Totals for Harris & Associates, Inc.					\$14,343.50	\$0.00		\$14,343.50
Troy Johnston								
Troy Johnston	3/1/2022	2/10/2022	CAP0386	C&D refund	\$1,000.00	\$0.00		\$1,000.00
Totals for Troy Johnston					\$1,000.00	\$0.00		\$1,000.00
KB Security Kams, Inc								
KB Security Kams, Inc	3/1/2022	2/17/2022	8713259	Cameras and data storage for The Grove Park	\$19,781.66	\$0.00		\$19,781.66
Totals for KB Security Kams, Inc					\$19,781.66	\$0.00		\$19,781.66

Mission Square Retirement

City of Clayton

Open Invoice Report

Obligations

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Roto-Rooter Sewer/Drain Service	3/1/2022	2/4/2022	510-23726311	Water heater install @ Corp Yard	\$3,096.48	\$0.00		\$3,096.48
Roto-Rooter Sewer/Drain Service	3/1/2022	2/4/2022	510-23716913	Pressure tank @ Corp Yard for hot water	\$547.74	\$0.00		\$547.74
Roto-Rooter Sewer/Drain Service	3/1/2022	2/4/2022	510-23716933	PD Replace toilet	\$1,175.70	\$0.00		\$1,175.70
				<i>Totals for Roto-Rooter Sewer/Drain Service</i>	<i>\$4,819.92</i>	<i>\$0.00</i>		<i>\$4,819.92</i>
Swenson's Mobile Fleet Repair								
Swenson's Mobile Fleet Repair	3/1/2022	2/3/2022	I004266	PW veh svc '99 F450	\$3,685.59	\$0.00		\$3,685.59
Swenson's Mobile Fleet Repair	3/1/2022	2/14/2022	I004300	PW veh svc '06 F550	\$4,617.02	\$0.00		\$4,617.02
				<i>Totals for Swenson's Mobile Fleet Repair</i>	<i>\$8,302.61</i>	<i>\$0.00</i>		<i>\$8,302.61</i>
Texas Life Insurance Company								
Texas Life Insurance Company	3/1/2022	2/14/2022	SM0F1B2022021300	Supplemental insurance	\$42.25	\$0.00		\$42.25
				<i>Totals for Texas Life Insurance Company</i>	<i>\$42.25</i>	<i>\$0.00</i>		<i>\$42.25</i>
Verizon Wireless								
Verizon Wireless	3/1/2022	2/1/2022	542069371-00002	PW cell phones 1/2/22-2/1/22	\$207.58	\$0.00		\$207.58
				<i>Totals for Verizon Wireless</i>	<i>\$207.58</i>	<i>\$0.00</i>		<i>\$207.58</i>
Western Exterminator								
Western Exterminator	3/1/2022	2/2/2022	38373C	Pest Control February 2022	\$461.70	\$0.00		\$461.70
				<i>Totals for Western Exterminator</i>	<i>\$461.70</i>	<i>\$0.00</i>		<i>\$461.70</i>
Workers.com								
Workers.com	3/1/2022	2/4/2022	132021	Seasonal workers week end 1/30/22	\$2,324.71	\$0.00		\$2,324.71
Workers.com	3/1/2022	2/11/2022	132070	Seasonal workers week end 2/6/22	\$2,927.42	\$0.00		\$2,927.42
				<i>Totals for Workers.com</i>	<i>\$5,252.13</i>	<i>\$0.00</i>		<i>\$5,252.13</i>
GRAND TOTALS:					\$228,413.32	\$0.00		\$228,413.32

Payroll Summary

City of Clayton

Check Date: 02/11/2022

Process: 2022021101

Pay Period: 01/24/2022 to 02/06/2022

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Payroll Totals

Payroll Checks	Check Type	Count	Net Check	Dir Dep Amount	Net Amount	
	Regular	31	0.00	66,837.94	66,837.94	
	Totals	31	0.00	66,837.94	66,837.94	→ 66,837.94

Payroll Checks	Check Type	Agency Type	Count	Net Check	Dir Dep Amount	Net Amount	
	Agency	EFSDU	1	0.00	9.23	9.23	
	Agency	Regular	1	0.00	663.50	663.50	
	Totals		2	0.00	672.73	672.73	→ 672.73

	Total Net Payroll Liability			0.00	67,510.67	67,510.67	→ 67,510.67
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Tax Liability

CA and Related Taxes	Tax Id	Rate	Frequency	Wage	Cap Wages	EE Amount	ER Amount	
CA SDI - Employee			Semi-Weekly	96,887.14	96,887.14			
California SITW			Semi-Weekly	94,623.68	94,623.68	4,564.25		
Totals						4,564.25	0.00	→ 4,564.25

CASUI and Related Taxes	Tax Id	Rate	Frequency	Wage	Cap Wages	EE Amount	ER Amount	
CA Edu & Training		0.001000	Quarterly	96,887.14	7,249.56		7.25	
California SUI		0.020000	Quarterly	96,887.14	7,249.56		144.99	
Totals						0.00	152.24	→ 152.24

FITW and Related Taxes	Tax Id	Rate	Frequency	Wage	Cap Wages	EE Amount	ER Amount	
Federal Income Tax			Semi-Weekly	94,623.68	94,623.68	12,296.01		
Medicare			Semi-Weekly	96,887.14	96,887.14	1,404.89		
Medicare - Employer			Semi-Weekly	96,887.14	96,887.14		1,404.86	
OASDI			Semi-Weekly	2,350.00	2,350.00	145.70		
OASDI - Employer			Semi-Weekly	2,350.00	2,350.00		145.70	
Totals						13,846.60	1,550.56	→ 15,397.16

FUTA and Related Taxes	Tax Id	Rate	Frequency	Wage	Cap Wages	EE Amount	ER Amount	
Fed Unemployment			Quarterly	96,887.14	7,249.56		43.50	
Totals						0.00	43.50	→ 43.50

	Total Tax Liability					18,410.85	1,746.30	→ 20,157.15
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	Total Payroll Liability					87,667.82		→ 87,667.82
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Billing



Paylocity Corporation
(888) 873-8205

Payroll Summary

City of Clayton

Check Date: 02/11/2022

Process: 2022021101

Pay Period: 01/24/2022 to 02/06/2022

Page 2 of 2

Invoice	Date	Gross	Discount	Tax	Adjustment	Amount
Totals →						

Transfers

Type	Date	Source Account	Amount
Dir Dep	2/10/2022		66,837.94
Tax	2/10/2022		20,157.15
Trust Agency	2/10/2022		672.73
Totals Transfers			87,667.82 → 87,667.82

Tax Deposits

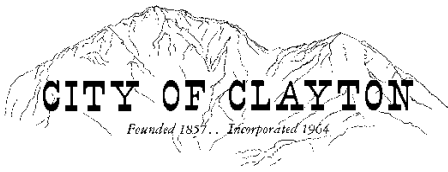
Required Tax Deposits	Tax	Due On	Amount
(Deposit made by Service Bureau)	California SITW	2/16/2022	4,564.25
(Deposit made by Service Bureau)	Federal Income Tax	2/16/2022	15,397.16
(Deposit made by Service Bureau)	California SUI	5/2/2022	152.24
(Deposit made by Service Bureau)	Fed Unemployment	5/2/2022	43.50
	Total Tax Deposits		20,157.15



Paylocity Corporation
(888) 873-8205

User: JGiantvalley

Run on 2/8/2022 at 5:28 PM



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: CITY MANAGER

DATE: March 1, 2022

SUBJECT: Adopt a Resolution of the City Council of the City of Clayton Allowing for Video and Teleconference Meetings during the COVID-19 State of Emergency Under AB 361

RECOMMENDATION

Adopt a Resolution of the City Council allowing for video and teleconference meetings during the COVID-19 state of emergency under AB 361.

BACKGROUND

Last year, the State Legislature passed and Governor Newsom signed AB 361 which continues many of the provisions related to the Brown Act that were in place under Executive Orders, which expired September 30, 2021 that allowed for video and teleconferencing during the state of emergency. Since AB 361 has been signed into law, the City can continue to meet virtually until such time as the Governor declares the State of Emergency due to COVID-19 over and measures to promote social distancing are no longer recommended.

On September 20, 2021, the Contra Costa County Health Officer issued recommendations for safely holding public meetings and strongly recommends on-line meetings. If in-person meetings need to occur, the County Health Officer recommends social distancing of six feet of separation between all attendees. The proposed resolution provides that the City Council and all subsidiary City boards and commissions may continue to hold video and teleconference meetings while the state of emergency is still in effect and physical distancing is recommended.

In order to continue to hold video and teleconference meetings, the City Council will need to review and make findings every thirty days that the state of emergency continues to directly impact the ability of the members to meet safely in person and that state or local officials continue to impose or recommend measures to promote physical distancing.

Subject: Resolution Allowing for Video and Teleconference Meetings during the COVID-19 State of Emergency Under AB 361

Date: March 1, 2022

Page 2 of 2

FISCAL IMPACT

None.

Attachment:

Resolution of the City Council Allowing for Video and Teleconference Meetings during the COVID-19 State of Emergency Under AB 361

RESOLUTION NO. XX-2022
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAYTON
ALLOWING FOR VIDEO AND TELECONFERENCE MEETINGS DURING THE
COVID-19 STATE OF EMERGENCY UNDER AB 361

WHEREAS, on March 4, 2020, the Governor of the State of California proclaimed a State of Emergency for COVID-19;

WHEREAS, AB 361 was recently passed by the State Legislature and signed by Governor Newsom and went into effect immediately and allows the City to continue to meet virtually until such time as the Governor declares the State of Emergency due to COVID-19 over and measures to promote physical distancing are no longer recommended;

WHEREAS, on September 20, 2021 the Contra Costa County Health Officer issued recommendations for safely holding public meetings and strongly recommends on-line meetings and if in person meetings occur then recommends physical distancing of six feet of separation between all attendees;

WHEREAS, in light of this recommendation, the City Council desires for itself and for all other City legislative bodies that are subject to the Brown Act to continue to meet via video and/or teleconference; and

WHEREAS, pursuant to AB 361 the City Council will review the findings required to be made every 30 days.

NOW THEREFORE BE IT RESOLVED the City Council hereby finds on behalf of itself and all other City legislative bodies: (1) a state of emergency has been proclaimed by the Governor; (2) the state of emergency continues to directly impact the ability of the City's legislative bodies to meet safely in person; and (3) local officials continue to recommend measures to promote physical distancing.

BE IT FURTHER RESOLVED that the City Council and all other City legislative bodies will continue to meet via video and/or teleconference during the COVID-19 emergency.

PASSED AND ADOPTED by the Clayton City Council, State of California, on this 1st day of March 2022, by the following vote.

AYES:

NOES:

ABSENT:

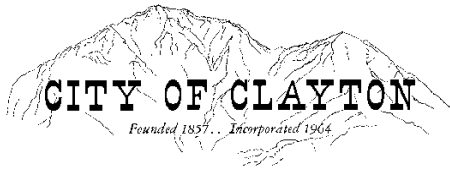
ABSTAIN:

**THE CITY COUNCIL OF CLAYTON,
CA**

Peter Cloven, Mayor

ATTEST:

Janet Calderon, City Clerk



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Janet Calderon, City Clerk

DATE: March 1, 2022

SUBJECT: Adopt a Resolution Appointing Nine (9) Citizens to the Trails and Landscaping Committee for terms of office commencing March 1, 2022 through December 31, 2023

BACKGROUND

On December 31, 2021 the terms of appointed offices expired for Trails and Landscape Committee members Trisha Brown, Karen Case, Scott Feuer, Suzanne Brennan, William Wiggins. Unfortunately, Trisha Brown, Karen Case, Scott Feuer, Suzanne Brennan, William Wiggins have resigned from their positions.

The Council's Trails and Landscaping interview sub-committee (Mayor Cloven and Vice Mayor Tillman) has recommended appointment of Nancy Topp, Erin Bennett, Tom Brand, Craig Nuchols, Kate Happy, Patricia (Patti) Pratt, Stephen Rossi, Allison Snow, and Joyce Wells. These citizen appointments will bring the total membership to nine (9) for this advisory committee (11 maximum).

RECOMMENDATION

Upon recommendation of the City Council sub-committee, it is proposed by minute motion, the City Council adopt the attached Resolution appointing Nancy Topp, Erin Bennett, Tom Brand, Craig Nuchols, Kate Happy, Patricia (Patti) Pratt, Stephen Rossi, Allison Snow, and Joyce Wells to this citizens' advisory Committee.

FISCAL IMPACT

None; TLC members serve without compensation or stipend.

Attachments: Resolution- 2 pages
TLC Applications – 10 pages

RESOLUTION NO. ##- 2022

**A RESOLUTION APPOINTING NINE CITIZENS
TO THE TRAILS AND LANDSCAPING CITIZENS ADVISORY COMMITTEE**

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

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

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

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

WHEREAS, on December 31, 2021 five terms of office expired for five citizens serving on the TLC, unfortunately, all five members have resigned; and

WHEREAS, nine citizens (Nancy Topp, Erin Bennett, Tom Brand, Craig Nuchols, Kate Happy, Patricia (Patti) Pratt, Stephen Rossi, Allison Snow, and Joyce Wells) submitted applications expressing interest to serve on the Trails and Landscaping Committee;

WHEREAS, the City Council's TLC Interview Sub-Committee has considered and does recommend appointment of nine interested citizens (Nancy Topp, Erin Bennett, Tom Brand, Craig Nuchols, Kate Happy, Patricia (Patti) Pratt, Steven Rossi, Allison Snow, and Joyce Wells) to the Trails and Landscaping Committee.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California, does hereby appoint Nancy Topp, Erin Bennett, Tom Brand, Craig Nuchols, Kate Happy, Patricia (Patti) Pratt, Stephen Rossi, Allison Snow, and Joyce Wells to the Trails and Landscaping Citizens' Advisory Committee of the City of Clayton for the term of appointed office to expire on December 30, 2023.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held the 1st day of March 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

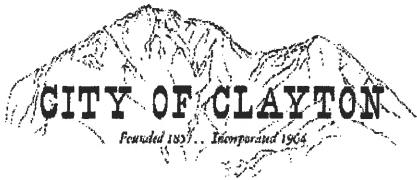
ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

Peter Cloven, Mayor

ATTEST:

Janet Calderon, City Clerk



RECEIVED

FEB 08 2022

City of Clayton

**APPLICATION FOR
TRAILS AND LANDSCAPING COMMITTEE**

Name Nancy Topp Address Clayton, CA 94517

Home Phone _____ Business Phone _____

E-mail address: _____ Length of residency in Clayton 25 years

Occupation Accountant Present employer Nancy Topp, CPA

Why are you interested in serving on this Committee? _____

I would like to become aware of the challenges and resources involved with the maintenance
and improvement of Clayton's trails and landscape, and through the TL committee,
provide oversight and direction as applicable.

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

My vision is that Clayton trails and landscape be timely and well maintained.

That the landscaping be attractive, sustainable and affordable.

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

Hiking and yoga are my primary hobbies. Per my training, I am familiar with budgets,
contracts, deliverables, work timelines, and assessing challenges and constraints.

List 3 references with phone numbers: 1. Terri Denslow (510) 334-8617

2. Bassam Altwal (415) 310-3010

3. Karen Synoweic (510) 579-2533

* * * * *

Signature: Nancy Topp

Date: February 8, 2022



RECEIVED

FEB 09 2022

City of Clayton

APPLICATION FOR
TRAILS AND LANDSCAPING COMMITTEE

Name Erin Bennett Address Clayton

Home Phone _____ Business Phone _____

E-mail address: _____ Length of residency in Clayton 9.25 years

Occupation Sales Present employer Labcorp Drug Development

Why are you interested in serving on this Committee? My family and I enjoy the trails our

community offers and, I'm interested in serving the community that I love. This particular
committee is a great intersection of these two interests. We chose to live in
Clayton, in part, due to the trails.

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

My initial focus is on the maintenance and
improvement of existing areas. Then, I'd listen to
input of citizens and other committee members for a
larger vision.

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

I enjoy family time hiking and traveling. I have a
MBA and manage multi-million dollar budgets ^{in my} profes
sional life. I volunteer with the elementary school
and community

List 3 references with phone numbers: 1. Matt Tillman 925-826-7426

2. Steve Rossi 510-393-9354

3. Kelly Bernal 925-818-5107

* * * * *

Signature: Erin Bennett

Date: 09 Feb 2022

RECEIVED

FEB 09 2022



City of Clayton

APPLICATION FOR
TRAILS AND LANDSCAPING COMMITTEE

Name Tom Brand Address _____
Home Phone _____ Business Phone NA
E-mail address: _____ Length of residency in Clayton 8 years
Occupation retired Present employer NA

Why are you interested in serving on this Committee? My wife and I regularly
walk all of Clayton's trails and enjoy the
landscaping. I want to keep them in good
Condition

What is your vision for the trails and public landscaped areas of our City? _____
Proper maintenance; dedicated funding;
adequate staffing

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

Interests: hiking, gardening, travel
Training/Education: Career in Federal facilities management
& energy/water conservation; Masters Public Administration

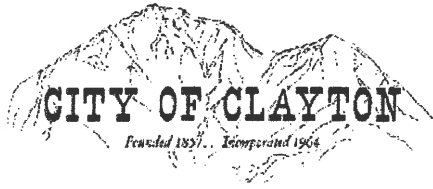
- List 3 references with phone numbers: 1. Joe Sbranti, City Manager Pittsburg (retired)
2. Jim Hirahara, Director NNSA, US Dept of Energy, Oakland (retired)
3. Jones Horn, Planning Commissioner, City of Fairfield (retired)

Signature: _____

Tom Brand

Date: _____

2/9/2022



RECEIVED

FEB 09 2022

City of Clayton

APPLICATION FOR
TRAILS AND LANDSCAPING COMMITTEE

Name KATE HAPPY Address _____

Home Phone _____ Business Phone _____

E-mail address: _____ Length of residency in Clayton 24 yrs.

Occupation Water Educator Present employer Contra Costa Water District

Why are you interested in serving on this Committee? I have long been
interested in getting more involved and as an avid
user of the trail system this would be an ideal
way for me to participate and enhance the city's
trails.

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

In addition to maintaining the trails I
would like to see a plan for greater community
involvement, coordination with the CBCA and other
groups for mutual

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

I enjoy travel, history and reading. In past work
experiences as a consultant I have knowledge on
board governance and non profit management that
could be useful in this position.

List 3 references with phone numbers: 1. Sandy Macavilay (925) 207-3041

2. Joy Buchanan (925) 914-1180

3. Carol Loflin (925) 487-4981

* * * * *

Signature: Kate Happy

Date: 2/9/22



RECEIVED

FEB 09 2022

City of Clayton

APPLICATION FOR
TRAILS AND LANDSCAPING COMMITTEE

Name Patricia (Patti) Pratt Address Clayton, CA 94517

Home Phone _____ Business Phone _____

E-mail address: _____ Length of residency in Clayton 15 years with a 9 year gap

Occupation retired Present employer _____ 2010-2021

Why are you interested in serving on this Committee? having raised my children in Clayton enjoying the beauty and utilizing the vast trail system, I want to ensure that it remains taken care of.

What is your vision for the trails and public landscaped areas of our City? to keep them clean, maintained and accessible to all.

Please share your interests and hobbies, special training or education: I developed and ran a non profit dramamama program here for many years. I believe in giving back to our community. As a former account manager I have always worked with non profits in my communities.

List 3 references with phone numbers: 1.

2. Micki Walls 925-787-3183
3. Pam Hall 925-708-7682

Signature: Patricia Pratt

Date: 2/8/22



RECEIVED

FEB 09 2022

City of Clayton

APPLICATION FOR
TRAILS AND LANDSCAPING COMMITTEE

Name Allison Snow Address Clayton

Cell Home Phone Business Phone _____

E-mail address: _____ Length of residency in Clayton 22+ yrs.

Occupation Retired Present employer Retired

Why are you interested in serving on this Committee? Clayton's natural beauty is one of its best features; I believe in preserving our trails + landscaping, by providing strategic direction and fiscally responsible allocation of resources, to keep Clayton beautiful.

What is your vision for the trails and public landscaped areas of our City? We must balance the needs of our landscaping with the ever-changing climatic issues; my experience in both landscaping + leadership, will help us manage our wants + needs effectively.

Please share your interests and hobbies, special training or education: My grandparents and parents owned/operated a Retail Plant Nursery + Landscaping firm, where I worked for 10+ years. I'm an avid gardener still, focusing on drought-tolerant plantings.

List 3 references with phone numbers: 1. Holly Tillman (9) 352-3865
2. Jeff Wan (9) 482-6631
3. Bill Vineyard (9) 872-2934 (former T+L Cmte member and Neighbor / Clayton resident)

* * * * *

Signature: ASnow

Date: 2/7/2022

Good Afternoon,

I am applying to serve on Clayton's Trails and Landscaping Committee (see attached application). I am a long-time Clayton resident, and have experience working at my grandparents and parents' retail plant nursery for over 10 years. I am an avid gardener, focusing mostly on drought-tolerant plants.

One of Clayton's greatest assets is our beautiful neighborhoods and trails, the backdrop of Mt. Diablo, and our engaged community. Now that my children are grown, and I am retired, I can commit to a consistent schedule of volunteering in our community.

I have extensive business experience, not only running my own consulting firm, but working for larger companies, and helping them to meet their mission, while staying on budget. I'd like to match my passion for outdoor life with the ability to get the job done.

Our trails and landscaping is in good condition, however, with the changing climate, plus our annual threat of wildfires, we need to be proactive in managing our trails and landscaping.

Thank you for considering my application. I look forward to working with the City and the City Council to help us achieve our goals.

Allison Snow

RECEIVED

FEB 09 2022

City of Clayton



APPLICATION FOR
TRAILS AND LANDSCAPING COMMITTEE

Name Joyce Wells Address _____
Home Phone _____ Business Phone CC 11
E-mail address: _____ Length of residency in Clayton 27+ years
Occupation Retired Present employer Retired

Why are you interested in serving on this Committee?

Retired today I love my community and
would like to contribute. I'm an outdoors
person with an interest in trails and gardening

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

Trails - accessibility and sustainability
landscaping - drought tolerant and attractive
with low maintenance

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

horseback riding
hvac
camping

- List 3 references with phone numbers: 1. Dianne Yoder 415 385 1424
2. Jim Barr 925-963-8129
3. Nicole Carroll 925-395-3899

Signature: _____

Joyce Wells

Date: _____

4 Feb 2022



APPLICATION FOR TRAILS AND LANDSCAPING COMMITTEE

Name Craig A. Nuchols Address _____

Home Phone _____ Business Phone _____

E-mail address: _____ Length of residency in Clayton 22 years

Occupation Operations Manager Present employer Mountain View Cemetery

Why are you interested in serving on this Committee? I am very proud to be a resident of Clayton.

The city and its residents mean a great deal to me. Over the past decade, I have often wanted to serve in
my community. I believe with my work background, the Trails and Landscape Committee is a great
opportunity to start a relationship with the city.

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

When I think of the city's walking trails and landscaped areas, I envision water conscience plantings
that provide interest and beauty. I would like to see the trails maintained for safe conditions. The city's
trail system has a great opportunity to create a seamless landscape transition to the mountain.

Please share your interests and hobbies, special training or education: I am an outdoor enthusiast.
I can routinely be found walking with my dog along the city's trail system. I enjoy gardening and yard
improvement projects. My current occupation, along with being a golf course superintendent, as well
as a NFL head groundskeeper, has allowed me to put a high attention to detail to overall projects.

- List 3 references with phone numbers: 1. Ed Moresi, Clayton resident, (925) 765-3672
2. Eric Thompson, Clayton resident, (916) 412-1774
3. Monica Stellini, former Clayton resident, (925) 250-0357

* * * * *

Signature: Craig A. Nuchols

Date: 02/08/2022



APPLICATION FOR TRAILS AND LANDSCAPING COMMITTEE

Name STEPHEN ROSSI Address [REDACTED]

Home Phone [REDACTED] Business Phone SAME

E-mail address: [REDACTED] Length of residency in Clayton 10 years

Occupation PROGRAM MANAGER Present employer ABBOTT

Why are you interested in serving on this Committee? _____

TO CONTRIBUTE IN A POSITIVE WAY TO THE BEAUTY OF
OUR LITTLE TOWN AND TO PRESERVE & PROTECT ITS
NATURAL BEAUTY.

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

TRAILS SHOULD BE WELL MAINTAINED AND SAFE. PUBLIC
LANDSCAPE SHOULD BE BEAUTIFUL AND INVITING.

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

FAMILY, COMMUNITY, HIKING, BIKING

TRAINED IN BIOENGINEERING & PROGRAM MANAGEMENT

List 3 references with phone numbers: 1. CHRISTINE BROOME 510-393-1125

2. ERIN BENNETT 925-353-6948

3. HOLLY TILLMAN 925-352-3865

* * * * *

Signature: _____

Date: 02-24-2022



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: Dana Ayers, Community Development Director

DATE: March 1, 2022

SUBJECT: Acceptance of the 2021 General Plan Implementation and Housing Element Annual Progress Report

RECOMMENDATION

Staff recommends the City Council adopt the attached Resolution accepting the City's 2021 Housing Element Annual Progress Report (APR) and summary of actions related to implementation of other General Plan policies.

BACKGROUND

Government Code Section 65400 requires the planning agency of each jurisdiction to prepare an annual report on the progress in implementation of the jurisdiction's general plan and general plan housing element. The report from the jurisdiction's planning director or staff must be submitted by April 1 of each year to the jurisdiction's legislative body (city council or board of supervisors), to the State Department of Housing and Community Development (HCD) and to the State Office of Planning and Research (OPR).

HCD uses the APR as a tool to facilitate implementation of a community's housing element as well as for the tracking and monitoring of progress in addressing statewide housing needs and goals. Jurisdictions must report the number of residential units in all pending development applications, the number of housing units approved or entitled, and the number of final inspections or certificates of occupancy granted for the reporting calendar year.

The APR includes information on a jurisdiction's progress toward addressing its Regional Housing Needs Allocation (RHNA), including the number of housing units permitted by income level (number of building permits issued), the status of programs in the housing element, and efforts to remove government constraints. HCD also uses the submittal of the report as one of its threshold requirements for local public agencies to qualify for certain State grants or

program funds. The data reported in the APR is provided to HCD for informational purposes only and does not affect certification status of the housing element for the current cycle.

This Agenda report and the attached Resolution also summarize actions taken by the City during the calendar year 2021 with respect to other policies in the Clayton General Plan.

DISCUSSION

This report for the City of Clayton covers the calendar year of January 1 to December 31, 2021. In that timeframe, the Council considered various actions that relate to adopted policies of the Clayton General Plan and Housing Element.

The City's Capital Improvement Program (CIP), adopted on June 29, 2021, included a list of and appropriations for various infrastructure projects. Some of these projects—including upgrades to Pine Hollow Road and road pavement preservation and accessibility improvements in various locations in the City (CIP Nos. 10379, 10394A, 10448 and 10449)—implement multiple General Plan policies adopted to encourage use of multimodal travel options and systematic upgrade of City streets (Circulation Policies 7b and 9c Policy 9C, Open Space Policy 1c, Safety Policy 14b and Growth Management Goal 3). Other projects in the CIP (Oak/Grassland Savanna Maintenance, CIP No. 10446, and Emergency/Auxiliary Power at City Hall Complex, CIP No. 10447) implement Safety Element Goal 1 and Objectives 11b and 13 and support the City's efforts to reduce fire risk in the City's grassland areas and plan for disaster response.

The 2021 calendar year was the City's seventh full year of the current 2015-2023 Housing Element cycle, and the City has taken various steps during these seven years to implement the majority of the approved programs of the adopted and HCD-certified 2015-2023 Housing Element, including: 1) consideration of standards for accessory dwelling units, consistent with Housing Element Policy I.3; 2) adoption of Ordinance No. 484 which applied to rental housing the same inclusionary requirements as were previously imposed on ownership housing, consistent with Housing Element Implementation Measure I.2.1 and in accordance with the provisions of Assembly Bill 1505; and 3) initiation of a study to evaluate land use options for development of the City-owned property on Oak Street between Main Street and Clayton Road, an effort related to the intent of Housing Element Implementation Measure I.4.1 to promote and pursue development opportunities in the Town Center.

This year's APR acknowledges affordable and market-rate housing units approved by the City, which approvals are consistent with Implementation Measure I.2.1 and I.3.1 supporting development of accessory dwelling units and inclusion of affordable units in new residential projects of 10 or more units. More specifically, the 2021 APR recognizes the City's approval of Planning entitlements for the Diablo Meadows and Oak Creek Canyon residential subdivisions in February and July 2021, respectively. These two projects together consist of construction of 23 Above-Moderate Income single-family residences, one Moderate-Income single-family residence, and four accessory dwelling units, one of which will be deed restricted for occupancy by a Low-Income household. Three building permits for accessory dwelling units were requested by three existing single-family home owners in 2021, and these are also noted in this year's report.

FISCAL IMPACT

There are nominal costs related to staff time and printing costs associated with the filing of this report.

ATTACHMENTS

1. Resolution Accepting the 2021 General Plan Implementation Summary and Housing Element Annual Progress Report

Exhibit A to Resolution: Clayton Housing Element Annual Progress Report, 2021

RESOLUTION NO. ____-2022

**A RESOLUTION APPROVING THE CITY OF CLAYTON
2021 GENERAL PLAN IMPLEMENTATION SUMMARY AND HOUSING ELEMENT
ANNUAL PROGRESS REPORT**

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

WHEREAS, Government Code Section 65400 requires the Planning Agency of the City of Clayton, California, to prepare an annual report on the City's progress in implementing the its General Plan and Housing Element using forms and definitions adopted by the California Department of Housing and Community Development (HCD); and

WHEREAS, during the reporting period of January 1 through December 31, 2021, the City Council considered various actions that relate to adopted General Plan policies. The City's Capital Improvement Program (CIP), adopted on June 29, 2021, included a list of and appropriations for various infrastructure projects. Some of these projects—including upgrades to Pine Hollow Road and road pavement preservation and accessibility improvements in various locations in the City (CIP Nos. 10379, 10394A, 10448 and 10449)—implement multiple General Plan policies adopted to encourage use of multimodal travel options and systematic upgrade of City streets (Circulation Policies 7b and 9c Policy 9C, Open Space Policy 1c, Safety Policy 14b and Growth Management Goal 3). Other projects in the CIP (Oak/Grassland Savanna Maintenance, CIP No. 10446, and Emergency/Auxiliary Power at City Hall Complex, CIP No. 10447) implement Safety Element Goal 1 and Objectives 11b and 13 and support the City's efforts to reduce fire risk in the City's grassland areas and plan for disaster response; and

WHEREAS, the 2021 Housing Element Annual Progress Report (APR) includes information on the City of Clayton's progress in addressing its assigned Regional Housing Needs Allocation, including the total number of housing units submitted as part of a development application, the number of housing units entitled, the number of housing units by income level for which a building permit was issued or finalized, the status of programs in the Housing Element, and efforts to remove government constraints for the reporting period; and

WHEREAS, the 2021 calendar year was the City's seventh full year of the current 2015-2023 Housing Element cycle, and the City has taken various steps during these seven years to implement the majority of the approved programs of the adopted and HCD-certified 2015-2023 Housing Element, including consideration of standards for accessory dwelling units, consistent with Housing Element Policy I.3; adoption of Ordinance No. 484 which applied to rental housing the same inclusionary requirements as were previously imposed on ownership housing, consistent with Housing Element Implementation Measure I.2.1 and in accordance with the provisions of Assembly Bill 1505; and initiation of a study to evaluate land use options for development of the City-owned property on Oak Street between Main Street

and Clayton Road, an effort related to the intent of Housing Element Implementation Measure I.4.1 to promote and pursue development opportunities in the Town Center; and

WHEREAS, this year's APR acknowledges affordable and market-rate housing units approved by the City, which approvals are consistent with Implementation Measure I.2.1 and I.3.1 supporting development of accessory dwelling units and inclusion of affordable units in new residential projects of 10 or more units. More specifically, the 2021 APR recognizes the City's approval of Planning entitlements for the Diablo Meadows and Oak Creek Canyon residential subdivisions in February and July 2021, respectively. These two projects together consist of construction of 23 Above-Moderate Income single-family residences, one Moderate-Income single-family residence, and four accessory dwelling units, one of which will be deed restricted for occupancy by a Low-Income household. Three building permits for accessory dwelling units were requested by three existing single-family home owners in 2021, and these are also noted in this year's report; and

WHEREAS, at a public meeting held on March 1, 2022, the Clayton City Council considered the City's proposed on General Plan implementation and Housing Element Annual Progress Report for 2021, including the Agenda Report and all other public comments and discussion thereon, and determined the Reports to be satisfactory and acceptable for submittal to HCD and to the State Office of Planning and Research.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Clayton, California, does hereby accept the 2021 report on General Plan implementation and the 2021 Housing Element Annual Progress Report, a copy of which is attached hereto labeled as Exhibit A and incorporated herein as if fully set forth.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California, at a regular public meeting thereof held on the 1st day of March 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Peter Cloven, Mayor

ATTEST:

Janet Calderon, City Clerk

Exhibit A

Please Start Here

General Information	
Jurisdiction Name	Clayton
Reporting Calendar Year	2021
Contact Information	
First Name	Dana
Last Name	Ayers
Title	Community Development Director
Email	danaa@claytonca.gov
Phone	9256737343
Mailing Address	
Street Address	6000 Heritage Trail
City	Clayton
Zipcode	94517

Optional: Click here to import last year's data. This is best used when the workbook is new and empty. You will be prompted to pick an old workbook to import from. Project and program data will be copied exactly how it was entered in last year's form and must be updated. If a project is no longer has any reportable activity, you may delete the project by selecting a cell in the row and typing ctrl + d.

v 2_15_2022

Jurisdiction	Clayton	
Reporting Year	2021	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	01/31/2015 - 01/31/2023

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

This table is auto-populated once you enter your jurisdiction name and current year data. Past year information comes from previous APRs.
Please contact HCD if your data is different than the material supplied here

Table B													
Regional Housing Needs Allocation Progress													
Permitted Units Issued by Affordability													
		1	2									3	4
Income Level		RHNA Allocation by Income Level	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Very Low	Deed Restricted	51	-	-	-	-	-	-	-	-	-	-	51
	Non-Deed Restricted		-	-	-	-	-	-	-	-	-	-	
Low	Deed Restricted	25	-	-	-	-	-	-	-	-	-	7	18
	Non-Deed Restricted		-	1	1	-	-	3	2	-	-	-	
Moderate	Deed Restricted	31	-	-	-	-	-	-	-	-	-	-	31
	Non-Deed Restricted		-	-	-	-	-	-	-	-	-	-	
Above Moderate		34	-	-	8	-	-	-	-	-	-	8	26
Total RHNA		141											
Total Units			-	1	9	-	-	3	2	-	-	15	126

Note: units serving extremely low-income households are included in the very low-income permitted units totals and must be reported as very low-income units.

Please note: For the last year of the 5th cycle, Table B will only include units that were permitted during the portion of the year that was in the 5th cycle. For the first year of the 6th cycle, Table B will include units that were permitted since the start of the planning period.

Please note: The APR form can only display data for one planning period. To view progress for a different planning period, you may login to HCD's online APR system, or contact HCD staff at apr@hcd.ca.gov.

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction	Clayton		
Reporting Year	2021 (Jan. 1 - Dec. 31)		
Table D			
Program Implementation Status pursuant to GC Section 65583			
Housing Programs Progress Report			
Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.			
1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
Implementation Measure I.1.1	To ensure adequate available sites to meet the City's RHNA, the City will maintain an inventory of sites available and appropriate for residential development for households at all income levels	12/31/2023	The City continues to maintain adequate sites available and appropriate for residential development for households at all income levels.
Implementation Measure I.1.2	The City will amend the Multi-Family High Density (MHD) General Plan land use designation or otherwise amend the General Plan and/or Zoning Ordinance as needed to meet state requirements specific to sites rezoned to accommodate the City's lower-income RHNA from the 2007-2014 planning period, specifically to allow multi-family housing by-right on these sites at a minimum density of 20 units per acre.	1/31/2016	The City Council approved a General Plan amendment on July 19, 2016, changing the allowable density in Multi-Family High Density (MHD) from 15.1 to 20 units per acre to 20 units per acre. On August 16, 2016, the City Council passed and adopted an Ordinance requiring multifamily housing types to meet the minimum density limits as set forth in the General Plan. The above was the last action required by the City to meet state law (Gov Code Section 65583.2(h) and (i)).

Implementation Measure I.2.1	For residential projects of 10 or more units, developers will be required to develop an Affordable Housing Plan that requires a 10% minimum of the units to be built or created as affordable housing units.	12/31/2023	On August 16, 2016, the City Council passed and adopted an Inclusionary Housing Ordinance, which provided the details of the Affordable Housing Plan as identified in Implementation Measure I.2.1. This Ordinance requires that 10% of the units for ownership residential projects containing 10 or more units to be established as affordable housing units. On January 15, 2019, the City Council passed an Ordinance to apply the same inclusionary housing requirements to rental housing projects as allowed for by Assembly Bill 1505. The Diablo Meadows residential development, approved by the City Council in February 2020, consists of 18 single-family homes and 2 accessory dwelling units, of which one single-family residence and its accessory dwelling must be affordable to Moderate and Low Income households, respectively.
Implementation Measure I.3.1	The City Shall continue to promote the development of second dwelling units and will aim to approve two second dwelling units a year.	12/31/2023	The City continues to promote second dwelling units (accessory dwelling units) and provides informational handouts. The City issued zoning clearance for three accessory dwelling units in each of the 2020 and 2021 calendar years. In 2021, the City approved two housing developments (Diablo Meadows and Oak Creek Canyon), which will include four accessory dwelling units between them.
Implementation Measure I.4.1	To encourage development of mixed-use projects in Town Center, the City has adopted the Specific Plan which details policy direction, standards, and guidelines that encourage mixed-use and second-story residential. The City will promote development opportunities in the Town Center. The City will facilitate the development of at least one-mixed use project within the planning period.	12/31/2023	The City continues to promote and encourage mixed-use development in the Town Center through the availability of the Specific Plan and discussions with potential developers. The Town Center Specific Plan is available at City offices as well as on the City's website. On October 20, 2020, the City initiated a study to evaluate land use options for development of the City-owned property on Oak Street and Clayton Road in the Specific Plan area.
Implementation Measure II.1.1	Work with housing providers to address special housing needs for seniors, large families, female-headed households, single-parent households with children, persons with disabilities and development disabilities, farmworkers, and homeless individuals and families. The City will aim to work with housing providers on at least one project serving a special needs group during the planning period.	12/31/2023	The City continues to discuss special needs populations with housing providers. On March 3, 2020, the City Council approved Planning entitlements for an 81-unit senior residential development with seven units to be reserved for rent to very-low income households.

Implementation Measure II.1.2	The City shall amend the Zoning Ordinance to specifically allow employee housing for six or fewer residents as a permitted use in residential zoning districts.	12/31/2015	On August 16, 2016, the City Council adopted an Ordinance specifically allowing employee housing for six or fewer residents as a permitted use in residential zoning districts, in compliance with Health and Safety Code Section 17021.5.
Implementation Measure II.1.3	The City shall amend the Zoning Ordinance to allow transitional and supportive housing in the LC (Limited Commercial) zoning district as a residential use subject only to the requirements of other residential uses in this district in compliance with Senate Bill 2 (2007).	One to two years after HE adoption	On August 16, 2016, the City Council adopted an Ordinance allowing transitional and supportive housing in the LC zoning district subject only to the requirements of other residential uses in this district.
Implementation Measure II.2.1	The City shall authorize regulatory incentives and concessions for development projects that include extremely low-, very low- and low-income households and special needs groups including disabled and developmentally disabled persons. These incentives and concessions include flexibility in development standards, reduction or deferral of certain development fees, priority application processing, and density bonus. The City will aim to facilitate the development of at least one affordable or special needs project during the planning period.	12/31/2023	The City's Zoning Ordinance allows for flexibility in standards as well as a density bonus for affordable housing developments. The City will also continue to consider regulatory incentives and concessions such as a reduction or deferral in certain development fees and priority application processing. On March 3, 2020, the City Council approved Planning entitlements, including a density bonus with concessions and waivers, for an 81-unit senior residential development with seven units to be reserved for rent to very-low income households.
Implementation Measure II.2.2	The City shall monitor the impact of development fees and consider waiving or deferring fees for affordable housing projects, if and when funding is available.	12/31/2023	The City continues to monitor the impact of development fees and will consider waiving or deferring fees if there is funding available.

Implementation Measure III.1.1	The City shall continue to refer interested persons to the Contra Costa County's Mortgage Credit Certificate Program, the Mortgage Revenue Bond Program, and the Owner-Occupied Housing Rehabilitation Program. The City will continue to disseminate information regarding Contra Costa Housing Authority's Lower-Income Rental Assistance Program and Aftercare Certificates as information becomes available.	12/31/2023	The City continues to promote assistance for first-time homebuyers and lower-income renters by referring inquiries to County programs and by disseminating information as it becomes available.
Implementation Measure III.1.2	The City shall seek funding to develop and implement a down payment assistance program for first-time homebuyers by working with the County or by developing its own program that can be used with the Mortgage Credit Certificate Program, new inclusionary units or alone.	12/31/2015	The City explored funding sources such as CalHome and HOME and did not find any funding sources available for this use. The City will continue to seek funding in order to implement a down payment assistance program for first time homebuyers.
Implementation Measure III.1.3	The City shall review potential funding opportunities through the County HOME program and apply for funding for applicable projects when development opportunities arise.	12/31/2023	The City does not have any eligible projects.
Implementation Measure III.2.1	The City will continue to maintain and annually update the inventory of affordable housing projects and identify those that may be at risk of converting to market rate in the future.	12/31/2023	The City continues to maintain and annually update the inventory of affordable housing, which includes the timeframe of affordability expiration. Annual reports for the privately-owned affordable housing units are required to be submitted to the City.
Implementation Measure IV.1.1	The City shall review its Zoning Ordinance, policies, and practices to ensure compliance with fair housing laws.	12/31/2023	The City continually reviews its Zoning Ordinance, policies and practices to ensure compliance with fair housing laws. The City performs updates and amendments when necessary to ensure compliance.
Implementation Measure IV.2.1	The City will provide information on proposed affordable housing projects to the public through the City's public hearing process in the form of study sessions, public hearings, and public meetings.	12/31/2023	The City ensures the public is notified of any City hearings on development projects, including affordable housing projects. For any such hearings, notice would be placed on community boards within the City, published in the local newspaper of general circulation (East Bay Times) when required, and mailed by first class mail to owners of property within a 300-foot radius of the proposed project site and other parties expressing interest in a project.

Implementation Measure IV.3.1	The City shall continue to distribute public information brochures on reasonable accommodations for disabled persons and enforcement programs of the California Fair Employment and Housing Council.	12/31/2023	The City currently distributes and will continue to distribute public information brochures on reasonable accommodation for disabled persons and enforcement programs.
Implementation Measure IV.3.2	The City will continue to implement its universal design ordinance and continue to distribute its brochure on universal design standards, resources for design, and compliance with City requirements.	12/31/2023	The City continues to implement its universal design ordinance as projects come forward and continues to distribute brochures on universal design.
Implementation Measure V.1.1	The City shall continue to provide energy conservation brochures at City Hall and the Clayton Community Library.	12/31/2023	The City provides and will continue to provide energy conservation brochures at City Hall and at the Clayton Community Library. The City has also dedicated a page on its website to Green Building, which includes energy conservation through building design.
Implementation Measure V.1.2	The City will review and consider possible amendments to the General Plan, Zoning Ordinance, and related policy and regulatory documents to improve energy conservation beyond CalGreen Tier 1 standards.	12/31/2017	The City supports and will continue to support energy conservation by encouraging Green Building in both new development and remodels. During a prior reporting period (2018), the City dedicated a page on its website to Green Building, which includes energy conservation through building design.
Implementation Measure V.1.3	The City will expore home energy and water efficiency improvement financing opportunities available through PACE programs, such as HERO or Figtree.	12/31/2023	The City has opted into three different PACE programs: HERO, Figtree and CaliforniaFirst.
Implementation Measure IV.1.1	The City shall continue to support responsible state legislation which allows municipalities to enter into equitable agreements with other entities to transfer and financially participate in the provision of fair-share housing units closer to transportation centers and work centers outside the city limits, while retaining full credit for transferred units.	12/31/2023	The City supports and will continue to support responsible state lgeislation which allows municipalities to enter into equitable agreements with other entities to transfer and financially participate in the provision of fair-share housing units closer to transportation centers and work centers outside the city limits, while retaining full credit for transferred units.
Implementation Measure VI.1.2	The City shall continue to participate in regional efforts addressing housing, employment, and transportation.	12/31/2023	The City participates in regional efforts addressing housing, employment, and transportation issues by being involved in ABAG's Plan Bay Area process and TRANSPAC (regional transportation planning committee for central Contra Costa County).

Jurisdiction	Clayton	
Reporting Period	2021	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	01/31/2015 - 01/31/2023

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Note: "+" indicates an optional field

Cells in grey contain auto-calculation formulas

Table F									
Units Rehabilitated, Preserved and Acquired for Alternative Adequate Sites pursuant to Government Code section 65583.1(c)									
Please note this table is optional: The jurisdiction can use this table to report units that have been substantially rehabilitated, converted from non-affordable to affordable by acquisition, and preserved, including mobilehome park preservation, consistent with the standards set forth in Government Code section 65583.1, subdivision (c). Please note, motel, hotel, hostel rooms or other structures that are converted from non-residential to residential units pursuant to Government Code section 65583.1(c)(1)(D) are considered net-new housing units and must be reported in Table A2 and not reported in Table F.									
Activity Type	Units that Do Not Count Towards RHNA ⁺ Listed for Informational Purposes Only				Units that Count Towards RHNA ⁺ Note - Because the statutory requirements severely limit what can be counted, please contact HCD to receive the password that will enable you to populate these fields.				The description should adequately document how each unit complies with subsection (c) of Government Code Section 65583.1 ⁺
	Extremely Low-Income ⁺	Very Low-Income ⁺	Low-Income ⁺	TOTAL UNITS ⁺	Extremely Low-Income ⁺	Very Low-Income ⁺	Low-Income ⁺	TOTAL UNITS ⁺	
Rehabilitation Activity									
Preservation of Units At-Risk									
Acquisition of Units									
Mobilehome Park Preservation									
Total Units by Income									

[illegible]

Jurisdiction	Clayton	
Reporting Year	2021	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	01/31/2015 - 01/31/2023

Building Permits Issued by Affordability Summary		
Income Level		Current Year
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	2
Moderate	Deed Restricted	0
	Non-Deed Restricted	0
Above Moderate		0
Total Units		2

Note: Units serving extremely low-income households are included in the very low-income permitted units totals

Units by Structure Type	Entitled	Permitted	Completed
SFA	0	0	0
SFD	28	0	0
2 to 4	0	0	0
5+	0	0	0
ADU	0	2	2
MH	0	0	0
Total	28	2	2

Housing Applications Summary	
Total Housing Applications Submitted:	0
Number of Proposed Units in All Applications Received:	0
Total Housing Units Approved:	0
Total Housing Units Disapproved:	0

Use of SB 35 Streamlining Provisions	
Number of Applications for Streamlining	0
Number of Streamlining Applications Approved	0
Total Developments Approved with Streamlining	0
Total Units Constructed with Streamlining	0

Units Constructed - SB 35 Streamlining Permits			
Income	Rental	Ownership	Total
Very Low	0	0	0
Low	0	0	0
Moderate	0	0	0
Above Moderate	0	0	0
Total	0	0	0

Cells in grey contain auto-calculation formulas

Jurisdiction	Clayton	
Reporting Year	2021	(Jan. 1 - Dec. 31)

ANNUAL ELEMENT PROGRESS REPORT					
Local Early Action Planning (LEAP) Reporting					
(CCR Title 25 §6202)					
Please update the status of the proposed uses listed in the entity’s application for funding and the corresponding impact on housing within the region or jurisdiction, as applicable, categorized based on the eligible uses specified in Section 50515.02 or 50515.03, as applicable.					
Total Award Amount	\$ 65,000.00 <small>Total award amount is auto-populated based on amounts entered in rows 15-26.</small>				
Task	\$ Amount Awarded	\$ Cumulative Reimbursement Requested	Task Status	Other Funding	Notes
Task 1: Housing Element Preparation	\$65,000.00	\$0.00	In Progress	Local General Fund	
Task 2: HCD Coordination, Revisions and Adoption of the Housing Element	\$0.00	\$0.00	Other (Please Specify in Notes)	Local General Fund	HCD review of draft HE expected in Spring 2022
Task 3: Adopted Housing Element Initial Implementation	\$0.00	\$0.00	Other (Please Specify in Notes)	Local General Fund	Will follow completion of Tasks 1,2; CY 2023

Summary of entitlements, building permits, and certificates of occupancy (auto-populated from Table A2)

Completed Entitlement Issued by Affordability Summary		
Income Level		Current Year
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	1
	Non-Deed Restricted	3
Moderate	Deed Restricted	1
	Non-Deed Restricted	0
Above Moderate		23
Total Units		28

Building Permits Issued by Affordability Summary		
Income Level		Current Year
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	2
Moderate	Deed Restricted	0
	Non-Deed Restricted	0
Above Moderate		0
Total Units		2

Certificate of Occupancy Issued by Affordability Summary		
Income Level		Current Year
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	2
Moderate	Deed Restricted	0
	Non-Deed Restricted	0
Above Moderate		0
Total Units		2



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: Dana Ayers, Community Development Director

DATE: March 1, 2022

SUBJECT: A Resolution of the City Council of the City of Clayton: 1) Identifying the Replacement of the School-Age and Toddler Play Structures for the Application to the California Department of Parks and Recreation's Office of Grants and Local Services' (OGAL), for Receipt of Grant Funds Pursuant to the Proposition 68 Per Capita Grant Program; 2) Establishing a Capital Improvement Project (CIP) for Clayton Community Park Playground Replacement (CIP 10454) in a Total Amount of \$378,074; 3) Accepting and Appropriating to CIP 10454 \$185,074 in Proposition 68 Per Capita Grant Funds for CIP 10454; 4) Accepting and Appropriating to CIP 10454 the Donation of \$20,000 from Clayton Valley Concord Sunrise Rotary; 5) Appropriating \$173,000 in Developer Impact Fees to CIP 10454; Delegating Authority to the City Manager or Designee to Execute Any Required Documents; and Directing the City Manager to File a Notice of Exemption from the California Environmental Quality Act for the Project

RECOMMENDATION

Staff recommends that the City Council adopt the attached resolution.

BACKGROUND

The Per Capita grant funding program originates from Proposition 68, placed on the ballot via Senate Bill 5 (DeLeon, Chapter 852, statutes of 2017), and approved by California voters on June 5, 2018. Codified in part in Public Resources Code (PRC), Division 46, Senate Bill 5 authorized "issuance of bonds in the amount of \$4,000,000,000 pursuant to the State General Obligation Bond Law to finance a drought, water, parks, climate, coastal protection, and outdoor access for all program." Funds are provided through various programs, including the Per Capita Grant Program.

Under the Per Capita Program (PRC Section 80061), grant funds are made available to local governments on a per capita basis. Grant recipients are encouraged to use funds to rehabilitate existing recreational infrastructure and address deficiencies in neighborhoods lacking access to the outdoors. For projects not serving a severely disadvantaged community in which median income is less than 60 percent of the statewide average, the recipient agency is required to provide a local match of 20 percent of the total project cost. Eligible sources of the local match include federal, local or private funds; in-house employee services; and volunteer labor.

The City of Clayton is eligible for up to \$177,952 through the Prop 68 Per Capita Program. Clayton is eligible for an additional \$7,122 under the Urban County Per Capita allocation identified for cities and districts serving a population of 200,000 or fewer people but located in urbanized counties with a population of 500,000 or more people. The total funding amount available to the City is therefore \$185,074. Because Clayton is not a “severely disadvantaged community,” the City must provide a minimum 20 percent project cost match to the grant funds, equal to \$46,269.

On September 15, 2020, the City Council adopted Resolution No. 45-2020 authorizing the City Manager to file an application and to execute the grant agreement and other documents necessary to secure the Prop 68 Per Capita Grant Program funds. Subsequently, on December 15, 2020, the City Council provided direction to staff to apply the Per Capita Program funds to replacement of the Elementary-Age (6-12 years) Play Structure at Clayton Community Park. Projects must be completed by June 2024.

ANALYSIS

The Elementary-Age Play Structure at Clayton Community Park is nearing 20 years old, has reached the end of its usable lifespan, is damaged and showing wear, and is in need of replacement. The Toddler Play Structure is in somewhat better condition but approaching the end of its useful life, as well. The swing set structure is currently in good condition.

Staff obtained estimates for replacement of one or both play structures at the park. The table below summarizes the various funding sources for replacing the play equipment and provides a comparison of the costs of replacing one or both of the existing play structures. The Vendor’s Cost Estimate includes the cost of the equipment itself, demolition of the existing play structure and rubberized surface below the play structures and swing set, and installation of the new play structures and a new rubberized surface below the structures and swings. The Nonprofit Donation reflects a \$20,000 commitment of funds from the Clayton Valley Concord Sunrise Rotary Club.

	Replace Elementary-Age Play Structure Only	Replace Both Play Structures
Vendor’s Cost Estimate	\$255,315	\$315,074
Prop 68 Per Capita Grant	(\$185,074)	(\$185,074)
Nonprofit Donation	(\$ 20,000)	(\$ 20,000)
City Funds Required	\$ 50,241	\$110,000

In either scenario, the City Funds Required would well exceed the minimum amount of the local match required under the grant parameters, with or without application of the Nonprofit Donation toward helping to meet the match.

Staff recommends that the Council appropriate the greater amount of funds toward replacement of both play structures at this time. Replacement of both structures will capture efficiencies in transportation and construction staging costs that would otherwise not occur if the two structures were replaced at two different times. Currently, the estimated cost for replacing just the Toddler Play Structure is \$73,511. By contrast, adding the replacement of the Toddler Play Structure to the Per Capita Grant project scope would result in an increase of \$60,000 to the cost of the Elementary-Age Play Structure. It is also very likely that the current cost differential of \$13,511 between the two project scopes would further grow if the replacement of the Toddler Play Structure were deferred, as materials and transportation costs will likely increase over time.

In addition to the equipment and installation costs, staff recommends a 20 percent contingency of \$63,000 to cover expenses related to signage required by the grant and other unanticipated expenses for the project, including potential equipment cost increases.

ENVIRONMENTAL

Replacement of the existing play structures and playground surfaces at Clayton Community Park are exempt from the California Environmental Quality Act (CEQA) under Categorical Exemption Class 1 (Existing Facilities), Section 15301 of the State CEQA Guidelines.

FISCAL IMPACTS

The total anticipated cost of the project including contingency is \$378,074. The grant program would provide reimbursement to the City for eligible project costs up to the total grant amount of \$185,074. For replacement of both play structures, Council approval of an appropriation of \$110,000, plus a recommended \$63,000 contingency, for a total of \$173,000 additional funding, is necessary for the park improvement project. In addition to the nonprofit donation, developer impact fees in excess of the greater of the two amounts of City Funds Required are due from the developers of recently-approved residential developments in the City and would fund the balance of the City monies required for the project.

ATTACHMENTS

1. Resolution
2. Site Photos and Vicinity Map
3. Equipment Renderings

RESOLUTION NO. ##-2022

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAYTON: 1) IDENTIFYING THE REPLACEMENT OF THE SCHOOL-AGE AND TODDLER PLAY STRUCTURES FOR THE APPLICATION TO THE CALIFORNIA DEPARTMENT OF PARKS AND RECREATION, OFFICE OF GRANTS AND LOCAL SERVICES (OGAL), FOR RECEIPT OF GRANT FUNDS PURSUANT TO THE PROPOSITION 68 PER CAPITA GRANT PROGRAM; 2) ESTABLISHING A CAPITAL IMPROVEMENT PROJECT FOR CLAYTON COMMUNITY PARK PLAYGROUND REPLACEMENT (CIP 10454) IN A TOTAL AMOUNT OF \$378,074; 3) ACCEPTING AND APPROPRIATING \$185,074 IN PROPOSITION 68 PER CAPITA GRANT FUNDS FOR CIP PROJECT 10454; 4) ACCEPTING AND APPROPRIATING TO CIP 10454 THE DONATION OF \$20,000 FROM CLAYTON VALLEY CONCORD SUNRISE ROTARY; 5) APPROPRIATING \$173,000 IN DEVELOPER IMPACT FEES TO CIP 10454; DELEGATING AUTHORITY TO THE CITY MANAGER OR DESIGNEE TO EXECUTE ANY REQUIRED DOCUMENTS; AND DIRECTING THE CITY MANAGER TO FILE A NOTICE OF EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR THE PROJECT

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

WHEREAS, the Proposition 68 Per Capita Program (Per Capita Program) originates from Proposition 68, which was placed on the ballot via Senate Bill 5 (DeLeon, Chapter 852, statutes of 2017); was approved by voters on June 5, 2018; is codified in part in Public Resources Code (PRC), Division 46; and authorizes “issuance of bonds in the amount of \$4,000,000,000 pursuant to the State General Obligation Bond Law to finance a drought, water, parks, climate, coastal protection, and outdoor access for all program;” and

WHEREAS, funds are provided through various programs, including the Per Capita Program (PRC Section 80061), which makes grant funds available to local governments on a per capita basis to rehabilitate existing recreational infrastructure and address deficiencies in neighborhoods lacking access to the outdoors; and

WHEREAS, the City of Clayton is eligible for up to \$185,074 in grant funds through the Prop 68 Per Capita Program; and

WHEREAS, on September 15, 2020, the City Council adopted Resolution No. 45-2020 authorizing the City Manager to file an application and to execute the grant agreement and other documents necessary to secure the Proposition 68 Per Capita Program grant funds; and

WHEREAS, the School-Age (6-12) and Toddler (2-5 years) Play Structures at Clayton Community Park have reached the end of their useful life and are in need of replacement; and

WHEREAS, on December 15, 2020, the City Council provided direction to staff to apply the Per Capita Program grant funds toward replacement of playground equipment at Clayton Community Park.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Clayton, California, does hereby:

1. Select the replacement of the Elementary-Age and Toddler Play Structures at the Clayton Community Park as the identified project for the Proposition 68 Per Capita Program; and
2. Establish a Capital Improvement Project for Clayton Community Park Playground Replacement (CIP 10454) in a total amount of \$378,074; and
3. Accept and appropriate \$185,074 in Proposition 68 Per Capita Grant funds for CIP 10454; and
4. Accept and appropriate to CIP 10454 the donation of \$20,000 from Clayton Valley Concord Sunrise Rotary; and
5. Appropriate \$173,000 in developer impact fees to CIP 10454; and
6. Delegates the authority to the City Manager or the City Manager's designee to conduct all negotiations, sign and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the grant scope; and
7. Directs the City Manager to file a Notice of Exemption from the California Environmental Quality Act for the project.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California, at a regular public meeting thereof held on the 1st day of March 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Peter Cloven, Mayor

ATTEST:

Janet Calderon, City Clerk

Clayton Community Park Existing Play Structure Elementary-Age (6-12 years old)



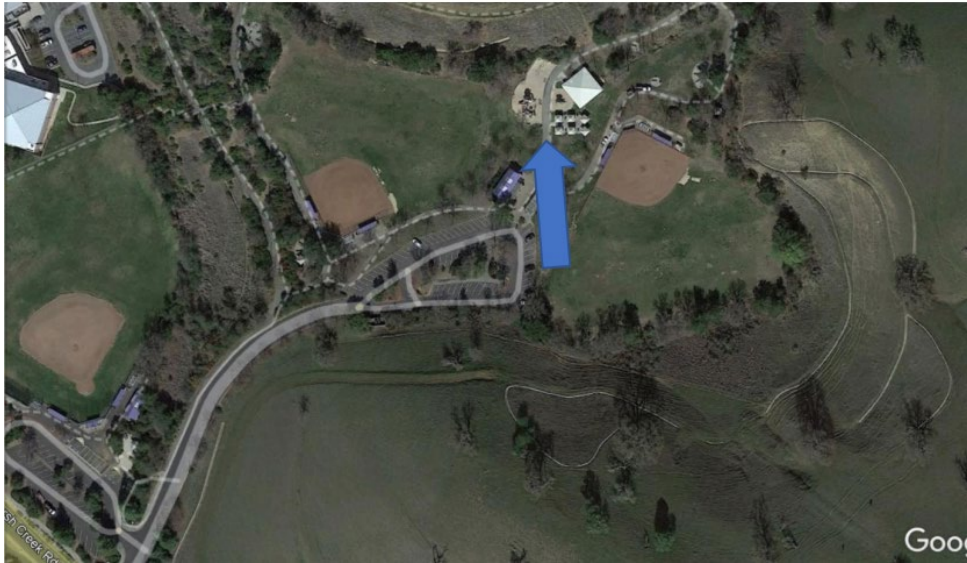
Clayton Community Park

Existing Play Structure

Toddler Age (2-5 years old)



Clayton Community Park Play Structures Location Map



Clayton Community Park Proposed Elementary-Age Play Structure



Clayton Community Park Proposed Toddler-Age Structure





AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: Dana Ayers, Community Development Director

DATE: March 1, 2022

SUBJECT: Adopt a Resolution Approving an Agreement with Precision Civil Engineering for Preparation of Pre-Approved Accessory Dwelling Unit (ADU) Plans and an ADU Information Brochure, and Appropriating Funding for a Not-to-Exceed Amount of \$54,500 in Reimbursable Funds from the Senate Bill 2 Planning Grants Program

RECOMMENDATION

Staff recommends that the City Council adopt the attached Resolution approving the attached professional services agreement with Precision Civil Engineering for preparation of pre-approved ADU plans and an informational ADU brochure.

BACKGROUND

In 2017, Governor Jerry Brown signed into law Senate Bill (SB) 2, the “Building Homes and Jobs Act.” The Act established a \$75 fee to be imposed at the time of recording of certain real estate transaction documents. The fee became effective January 1, 2018. In the first year after its effective date, fee revenues were to be divided equally between: 1) a fund to be made available to local governments for planning grants; and 2) a fund to be made available to the State Department of Housing and Community Development (HCD) to assist persons experiencing or at risk of homelessness. After the first year, the funds were to be divided between state agencies (30 percent) and local agencies (70 percent), with local agency funding to be used to help cities and counties prepare, adopt and implement plans and process improvements that streamline housing approvals and accelerate housing production. The local government share of the revenue was to be dispersed through a grant program administered by HCD.

In March 2019, HCD released a Notice of Funding Availability for local governments’ planning efforts pursuant to SB 2. Under this HCD grant program, local governments were

eligible to receive funds based on community population, with a minimum grant amount of \$160,000. As a “small locality” with fewer than 50,000 residents, Clayton was eligible for a \$160,000 grant allocation.

On December 17, 2019, the City Council adopted Resolution No. 50-2019 authorizing City staff to submit an application for funding through the SB 2 Planning Grants Program (PGP) implemented by HCD. The scope of the planning efforts to which the grant funds were to be applied included revision of the City’s ADU ordinance to align with state law, and creation of pre-approved architectural plans for ADUs. The intent of the program was to streamline the permitting process for construction of ADUs by eliminating the time and cost a property owner would have to spend on preparation and plan check of individual plans for a new ADU on a residential property.

DISCUSSION

Attached is a professional services agreement and a proposal from Precision Civil Engineering (PCE) for preparation of an ADU brochure and up to six pre-approved ADU architectural plans. PCE recently won a competitive bid process in the City of Oakley to support Oakley’s efforts to implement a similar pre-approved ADU plan program, which the Oakley City Council adopted in October 2021. The not-to-exceed cost of \$54,500 for the program in Clayton would include up to six unique floor plans, each with three unique elevations, and a guidebook with narrative instructions for property owners interested in building an ADU. PCE has also been contracted to draft amendments to the City’s ADU ordinance and, with a not-to-exceed budget under \$5,000, has already commenced that work under notice to proceed from the Community Development Director. Staff anticipates that both the work to update the ADU ordinance, prepare plans, and draft an informational brochure will be completed in six months for a total contract amount to PCE not to exceed \$59,500.

FISCAL IMPACTS

There is no significant fiscal impact associated with this item, although staff notes that it is a reimbursable grant, meaning that the City must expend the funds and submit documentation for reimbursement from HCD. Thus, there could be a delay up to six months where the City must front the \$59,500 cost of this contract while waiting for reimbursement. The SB 2 PGP does not require a local financial commitment or “match” from the local jurisdiction. City staff time to administer the grant and professional services contract would be absorbed into the ongoing staff workload with no notable impact to the City’s General Fund. The contract costs for PCE to draft amendments to the City’s ADU ordinance and prepare pre-approved ADU plans and informational handouts are eligible expenses for which the City can obtain reimbursement from SB 2 PGP funds.

ENVIRONMENTAL

The scope of PCE’s work to update the City’s ADU ordinance and establish a pre-approved ADU plan program are exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15282(h) (Other Statutory Exemptions) and 15262 (Feasibility and Planning Studies). Upon adoption of the ADU ordinance amendment

and implementation of the pre-approved ADU plan program, future construction of ADUs would be exempt from CEQA under CEQA Guidelines Section 15303, Class 3, New Construction or Conversion of Small Structures.

ATTACHMENT

Professional Services Agreement between the City of Clayton and PCE

RESOLUTION NO. ____-2022

**ADOPT A RESOLUTION APPROVING AN AGREEMENT WITH PRECISION CIVIL
ENGINEERING FOR PREPARATION OF PRE-APPROVED ACCESSORY DWELLING UNIT
(ADU) PLANS AND AN ADU INFORMATION BROCHURE, AND APPROPRIATING
FUNDING FOR A NOT-TO-EXCEED AMOUNT OF \$54,500 IN REIMBURSABLE FUNDS
FROM THE SENATE BILL 2 PLANNING GRANTS PROGRAM**

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

WHEREAS, in March 2019, the Stated Department of Housing and Community Development (HCD) released a Notice of Funding Availability for local governments' planning efforts pursuant to Senate Bill (SB) 2, the Building Homes and Jobs Act of 2017, under which local governments were eligible to receive funds to prepare, adopt and implement plans and process improvements that streamline housing approvals and accelerate housing production; and

WHEREAS, on December 17, 2019, the City Council adopted Resolution No. 50-2019 authorizing City staff to submit an application for \$160,000 in funding through the SB 2 Planning Grants Program implemented by HCD; and

WHEREAS, the scope of the City's planning efforts to which the grant funds were to be applied included revision of the City's accessory dwelling unit (ADU) ordinance to align with State law, and creation of pre-approved architectural plans for ADUs; and

WHEREAS, the intent of the program was to streamline the permitting process for construction of ADUs by eliminating the time and cost a property owner would have to spend on preparation and plan check of individual plans for a new ADU on a residential property; and

WHEREAS, ADUs are statutorily limited in size, making them affordable by design, and they provide means for residential property owners to reduce their own housing costs through potential rental income from an ADU; and

WHEREAS, on March 18, 2021, the City Manager executed Agreement No. 19-PGP-13981 between the City of Clayton and HCD documenting award of \$160,000 in State grant funds to the City for financial assistance for the preparation, adoption and implementation of a plan for Accelerating Housing Production and Streamlined Housing Production; and

WHEREAS, Precision Civil Engineering (PCE) submitted a proposal for preparation of architectural plans for up to six unique ADUs, and having supported the

City of Oakley in a development of a similar ADU program after selection through a competitive process in that jurisdiction, is qualified to do the work; and

WHEREAS, the scope of PCE's work to update the City's ADU ordinance and establish a pre-approved ADU plan program are exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15282(h) (Other Statutory Exemptions) and 15262 (Feasibility and Planning Studies), and future construction of ADUs under the program would be exempt from CEQA under CEQA Guidelines Section 15303, Class 3, New Construction or Conversion of Small Structures.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Clayton, California, does hereby approve the professional services agreement with Precision Civil Engineering for preparation of pre-approved accessory dwelling unit plans and an informational ADU brochure, for a not-to-exceed amount of \$54,500 in reimbursable expenses in accordance with the terms of Standard Agreement No. 19-PGP-13981 executed on March 18, 2021, between City and HCD pursuant to the SB 2 Planning Grant Program.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California, at a regular public meeting thereof held on the 1st day of March 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Peter Cloven, Mayor

ATTEST:

Janet Calderon, City Clerk

**CITY OF CLAYTON
PROFESSIONAL SERVICES AGREEMENT**

This Agreement is made and entered into as _____, 2022 by and between the City of Clayton, a municipal corporation organized and operating under the laws of the State of California with its principal place of business at 6000 Heritage Trail, Clayton, California 94517 ("City"), and Precision Civil Engineering, Inc., a California corporation, with its principal place of business at 1234 O Street, Fresno, California 93721 (hereinafter referred to as "Consultant"). City and Consultant are sometimes individually referred to as "Party" and collectively as "Parties" in this Agreement.

RECITALS

A. City is a public agency of the State of California and is in need of professional services for the following project:

- Preparation of up to six Pre-Approved Accessory Dwelling Unit (ADU) Plans, with up to three unique elevations for each Plan drawn in plan view as well as three-dimensional rendering, and construction-level drawings for each Plan; and
- Preparation of a Processing Guide and Design Model Workbook that provides an overview of the various options and review processes for the Pre-Approved ADU Plans;

(hereinafter referred to as "the Project").

B. Consultant is duly licensed and has the necessary qualifications to provide such services.

C. The Parties desire by this Agreement to establish the terms for City to retain Consultant to provide the services described herein.

AGREEMENT

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Services.

Consultant shall provide the City with the services described in the Scope of Services attached hereto as Exhibit "A."

2. Compensation.

a. Subject to paragraph 2(b) below, the City shall pay for such services in accordance with the Schedule of Charges set forth in Exhibit "A and the rate schedule set forth in Exhibit "B."

b. In no event shall the total amount paid for services rendered by Consultant under this Agreement exceed the sum of \$54,500.00. This amount is to cover all printing and related costs, and the City will not pay any additional fees for printing expenses. Periodic payments shall be made within 30 days of receipt of an invoice which includes a detailed description of the work performed. Payments to Consultant for work performed will be made on a monthly billing basis.

3. Additional Work.

If changes in the work seem merited by Consultant or the City, and informal consultations with the other party indicate that a change is warranted, it shall be processed in the following manner: a letter outlining the changes shall be forwarded to the City by Consultant with a statement of estimated changes in fee or time schedule. An amendment to this Agreement shall be prepared by the City and executed by both Parties before performance of such services, or the City will not be required to pay for the changes in the scope of work. Such amendment shall not render ineffective or invalidate unaffected portions of this Agreement.

4. Maintenance of Records.

Books, documents, papers, accounting records, and other evidence pertaining to costs incurred shall be maintained by Consultant and made available at all reasonable times during the contract period and for four (4) years from the date of final payment under the contract for inspection by City.

5. Time of Performance.

Consultant shall perform its services in a prompt and timely manner and shall commence performance upon receipt of written notice from the City to proceed ("Notice to Proceed"). Consultant shall complete the services required hereunder within 240 calendar days of receipt of the Notice to Proceed. The Notice to Proceed shall set forth the date of commencement of work.

6. Delays in Performance.

a. Neither City nor Consultant shall be considered in default of this Agreement for delays in performance caused by circumstances beyond the reasonable control of the non-performing party. For purposes of this Agreement, such circumstances include but are not limited to, abnormal weather conditions; floods; earthquakes; fire; epidemics; pandemics, war; riots and other civil disturbances; strikes, lockouts, work slowdowns, and other labor disturbances; sabotage or judicial restraint.

b. Should such circumstances occur, the non-performing party shall, within a reasonable time of being prevented from performing, give written notice to the other party describing the circumstances preventing continued performance and the efforts being made to resume performance of this Agreement.

7. Compliance with Law.

a. Consultant shall comply with all applicable laws, ordinances, codes and regulations of the federal, state and local government, including Cal/OSHA requirements.

b. If required, Consultant shall assist the City, as requested, in obtaining and maintaining all permits required of Consultant by federal, state and local regulatory agencies.

c. If applicable, Consultant is responsible for all costs of clean up and/ or removal of hazardous and toxic substances spilled as a result of his or her services or operations performed under this Agreement.

8. Standard of Care

Consultant's services will be performed in accordance with generally accepted professional practices and principles and in a manner consistent with the level of care and skill ordinarily exercised by members of the profession currently practicing under similar conditions.

9. Assignment and Subconsultant

Consultant shall not assign, sublet, or transfer this Agreement or any rights under or interest in this Agreement without the written consent of the City, which may be withheld for any reason. Any attempt to so assign or so transfer without such consent shall be void and without legal effect and shall constitute grounds for termination. Subcontracts, if any, shall contain a provision making them subject to all provisions stipulated in this Agreement. Nothing contained herein shall prevent Consultant from employing independent associates, and subconsultants as Consultant may deem appropriate to assist in the performance of services hereunder.

10. Independent Contractor

Consultant is retained as an independent contractor and is not an employee of City. No employee or agent of Consultant shall become an employee of City. The work to be performed shall be in accordance with the work described in this Agreement, subject to such directions and amendments from City as herein provided.

11. Insurance. Consultant shall not commence work for the City until it has provided evidence satisfactory to the City it has secured all insurance required under this section. In addition, Consultant shall not allow any subcontractor to commence work on any subcontract until it has secured all insurance required under this section.

a. Commercial General Liability

(i) The Consultant shall take out and maintain, during the performance of all work under this Agreement, in amounts not less than specified herein, Commercial General Liability Insurance, in a form and with insurance companies acceptable to the City.

(ii) Coverage for Commercial General Liability insurance shall be at least as broad as the following:

(1) Insurance Services Office Commercial General Liability coverage (Occurrence Form CG 00 01) or exact equivalent.

(iii) Commercial General Liability Insurance must include coverage for the following:

- (1) Bodily Injury and Property Damage
- (2) Personal Injury/Advertising Injury
- (3) Premises/Operations Liability
- (4) Products/Completed Operations Liability
- (5) Aggregate Limits that Apply per Project
- (6) Explosion, Collapse and Underground (UCX) exclusion deleted
- (7) Contractual Liability with respect to this Agreement
- (8) Property Damage
- (9) Independent Contractors Coverage

(iv) The policy shall contain no endorsements or provisions limiting coverage for (1) contractual liability; (2) cross liability exclusion for claims or suits by one insured against another; (3) products/completed operations liability; or (4) contain any other exclusion contrary to the Agreement.

(v) The policy shall give City, the City Council and each member of the City Council, its officers, employees, agents and City designated volunteers additional insured status using ISO endorsement forms CG 20 10 10 01 and 20 37 10 01, or endorsements providing the exact same coverage.

(vi) The general liability program may utilize either deductibles or provide coverage excess of a self-insured retention, subject to written approval by the City, and provided that such deductibles shall not apply to the City as an additional insured.

b. Automobile Liability

(i) At all times during the performance of the work under this Agreement, the Consultant shall maintain Automobile Liability Insurance for bodily injury and property damage including coverage for owned, non-owned and hired vehicles, in a form and with insurance companies acceptable to the City.

(ii) Coverage for automobile liability insurance shall be at least as broad as Insurance Services Office Form Number CA 00 01 covering automobile liability (Coverage Symbol 1, any auto).

(iii) The policy shall give City, the City Council and each member of the City Council, its officers, employees, agents and City designated volunteers additional insured status.

(iv) Subject to written approval by the City, the automobile liability program may utilize deductibles, provided that such deductibles shall not apply to the City as an additional insured, but not a self-insured retention.

c. Workers' Compensation/Employer's Liability

(i) Consultant certifies that he/she is aware of the provisions of Section 3700 of the California Labor Code which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and he/she will comply with such provisions before commencing work under this Agreement.

(ii) To the extent Consultant has employees at any time during the term of this Agreement, at all times during the performance of the work under this Agreement, the Consultant shall maintain full compensation insurance for all persons employed directly by him/her to carry out the work contemplated under this Agreement, all in accordance with the "Workers' Compensation and Insurance Act," Division IV of the Labor Code of the State of California and any acts amendatory thereof, and Employer's Liability Coverage in amounts indicated herein. Consultant shall require all subconsultants to obtain and maintain, for the period required by this Agreement, workers' compensation coverage of the same type and limits as specified in this section.

d. Professional Liability (Errors and Omissions)

At all times during the performance of the work under this Agreement the Consultant shall maintain professional liability or Errors and Omissions insurance appropriate to its profession, in a form and with insurance companies acceptable to the City and in an amount indicated herein. This insurance shall be endorsed to include contractual liability applicable to this Agreement and shall be written on a policy form specifically designed to protect against acts, errors or omissions of the Consultant. "Covered Professional Services" as designated in the policy must specifically include work performed under this Agreement. The policy must "pay on behalf of" the insured and must include a provision establishing the insurer's duty to defend.

e. Minimum Policy Limits Required

(i) The following insurance limits are required for the Agreement:

Combined Single Limit

Commercial General Liability	\$1,000,000 per occurrence / \$2,000,000 aggregate for bodily injury, personal injury, and property damage
Automobile Liability	\$1,000,000 combined single limit
Employer's Liability	\$1,000,000 per accident or disease
Professional Liability	\$1,000,000 per claim and aggregate (errors and omissions)

(ii) Defense costs shall be payable in addition to the limits.

(iii) Requirements of specific coverage or limits contained in this section are not intended as a limitation on coverage, limits, or other requirement, or a waiver of any coverage normally provided by any insurance. Any available coverage shall be provided to the parties required to be named as Additional Insured pursuant to this Agreement.

f. Evidence Required

Prior to execution of the Agreement, the Consultant shall file with the City evidence of insurance from an insurer or insurers certifying to the coverage of all insurance required herein. Such evidence shall include original copies of the ISO CG 00 01 (or insurer's equivalent) signed by the insurer's representative and Certificate of Insurance (Acord Form 25-S or equivalent), together with required endorsements. All evidence of insurance shall be signed by a properly authorized officer, agent, or qualified representative of the insurer and shall certify the names of the insured, any additional insureds, where appropriate, the type and amount of the insurance, the location and operations to which the insurance applies, and the expiration date of such insurance.

g. Policy Provisions Required

(i) Consultant shall provide the City at least thirty (30) days prior written notice of cancellation of any policy required by this Agreement, except that the Consultant shall provide at least ten (10) days prior written notice of cancellation of any such policy due to non-payment of premium. If any of the required coverage is cancelled or expires during the term of this Agreement, the Consultant shall deliver renewal certificate(s) including the General

Liability Additional Insured Endorsement to the City at least ten (10) days prior to the effective date of cancellation or expiration.

(ii) The Commercial General Liability Policy and Automobile Policy shall each contain a provision stating that Consultant's policy is primary insurance and that any insurance, self-insurance or other coverage maintained by the City or any named insureds shall not be called upon to contribute to any loss.

(iii) The retroactive date (if any) of each policy is to be no later than the effective date of this Agreement. Consultant shall maintain such coverage continuously for a period of at least three years after the completion of the work under this Agreement. Consultant shall purchase a one (1) year extended reporting period A) if the retroactive date is advanced past the effective date of this Agreement; B) if the policy is cancelled or not renewed; or C) if the policy is replaced by another claims-made policy with a retroactive date subsequent to the effective date of this Agreement.

(iv) All required insurance coverages, except for the professional liability coverage, shall contain or be endorsed to provide a waiver of subrogation in favor of the City, its officials, officers, employees, agents, and volunteers or shall specifically allow Consultant or others providing insurance evidence in compliance with these specifications to waive their right of recovery prior to a loss. Consultant hereby waives its own right of recovery against City, and shall require similar written express waivers and insurance clauses from each of its subconsultants.

(v) The limits set forth herein shall apply separately to each insured against whom claims are made or suits are brought, except with respect to the limits of liability. Further the limits set forth herein shall not be construed to relieve the Consultant from liability in excess of such coverage, nor shall it limit the Consultant's indemnification obligations to the City and shall not preclude the City from taking such other actions available to the City under other provisions of the Agreement or law.

h. Qualifying Insurers

(i) All policies required shall be issued by acceptable insurance companies, as determined by the City, which satisfy the following minimum requirements:

(1) Each such policy shall be from a company or companies with a current A.M. Best's rating of no less than A:VII and admitted to transact in the business of insurance in the State of California, or otherwise allowed to place insurance through surplus line brokers under applicable provisions of the California Insurance Code or any federal law.

i. Additional Insurance Provisions

(i) The foregoing requirements as to the types and limits of insurance coverage to be maintained by Consultant, and any approval of said insurance by the City, is not intended to and shall not in any manner limit or qualify the liabilities and obligations otherwise assumed by the Consultant pursuant to this Agreement, including but not limited to, the provisions concerning indemnification.

(ii) If at any time during the life of the Agreement, any policy of insurance required under this Agreement does not comply with these specifications or is

canceled and not replaced, City has the right but not the duty to obtain the insurance it deems necessary and any premium paid by City will be promptly reimbursed by Consultant or City will withhold amounts sufficient to pay premium from Consultant payments. In the alternative, City may cancel this Agreement.

(iii) The City may require the Consultant to provide complete copies of all insurance policies in effect for the duration of the Project.

(iv) Neither the City nor the City Council, nor any member of the City Council, nor any of the officials, officers, employees, agents or volunteers shall be personally responsible for any liability arising under or by virtue of this Agreement.

j. Subconsultant Insurance Requirements. Consultant shall not allow any subcontractors or subconsultants to commence work on any subcontract until they have provided evidence satisfactory to the City that they have secured all insurance required under this section. Policies of commercial general liability insurance provided by such subcontractors or subconsultants shall be endorsed to name the City as an additional insured using ISO form CG 20 38 04 13 or an endorsement providing the exact same coverage. If requested by Consultant, City may approve different scopes or minimum limits of insurance for particular subcontractors or subconsultants.

12. Indemnification.

a. To the fullest extent permitted by law, Consultant shall defend (with counsel of City's choosing), indemnify and hold the City, its officials, officers, employees, volunteers, and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury of any kind, in law or equity, to property or persons, including wrongful death, in any manner arising out of, pertaining to, or incident to any acts, errors or omissions, or willful misconduct of Consultant, its officials, officers, employees, subcontractors, consultants or agents in connection with the performance of the Consultant's services, the Project or this Agreement, including without limitation the payment of all damages, expert witness fees and attorney's fees and other related costs and expenses. Consultant's obligation to indemnify shall not be restricted to insurance proceeds, if any, received by Consultant, the City, its officials, officers, employees, agents, or volunteers.

b. Notwithstanding the foregoing, all services described in the Scope of Services attached hereto as Exhibit "A" shall be considered "design professional" services (as that term is defined under Civil Code section 2782.8). As a result, Consultant's indemnification obligation shall be limited to claims that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the Consultant, and, upon Consultant obtaining a final adjudication by a court of competent jurisdiction, Consultant's liability for such claim, including the cost to defend, shall not exceed the Consultant's proportionate percentage of fault.

13. California Labor Code Requirements.

a. Consultant is aware of the requirements of California Labor Code Sections 1720 et seq. and 1770 et seq., which require the payment of prevailing wage rates and the performance of other requirements on certain "public works" and "maintenance" projects ("Prevailing Wage Laws"). If the services are being performed as part of an applicable "public works" or "maintenance" project, as defined by the Prevailing Wage Laws, and if the total compensation is \$1,000 or more, Consultant agrees to fully comply with such Prevailing Wage Laws. Consultant shall defend, indemnify and hold the City, its officials, officers, employees and

agents free and harmless from any claims, liabilities, costs, penalties or interest arising out of any failure or alleged failure to comply with the Prevailing Wage Laws. It shall be mandatory upon the Consultant and all subconsultants to comply with all California Labor Code provisions, which include but are not limited to prevailing wages (Labor Code Sections 1771, 1774 and 1775), employment of apprentices (Labor Code Section 1777.5), certified payroll records (Labor Code Sections 1771.4 and 1776), hours of labor (Labor Code Sections 1813 and 1815) and debarment of contractors and subcontractors (Labor Code Section 1777.1). The requirement to submit certified payroll records directly to the Labor Commissioner under Labor Code section 1771.4 shall not apply to work performed on a public works project that is exempt pursuant to the small project exemption specified in Labor Code Section 1771.4.

b. If the services are being performed as part of an applicable "public works" or "maintenance" project, then pursuant to Labor Code Sections 1725.5 and 1771.1, the Consultant and all subconsultants performing such services must be registered with the Department of Industrial Relations. Consultant shall maintain registration for the duration of the Project and require the same of any subconsultants, as applicable. Notwithstanding the foregoing, the contractor registration requirements mandated by Labor Code Sections 1725.5 and 1771.1 shall not apply to work performed on a public works project that is exempt pursuant to the small project exemption specified in Labor Code Sections 1725.5 and 1771.1.

c. This Agreement may also be subject to compliance monitoring and enforcement by the Department of Industrial Relations. It shall be Consultant's sole responsibility to comply with all applicable registration and labor compliance requirements. Any stop orders issued by the Department of Industrial Relations against Consultant or any subcontractor that affect Consultant's performance of services, including any delay, shall be Consultant's sole responsibility. Any delay arising out of or resulting from such stop orders shall be considered Consultant caused delay and shall not be compensable by the City. Consultant shall defend, indemnify and hold the City, its officials, officers, employees and agents free and harmless from any claim or liability arising out of stop orders issued by the Department of Industrial Relations against Consultant or any subcontractor.

14. Verification of Employment Eligibility.

By executing this Agreement, Consultant verifies that it fully complies with all requirements and restrictions of state and federal law respecting the employment of undocumented aliens, including, but not limited to, the Immigration Reform and Control Act of 1986, as may be amended from time to time, and shall require all subconsultants and sub-subconsultants to comply with the same.

15. Reserved.

16. Laws and Venue.

This Agreement shall be interpreted in accordance with the laws of the State of California. If any action is brought to interpret or enforce any term of this Agreement, the action shall be brought in a state or federal court situated in the County of Contra Costa, State of California.

17. Termination or Abandonment

a. City has the right to terminate or abandon any portion or all of the work under this Agreement by giving ten (10) calendar days written notice to Consultant. In such event, City shall be immediately given title and possession to all original field notes, drawings and

specifications, written reports and other documents produced or developed for that portion of the work completed and/or being abandoned. City shall pay Consultant the reasonable value of services rendered for any portion of the work completed prior to termination. If said termination occurs prior to completion of any task for the Project for which a payment request has not been received, the charge for services performed during such task shall be the reasonable value of such services, based on an amount mutually agreed to by City and Consultant of the portion of such task completed but not paid prior to said termination. City shall not be liable for any costs other than the charges or portions thereof which are specified herein. Consultant shall not be entitled to payment for unperformed services, and shall not be entitled to damages or compensation for termination of work.

b. Consultant may terminate its obligation to provide further services under this Agreement upon thirty (30) calendar days' written notice to City only in the event of substantial failure by City to perform in accordance with the terms of this Agreement through no fault of Consultant.

18. Documents. Except as otherwise provided in "Termination or Abandonment," above, all original field notes, written reports, Drawings and Specifications and other documents, produced or developed for the Project shall, upon payment in full for the services described in this Agreement, be furnished to and become the property of the City.

19. Organization

Consultant shall assign Bonique Emerson as Project Manager. The Project Manager shall not be removed from the Project or reassigned without the prior written consent of the City.

20. Limitation of Agreement.

This Agreement is limited to and includes only the work included in the Project described above.

21. Notice

Any notice or instrument required to be given or delivered by this Agreement may be given or delivered by depositing the same in any United States Post Office, certified mail, return receipt requested, postage prepaid, addressed to:

CITY:

City of Clayton

6000 Heritage Trail

Clayton, CA 94517

Attn: Dana Ayers, Community
Development Director

CONSULTANT:

Precision Civil Engineering, Inc.

1234 O Street

Fresno, California 93721

Attn: Bonique Emerson, Planning Division
Manager

and shall be effective upon receipt thereof.

22. Third Party Rights

Nothing in this Agreement shall be construed to give any rights or benefits to anyone other than the City and the Consultant.

23. Equal Opportunity Employment.

Consultant represents that it is an equal opportunity employer and that it shall not discriminate against any employee or applicant for employment because of race, religion, color, national origin, ancestry, sex, age or other interests protected by the State or Federal Constitutions. Such non-discrimination shall include, but not be limited to, all activities related to initial employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination.

24. Entire Agreement

This Agreement, with its exhibits, represents the entire understanding of City and Consultant as to those matters contained herein, and supersedes and cancels any prior or contemporaneous oral or written understanding, promises or representations with respect to those matters covered hereunder. Each Party acknowledges that no representations, inducements, promises or agreements have been made by any person which are not incorporated herein, and that any other agreements shall be void. This Agreement may not be modified or altered except in writing signed by both Parties hereto. This is an integrated Agreement.

25. Severability

The unenforceability, invalidity or illegality of any provision(s) of this Agreement shall not render the remaining provisions unenforceable, invalid or illegal.

26. Successors and Assigns

This Agreement shall be binding upon and shall inure to the benefit of the successors in interest, executors, administrators and assigns of each Party to this Agreement. However, Consultant shall not assign or transfer by operation of law or otherwise any or all of its rights, burdens, duties or obligations without the prior written consent of City. Any attempted assignment without such consent shall be invalid and void.

27. Non-Waiver

None of the provisions of this Agreement shall be considered waived by either Party, unless such waiver is specifically specified in writing.

28. Time of Essence

Time is of the essence for each and every provision of this Agreement.

29. City's Right to Employ Other Consultants

City reserves its right to employ other consultants, including engineers, in connection with this Project or other projects.

30. Prohibited Interests

Consultant maintains and warrants that it has not employed nor retained any company or person, other than a bona fide employee working solely for Consultant, to solicit or secure this

Agreement. Further, Consultant warrants that it has not paid nor has it agreed to pay any company or person, other than a bona fide employee working solely for Consultant, any fee, commission, percentage, brokerage fee, gift or other consideration contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, City shall have the right to rescind this Agreement without liability. For the term of this Agreement, no director, official, officer or employee of City, during the term of his or her service with City, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising therefrom.

[SIGNATURES ON FOLLOWING PAGE]

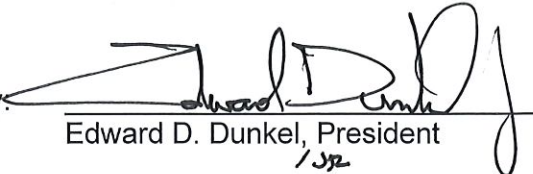
**SIGNATURE PAGE FOR PROFESSIONAL SERVICES AGREEMENT
BETWEEN THE CITY OF CLAYTON
AND PRECISION CIVIL ENGINEERING, INC.**

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first written above.

CITY OF CLAYTON

PRECISION CIVIL ENGINEERING, INC.

By: _____
Mayor Peter Cloven

By: 
Edward D. Dunkel, President
Jr

Printed Name: EDWARD DUNKEL JR

ATTEST:

By: _____
City Clerk

EXHIBIT A

Scope of Services and Schedule of Charges/Payments

Consultant will provide the following services to City as summarized below and described in further detail in the attached proposal from Precision Civil Engineering dated January 3, 2022 (Exhibit A-1):

- Preparation of up to six Pre-Approved Accessory Dwelling Unit (ADU) Plans, with up to three unique elevations for each Plan drawn in plan view as well as three-dimensional rendering, and construction-level drawings for each Plan;
- Preparation of a Processing Guide and Design Model Workbook that provides an overview of the various options and review processes for the Pre-Approved ADU Plans.

Consultant will invoice City on a monthly cycle. Consultant will include with each invoice a detailed progress report that indicates the amount of budget spent on each task. Consultant will inform City regarding any out-of-scope work being performed by Consultant. This is a time-and-materials contract.



City of Clayton
Attn. Dana Ayers
6000 Heritage Trail
Clayton, CA 94517

1/3/2022 PCE No. 21-359Prev1

1234 O Street • Downtown Fresno, CA 93721 • Phone (559) 449-4500 • Fax (559) 449-4515

I. PROJECT UNDERSTANDING

Precision Civil Engineering (PCE) is pleased to offer Planning and Engineering Services to prepare Pre-Approved Accessory Dwelling Unit (ADU) Plans for the City of Clayton. It is PCE's understanding that the preparation of the Pre-Approved ADU Plans is intended to support State requirements to provide objective design standards for this type of development, while at the same time addressing aesthetic and other design concerns within the community, providing more certainty for applicants, and, generally, facilitate streamlining of the ADU permitting process. PCE understands that the Project is funded by SB2 funding.

II. SCOPE OF BASIC SERVICES

1. Preparation of Plans.....\$7,500.00

Utilizing previously approved plan sets from the City of Oakley Pre-Approved ADU Program, PCE will modify the plan sets for use by the City of Clayton. Modifications will involve the title sheets and agency references in addition to refinement of structural calculations and drawings. In total, PCE will provide four (4) different layouts including 500 sf., 850 sf., 1,000 sf., and 1,200 sf. with associated sheets: cover sheets, floor plans, sections, elevations (Task 2), foundation plans, roof framing plans, structural details, structural calculations, electrical plans, and CALGreen forms. Plan sets will be provided as PDFs, sized 11x17. PCE assumes up to two rounds of revisions.

2. Preparation of Elevations.....\$6,000.00

In collaboration with the Project Architect, PCE will review relevant documents related to the community's architectural design in order to provide the City with up to five design recommendations (i.e., California Ranch Style, etc.). From the five recommendations, PCE will work with the City to select three designs from which to prepare elevations. The Project Architect will prepare three elevations for each layout size for a total of 12 elevations. The elevations will consider form, size(s), massing, material(s), roof type, architectural style, and other techniques that are reflective of the community's character. Based on the final elevations, the Project Architect will provide three 3D renderings, one of each style/design that can be used in the Guide/Workbook (Task 3). Elevations will be provided as PDFs, sized 11x17. PCE assumes up to two rounds of revisions.

3. Processing Guide and Design Model Workbook.....\$6,000.00

PCE will prepare a Processing Guide and Design Model Workbook that provides an overview of the various options and processes related to the pre-approved plans. The Processing Guide and Design Model Workbook will include an overview of ADUs, options for designing ADUs, and conclude with a summary of the pre-approved options available. The 3D renderings designed by the Project Architect will be included in the workbook.

4. Attendance at/Assistance with Meetings\$1,500.00

As deemed necessary, PCE will attend and/or assist with the preparation (e.g., presentation materials, letters, memos, etc.) for meetings, with the understanding that the City may request discussions with the City Manager and/or City Council/Planning

Commission throughout the process for decision-making purposes. PCE assumes that the meetings will be held by phone or video conference.

5. Project Management and Coordination.....\$5,000.00

PCE will coordinate with City staff on an on-going and regular basis. This task includes finalization of the schedule and work plan, monthly invoicing, coordination meetings, and general correspondence to communicate updates. PCE assumes that up to 8 1-hour coordination meetings (2x a month, February – May) may occur and will be held by phone or video conference.

TOTAL FOR ABOVE SERVICES.....\$26,000.00

III. OPTIONAL SERVICES

6. Preparation of New Plans.....\$20,500.00

In the case that the City requests modified layouts, PCE will prepare new plan sets for up to two new layouts with associated sheets: cover sheets, floor plans, sections, elevations (Task 2), foundation plans, roof framing plans, structural details, structural calculations, electrical plans, and CALGreen forms. Plan sets will be provided as PDFs, sized 11x17. PCE assumes up to two rounds of revisions.

7. Preparation of New Elevations.....\$8,000.00

Based on the modified layout (Task 5), the Project Architect will prepare three elevations for each layout size for a total of 6 elevations. The elevations will consider form, size(s), massing, material(s), roof type, architectural style, and other techniques that are reflective of the community's character. Based on the final elevations, the Project Architect will provide three 3D renderings, one of each style/design that can be used in the Guide/Workbook (Task 3). Elevations will be provided as PDFs, sized 11x17. PCE assumes up to two rounds of revisions.

IV. PROPOSED TIMELINE

PCE understands that the City's SB2 funding deadline is June 2022, so the following proposed timeline is expected to conclude in May 2022. PCE assumes that work would begin in January/February 2022.

Scope of Basic Services	Duration	Completion
Task 1. Preparation of Plans	4 weeks	February 2022
Task 2. Preparation of Elevations	6-8 weeks	April 2022
Task 3. Processing Guide and Design Model Workbook	6-8 weeks	May 2022
Task 4. Attendance at/Assistance with Meetings	TBD	May 2022
Task 5. Project Management and Coordination	Ongoing	May 2022
Optional Services	Duration	Completion
Task 6. Preparation of New Plans	6-8 weeks	April 2022
Task 7. Preparation of New Elevations	4-6 weeks	May 2022

V. RESPONSIBILITY OF CLIENT

- Review and Approval

VI. WARRANTY AND LIABILITY

Any service deleted from this proposal by the Client will become the responsibility of the Client. The warranty and liability of this proposal is subject to the attached Schedule of Conditions. All information gathered during the study by Precision Civil Engineering, Inc. is considered confidential and will be released only upon written authorization of the client or as required by law. California law requires a person to inform the State if a situation is encountered that can be considered an immediate endangerment to the public's health or welfare and/or to the environment. Therefore, the client will be contractually bound to make any said disclosures in lieu of Precision Civil Engineering, Inc., its owners, principals, employees or subcontractors.

VII. APPROVAL SIGNATURE AND AUTHORIZATION TO PROCEED:

(This proposal shall be good for 30 days after proposal date)

PRECISION CIVIL ENGINEERING, INC.

_____ Title: _____ Date _____
Edward D. Dunkel, Jr.

CITY OF CLAYTON

_____ Title: _____ Date _____



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: Reina J. Schwartz, City Manager

DATE: March 1, 2022

SUBJECT: Establish a City Council Ad Hoc CEMEX Committee

RECOMMENDATION

It is recommended that the City Council establish a CEMEX *ad-hoc* committee and appoint Councilmember Diaz and Mayor Cloven to serve on the committee.

BACKGROUND

At the February 15, 2022 City Council meeting, Mayor Cloven expressed a desire to establish a City Council Ad Hoc Subcommittee related to the CEMEX quarry.

DISCUSSION

An Ad Hoc committee structure is informal and for a limited time (typically one year or less) and is for focused topics. The Ad Hoc committee is not subject to the Brown Act open meeting law and procedures, and provides more flexibility on topic discussion and interactive dialogue than a standing subcommittee. The purpose of this ad hoc committee would be to meet with CEMEX to discuss their proposed revised long-term reclamation plan for the quarry and the Environmental Impact Report (EIR) for the reclamation project which was released on February 18, 2022. Comments on the EIR are due by April 4, 2022.

Previously the City Council had asked that when the EIR for the reclamation project was released, that the City review the EIR and have the opportunity to make comments. The ad hoc committee would be the opportunity to have that dialogue with CEMEX.

At the February 15, 2022 City Council meeting, Mayor Cloven did indicate that he would like to serve on this committee along with Councilmember Diaz. The recommendation for creation of the committee includes appointing Mayor Cloven and Councilmember Diaz to serve.

FISCAL IMPACTS

None

ATTACHMENTS

Current 2022 Council Committee Assignment Roster as of January 28, 2022

CITY COUNCIL ASSIGNMENTS STANDING/AD-HOC COMMITTEES/LIAISONS

CITY OF CLAYTON 2022

Association of Bay Area Governments (ABAG)	Mayor Cloven Alternate: Carl Wolfe
Budget/Audit Standing Committee	Jeff Wan/Vice Mayor Tillman Alternate: Jim Diaz
Citizens Corps Council (CERT)	Jim Diaz Alternate: Jeff Wan
Clayton Financing Authority [CFA]* *[offices automatically go to Mayor & Vice Mayor, per Bylaws]	President – Mayor Cloven Vice President–Vice Mayor Tillman
Community Park Sports Fields Ad-Hoc Committee	Mayor Cloven/Jeff Wan
Contra Costa Water District [CCWD] Liaison	Jim Diaz Alternate: Vice Mayor Tillman
Central Contra Costa Transit Authority [CCCTA]	Keith Haydon Alternate: Carl Wolfe
Do the Right Thing /Unsung Heroes Program	Carl Wolfe/Mayor Cloven
Downtown Activities Committee	Carl Wolfe/Jim Diaz
East Bay Division - League of California Cities	Mayor Cloven Alternate: Jim Diaz
East Contra Costa County Habitat Conservancy	Carl Wolfe Alternate: Jeff Wan
Economic Development Committee	Mayor Cloven/Jeff Wan Alternate: Carl Wolfe

Endeavor Hall Marketing Committee	Jim Diaz, Carl Wolfe Alternate: Vice Mayor Tillman
Garbage & Recycling Committee	Jim Diaz, Vice Mayor Tillman
Interview Committees:	
a. Planning Commission applicants	City Council
b. Trails and Landscaping Committee applicants	Mayor Cloven Vice Mayor Tillman
Clayton Library Foundation Liaison	Vice Mayor Tillman Alternate: CW Wolfe
Mayors' Conference – Contra Costa County	Mayor & Council
Mt. Diablo School District Liaison Committee	Jeff Wan, Vice Mayor Tillman Alternate: Carl Wolfe
Oakhurst Geological Hazard Abatement District [GHAD]	Chair – Jim Diaz Vice Chair– Carl Wolfe
Trails and Landscaping Committee (TLC) Liaison	Vice Mayor Tillman Alternate: Jeff Wan
TRANSPAC	Mayor Cloven Alternate: Carl Wolfe

* * * *

Revised: 04 January 2022
Original Adoption: 17 December 2004

CITY COUNCIL ASSIGNMENTS STANDING/AD-HOC COMMITTEES/LIAISONS

ASSOCIATION OF BAY AREA GOVERNMENTS (ABAG)

Created in 1961, ABAG is the regional council of governments for the larger Bay Area, as required by state law. It partners with local governments to provide planning and research related to land use, housing, environmental and water resource protection, disaster resilience, energy efficiency and hazardous waste mitigation, risk management, financial services and staff training. ABAG is the determiner/distributor of the Regional Housing Needs Allocation (RHNA) numbers funneled by the state of California to local governments in the Bay Area.

ABAG convenes its General Assembly once each year in April at which a voting delegate participates from each of the 9 counties and 101 member cities/towns. Clayton's representative attends that assembly and may become selected for greater involvement on ABAG's Executive Board or as one of its governing officers.

► Public meetings of the General Assembly and the Executive Board are held in San Francisco at the Bay Area Metro Center Board Room. **Currently, these meetings are virtual.**

* * *

City Budget/Audit Committee

Offers initial feedback to the City Manager and the Finance Manager regarding the staff recommended City Budget for each fiscal year, typically meeting in the spring. It also offers initial feedback to staff on the Mid-Year Budget Review process conducted in approximately February each year.

The Audit Committee meets with the City's contract independent auditor in the summer of each year during the field audit, and again in early fall with the City Manager and Finance Manager for initial review of the Comprehensive Annual Financial Report (CAFR).

► Meetings when called are held at Clayton City Hall during the workweek (daytime). **Currently, these meetings are virtual.**

* * *

Citizens Corps Council (CERT)

The City's Community Emergency Response Team (CERT) is comprised of local volunteers/residents willing and trained to render assistance during local disaster events. CERT is adjunct to the Clayton Police Department. The Council liaison interfaces and interacts with the CERT team and the Council liaison is ideally CERT-certified [trained] as well.

► Meetings are held at the Clayton police station (infrequently).

Clayton Financing Authority (CFA)

A joint exercise of powers agency established in December 1990 by the City as a separate legal public entity. It functions as a local financing authority initially created to issue redevelopment tax allocation bonds at a more favorable negotiated basis than a public basis. The CFA has the authority to incur, issue and manage public debt.

- Public meetings are held in the City Council Chambers on an as-needed basis, normally on a 1st or 3rd Tuesday evening following a City Council meeting. **Currently, these meetings are virtual.**

* * *

Community Park Sports Field Ad-hoc Committee

Meets as warranted to partner with organized community sports groups (e.g. CVLL, MDSA) for mutual capital improvement and/or maintenance of the public sports fields at Clayton Community Park.

- Meetings are held in the field or at Clayton City Hall, as necessary.

* * *

Contra Costa Water District (CCWD) Liaison

Council liaisons assigned will monitor agendas and actions of the CCWD Board of Directors, and possibly attend its public meetings to address potential financial, community or stakeholder impacts. Clayton resides in Division 3 of this independent special public district.

- CCWD Board meetings are held the 1st and 3rd Wednesdays of each month at 6:30 p.m. at 1331 Concord Avenue, Concord. **Currently, these meetings are virtual.**

* * *

Central Contra Costa Transit Authority (CCCTA)

Formed in 1980 as a joint powers agency (JPA), CCCTA provides fixed-route and paratransit bus services within Central Contra Costa County. Its Board consists of 11 members from each incorporated city in Central County and the county. A city's voting representative may be an elected official or other public official or a private person [per CCCTA].

- The Board meets the 3rd Thursday of each month at 9:00 a.m. at the CCCTA offices in Concord. Additional CCCTA committee meetings may be required for attendance each month. **Currently, these meetings are virtual.**

* * *

“Do the Right Thing” Program

Developed in the summer of 2010 and adopted by the City Council in partnership with the Clayton Business and Community Association (CBCA) and the local MDUSD public and charter schools, members promote and coordinate the bi-monthly recognition of students exhibiting the seven (7) chosen character traits of Integrity, Responsibility, Inclusion, Courage, Kindness, Self-Discipline, and Respect.

- Program coordination meetings with MDUSD and CBCA are held when necessary.

* * *

Downtown Activities Committee

Members interface and coordinate as necessary with various community and civic groups hosting/holding community events in the Clayton Town Center (e.g. CBCA, Historical Society, Concerts in The Grove).

- Meetings held when necessary, usually at Clayton City Hall.

* * *

East Bay Division – Cal Cities (formerly League of California Cities)

One of the 16 regional divisions of the League of California Cities, the East Bay Division functions as a grassroots advocacy core of elected and appointed public officials to monitor and engage on state legislation impacting cities. The East Bay Division includes 33 city representatives in Alameda and Contra Costa counties.

- Meetings are held in the evening on the 4th Thursday of each month rotated at various locations within member cities. **Currently, these meetings are virtual.**

* * *

East Contra Costa County Habitat Conservancy

A joint exercise of powers authority (JPA) formed by the cities of Brentwood, Clayton, Oakley, Pittsburg and Contra Costa County to implement its Habitat Conservation Plan (HCP). The HCP is designed to protect natural resources in eastern Contra Costa County while improving and streamlining the environmental permitting process for impacts on endangered species. Each city representative is a voting member of the JPA Board of Directors.

- Public meetings are usually scheduled the 4th Monday of every other month at 2:00 p.m. at host city rotation sites. **Currently, these meetings are virtual.**

* * *

Economic Development Committee

A City committee that meets as necessary with the City Manager and Community Development Director to consider proposals or offers for the private purchase/lease and/or development of City-owned real properties in the Clayton Town Center. The committee does not meet with private developers seeking development of private properties.

- Meetings held at Clayton City Hall on an as-needed basis.

* * *

Endeavor Hall Marketing Committee

Created to brainstorm and evaluate ways and means to promote greater utilization and rental of this publicly-restored facility in the Clayton Town Center. Topics range from promotional materials to facility upgrades and improvements.

- Meetings held at Clayton City Hall on an as-desired basis.

* * *

Garbage & Recycling Committee

Serves as the initial sounding board between the City and the City's exclusive franchise agreement operator (presently, Republic Services) regarding solid waste management and collection services terms and conditions and customer rates in Clayton.

- Meetings held at Clayton City Hall when needed.

* * *

Interview Committees

a. Planning Commission applicants

The City Council, as a whole, interviews citizen applicants for consideration for appointment to vacancies or term of office expirations on this statutory land use body.

- Interviews are held when needed at a public meeting of the City Council. **Currently, these meetings are virtual.**

* *

b. Trail and Landscaping Committee applicants

Sub-committee of the City Council interviews citizen applicants for consideration and recommendation to the City Council for appointment to this citizen advisory committee.

- Interview are scheduled and held when needed at Clayton City Hall. **Currently, these meetings are virtual.**

* * *

Clayton Library Foundation Liaison

Attends, shares information, and receives issues of concern with the Foundation's Board of Directors regarding the City's ownership and maintenance of this public facility. The Council liaison is not a member of the Library Foundation Board.

- Foundation Board meetings are held the 2nd Tuesday of each month at 7:00 p.m. in the Clayton Community Library. **Currently, these meetings are virtual.**

* * *

Mayors' Conference – Contra Costa County

Established in 1951, the Conference provides an educational forum for local elected public officials and a place to network and exchange information. The Conference also serves as the Contra Costa City Selection Committee [state law] to appoint city representation to area-wide agencies. Each city designates its own voting delegate, usually its mayor as the name implies.

- Public meetings are held on the first Thursday of each month. The meeting location rotates among the 19 Contra Costa cities/towns. **Currently, these meetings are virtual.**

* * *

Mt. Diablo School District Liaison Committee

Interfaces with and communicates to Mount Diablo Unified School District (MDUSD) elected officials on issues of mutual benefit or concern. Monitors public activities and actions of the school district to report on matters of public interest or impact to the community or the public school campuses.

- Meetings are held when necessary.

* * *

Oakhurst Geological Hazard Abatement District (GHAD)

The Clayton City Council serves as the Board of Directors for this special public district. The District oversees the demarcated geological hazard abatement area overlapping portions of the incorporated city, essentially the Oakhurst Development area. It has the authority, but not the obligation, to abate or repair geological hazards or damages to public infrastructure or open space properties within the District.

- Public meetings are held in the Council Chambers as necessary, usually following a regularly-scheduled City Council meeting. **Currently, these meetings are virtual.**

* * *

Trails and Landscaping Committee (TLC) Liaison

The Citywide Landscaping Maintenance District is a legally-formed community facilities district (CFD 2007-1). The City Council functions as the District's governing body and appoints up to 11 residents to the District's citizens' advisory committee. The current Vice Mayor automatically serves as the Council's liaison to attend the TLC's meetings and assist in the exchange of information, City policies, and concerns with committee members.

► Public meetings of the TLC are scheduled for the 3rd Monday of each month at 7:00 p.m. in the Council Chambers. However, meetings more often occur as necessary. **Currently, these meetings are virtual.**

* * *

TRANSPAC

The Regional Transportation Planning Committee (RTPC) for Central Contra Costa County. It is responsible for the development of transportation plans, projects and programs for the Central County areas. It also appoints two (2) of its representatives to the Central Contra Costa Transportation Authority (CCTA). Its Board is comprised of elected public officials from each of the 5 cities in Central County (Clayton, Concord, Martinez, Pleasant Hill, and Walnut Creek) plus the county supervisor representing the Central County area.

► Public meetings are usually held the 2nd Thursday of every other month at 9:00 a.m. in at Pleasant Hill City Hall. **Currently, these meetings are virtual.**

* * *

* * * * *

Date: 25 January 2022



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: Laura Hoffmeister, Assistant to the City Manager

DATE: March 1, 2022

SUBJECT: A Resolution of the City Council of the City of Clayton Adopting a Notification of Intention to Comply with Senate Bill 1383, California's Short-Lived Climate Pollutant Reduction Law (Organic Waste Reduction Regulations)

RECOMMENDATION

Staff recommends that the City Council adopt the attached resolution.

BACKGROUND

Senate Bill 1383 regulations require all jurisdictions to implement a mandatory organics recycling program for residential accounts by January 1, 2022 or be subject to financial penalties of up to \$10,000 per day retroactively beginning January 1, 2022. Assembly Bill 619 provides relief for jurisdictions that may not be compliant with SB 1383 requirements by the January 1, 2022 deadline. To obtain this relief, City must adopt, by Resolution, the Notification of Intent to Comply with SB 1383 (Attachment 1) and submit to CalRecycle by March 1, 2022.

AB 619 was passed last year as it became clear the numerous requirements contained in SB 1383, along with the unexpected impacts of the COVID pandemic on staffing, business, residents and the supply chain, were going to take additional time for local agencies and their haulers to implement. These requirements include, but are not limited to modification to, local ordinances, operational modifications, education, outreach, amendments and extensions to franchise agreements.

ANALYSIS

Senate Bill 1383 contains numerous requirements which have already begun to go into effect. The bill, which can be summed up as a requirement to divert food waste from being landfilled, is necessitating such items as operational changes and capital improvements including container or lid colors and labeling, where organics can be hauled, expansion or modification

of existing facilities, new programs such as food waste recovery, education, tracking, reporting and enforcement.

Assembly Bill 619 provides relief for jurisdictions that may not be compliant with SB 1383 requirements by the January 1, 2022 deadline. Numerous cities, counties and Cal Cities supported AB 619 as it became clear during last year the numerous requirements contained in SB 1383 were going to take additional time to implement. Adopting a resolution in accordance with SB 619, allows jurisdictions to self-report a delay of implementation of the mandates of Senate Bill 1383, and relieves local jurisdictions from potential administrative civil penalties for the 2022 calendar year and allow a longer-term regulatory compliance path.

The new regulations require the City to update its Municipal Code, allowing the City to require and enforce regulations mandated by SB 1383, allowing residents to place food scraps into their yard waste containers. Also needed will be an extension and amendment to the franchise agreement with Republic Services to ensure and facilitate compliance. The Municipal Code update and the franchise agreement extension and amendment will be completed in 2022.

Adoption of a Resolution adopting a Notification of Intent to Comply with SB 1383 regulations will ensure that the City has the needed time to be in compliance with the State's requirements.

FISCAL IMPACTS

Not adopting the resolution may result in fines of up to \$10,000 per day retroactively beginning January 1, 2022.

ATTACHMENTS

1. Resolution Adopting a Notification of Intent to Comply with SB 1383

RESOLUTION NO. ____-2022

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAYTON ADOPTING A
NOTIFICATION OF INTENTION TO COMPLY WITH SENATE BILL 1383, CALIFORNIA'S
SHORT-LIVED CLIMATE POLLUTANT REDUCTION LAW (ORGANIC WASTE REDUCTION
REGULATIONS)**

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

WHEREAS, the California Department of Resources Recycling and Recovery ("CalRecycle") adopted regulations to implement Senate Bill 1383 (Lara, Statutes of 2016) ("SB 1383 Regulations"), to achieve organic waste reduction goals established in Health and Safety Code Section 39730.6 through a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2025; and

WHEREAS, the City of Clayton is a local jurisdiction required to comply with the Regulations; and

WHEREAS, the City of Clayton could face continuing violations of the Regulations commencing during the 2022 calendar year; and

WHEREAS, Senate Bill 619 (Laird, Statutes of 2021), amended Public Resources Code Section 42652.5, creating a mechanism called a Notification of Intent to Comply through which a local jurisdiction may secure administrative civil penalty relief from any continuing violations of the SB 1383 Regulations for the 2022 calendar year and may be eligible for a broader and longer-term regulatory compliance path, including suspended administrative civil penalties, through a corrective action plan; and

WHEREAS, the City of Clayton is a local jurisdiction authorized by SB 619 to submit a Notification of Intent to Comply for CalRecycle approval; and

WHEREAS, CalRecycle shall approve a Notification of Intent to Comply that is duly adopted by the jurisdiction by formal written resolution and meets the requirements of SB 619.

NOW THEREFORE BE IT RESOLVED THAT:

Section 1: The City of Clayton hereby authorizes and directs the City Manager or designee to submit this resolution (and any additionally required documentation) as the Notification of Intent to Comply to CalRecycle for approval.

Section 2: By submitting the Notification of Intent to Comply pursuant to SB 619, the City of Clayton represents and certifies that it will implement the proposed actions to

remedy the violations according to the proposed schedule as approved by CalRecycle and in accordance with SB 619 and the SB 1383 Regulations.

Section 3: The City of Clayton by and through its City Manager or designee, also acknowledges and agrees to comply with any maximum compliance deadline in any corrective action plan that CalRecycle, in its sole discretion, determines to be necessary and appropriate under the circumstances for the correction of any violation(s) of the Statute and Regulations identified in its Notification of Intent to Comply.

PASSED, APPROVED and ADOPTED by the City Council of the City of Clayton at a regular public meeting thereof on March 1, 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

Peter Cloven, Mayor

ATTEST:

Janet Calderon, City Clerk

IAN MEYER

for

"Doing the Right Thing"

at

Mt. Diablo Elementary School

by exemplifying great "Self-Discipline"

January and February 2022

MEHAR NANWHAN

for

"Doing the Right Thing"

at

Mt. Diablo Elementary School

by exemplifying great "Self-Discipline"

January and February 2022

KAYLEE ABREGANA

for

"Doing the Right Thing"

at

Diablo View Middle School

by exemplifying great "Self-Discipline"

January and February 2022

LUKA SAHIN

for

"Doing the Right Thing"

at

Diablo View Middle School

by exemplifying great "Self-Discipline"

January and February 2022

declaring

March

as

"Irish-American Heritage Month"

WHEREAS, Irish-American Heritage Month was first celebrated by proclamation of the President in 1991. It seemed natural to choose March (Saint Patrick's Day falls on March 17) for the month-long recognition of the contributions that Irish immigrants and their descendants have made to U.S. society. Virtually every realm of American endeavor, from steelworking to biotechnology to literature, has seen improvement through Irish-descended hands and minds; and

WHEREAS, the tradition of the Presidential proclamation continues on a yearly basis, with the top political figure from Ireland, the "Taoiseach," visiting to conduct a shamrock-giving ceremony at the Oval Office, followed in the evening by a reception attended by the President and other key figures of both governments; and

WHEREAS, most people know the basic facts of the influx of Irish families to the shores of the United States during the 19th century, with the image of the Irish immigrant being conscripted into the Army minutes after stepping off the boat perhaps the most ingrained in the minds of former grade-school history students; and

WHEREAS, what is less talked about is the anti-immigrant sentiment that was often faced by new Irish-Americans, largely a result of their Catholicism, which clashed with the predominantly Protestant backgrounds of the majority of families whose members had been among the original colonists. Irish-Americans faced bitter competition, even slanted legislation, in their search for good jobs and a place to call home; and

WHEREAS, this month we recognize not only the overcoming of those obstacles by Irish-Americans but also the incredible breadth and depth of their contributions to American society, from the Union's edge over the Confederacy in the Civil War to the intellectual contributions that have kept our country on the top tiers of accomplishment.

Now, Therefore, I, Peter Cloven, Mayor, and on behalf of the entire Clayton City Council, proclaim March, as "Irish-American Heritage Month" in Clayton, CA and I call this observance to the attention of all of our citizens.

declaring

March

as

"National Women's History Month"

WHEREAS, Women's History Month celebrates the often-overlooked contributions of women in history, society, and culture. It has been annually observed in the United States and other countries, including the United Kingdom and Australia, every March since 1987; and

WHEREAS, March is selected as the month for observing Women's History Month to correspond with International Women's Day on March 8, and Canada observes it in October in correspondence with Persons Day on October 18; and

WHEREAS, the month-long commemoration started with Women's History Day in 1978, organized by the school district of Sonoma, California. Hundreds of students participated in the essay competitions, many presentations were given, and a parade was held in Santa Rosa. The idea caught on and, a few years later, school districts, communities, and organizations all over the country were celebrating the day; and

WHEREAS, in 1980, the National Women's History Alliance championed for the holiday to be observed as a national week, and this was backed by President Jimmy Carter, who issued the first proclamation declaring the week of March 8 as National Women's History Week. The following year, Congress forwarded a resolution establishing a national observance. Six years later, the expansion of the event to the whole month of March was successfully petitioned by the National Women's History Project.

Now, Therefore, I, Peter Cloven, Mayor, and on behalf of the entire Clayton City Council, proclaim March, as "National Women's History Month" in Clayton, CA and I call this observance to the attention of all of our citizens.

declaring

March 31

as

"Cesar Chavez Day"

WHEREAS, Cesar Estrada Chavez was born on March 31, 1927, to a Mexican-American family in Yuma, Arizona. He spent his early years at a farm where his mother worked as a part-time laborer. As the Great Depression periled the states in the late 1930s, the Chavez family lost their homestead to foreclosure. Now a nomad in their own country, his family moved to California in search of a livelihood; and

WHEREAS, the migration had a grave impact on Chavez, who dropped out of school soon after and began working in the fields. In 1946, he joined the navy and served for two years. After his discharge, he rejoined farmwork, got married, and settled in Delano, California; and

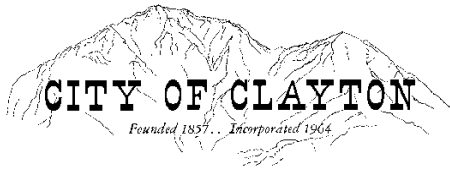
WHEREAS, after living a life of instability, low wages, and no ownership, Chavez began questioning the rationality behind his lack of accumulated wealth after years of hard work and dedication. His quest for answers led him down the path of grassroots organizing. In 1952, he became a mobilizer for a Latino civil rights group called the Community Service Organization (C.S.O.); and

WHEREAS, Chavez spent the next decade of his life fighting against racial and economic discrimination. He encouraged his community members to participate in democracy and led hundreds of voter registration drives. He later became the national director of C.S.O. After a dispute within the organization, Chavez resigned from his post in 1962 and joined hands with Dolores Huerta. Together, they founded the National Farm Workers Association; and

WHEREAS, he spent the following years of his life involved in regular protests, strikes, and participating in labor uprisings throughout the country. Inspired by Gandhi's principles of non-violence, he led hundreds of sit-in protests and hunger strikes; and

WHEREAS, Chavez passed away in 1993. Later that year, he was posthumously awarded the Presidential Medal of Freedom by President Bill Clinton. Even decades after his passing, he continues to inspire human rights activists everywhere and is a folk hero for millions of Americans.

Now, Therefore, I, Peter Cloven, Mayor, and on behalf of the entire Clayton City Council, proclaim March 31, as "Cesar Chavez Day" in Clayton, CA and I call this observance to the attention of all of our citizens.



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Reina Schwartz, City Manager

DATE: March 1, 2022

SUBJECT: Discussion of Availability of a Quorum at the April 5, 2022 Regular City Council Meeting

RECOMMENDATION

It is recommended the City Council discuss its availability at its regularly-scheduled City Council meeting of April 5, 2022. If a quorum does not exist and if so determined, by motion cancel the April 5, 2022 regular City Council meeting.

BACKGROUND

Clayton Municipal Code Section 2.04.010 specifies the regular public meetings of the Clayton City Council shall be held on the first and third Tuesdays of each and every month.

In order to provide optimum notice of meeting cancellation to interested members of the public and the development community as well as to arrange placement of agenda matters around the vacation plans of the City Council. The act of canceling one or more regularly-scheduled meetings is a matter to be taken in open public session by the City Council.

FISCAL IMPACT

There is no adverse financial impact to the City for cancellation of City Council meetings. Nominal savings occur for expenses incurred in the preparation, publication, and holding of a Council meeting (e.g., staff time, paper and copying expenses, meeting room utilities, video-taping/zoom virtual of the meetings for livestreaming and cable television re-broadcast).

If necessary or should an emergency arise between canceled meetings, a special meeting of the City Council may always be called by the Mayor with proper notice to members of the City Council, the press, and with fully-required public postings of the Agenda.