



AGENDA

REGULAR MEETING

CLAYTON CITY COUNCIL

TUESDAY, August 18, 2020

7:00 P.M.

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

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.

Mayor: Julie K. Pierce

Vice Mayor: Jeff Wan

Council Members

Tuija Catalano

Jim Diaz

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.ci.clayton.ca.us
- Agendas are posted at: 1) City Hall, 6000 Heritage Trail; 2) Library, 6125 Clayton Road; 3) Ohm's Bulletin Board, 1028 Diablo Street, Clayton; and 4) City Website at www.ci.clayton.ca.us
- Any writings or documents provided to a majority of the City Council after distribution of the Agenda Packet and regarding any public item on this Agenda is available for review on the City's website at www.ci.clayton.ca.us
- 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 – August 18

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_n7_sHFO-SwmlvIDWDITDhw

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 jcalderon@ci.clayton.ca.us 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_n7_sHFO-SwmlvIDWDITDhw

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 ***

August 18, 2020

1. CALL TO ORDER AND ROLL CALL – Mayor Pierce.

2. PLEDGE OF ALLEGIANCE – led by Councilmember Diaz.

3. CONSENT CALENDAR

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

(a) Approve the minutes of the City Council's regular meeting of August 4, 2020.
(City Clerk) ([View Here](#))

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

(c) Resolution Authorizing HdL Companies to Examine the Sales, Use and Transaction Tax Records of the Department of Tax and Fee Administration Pertaining to Those Taxes Collected for the City of Clayton. (Finance)
([View Here](#))

(d) Adopt a Resolution Accepting the North Valley Park Playground Rehabilitation Project (CIP No. 10442) Performed by Specified Play Equipment Company (SPEC) as Complete, Approving the attached Notice of Completion, Directing the City Clerk to Record Same with the County Recorder and Authorizing the Payment of All Retained Funds to SPEC 35 Days After Recording the Notice of Completion. (City Engineer) ([View Here](#))

4. RECOGNITIONS AND PRESENTATIONS

(a) Proclamation declaring August 26, 2020 as "National Women's Suffrage Day".
([View Here](#))

5. REPORTS

(a) Planning Commission – No meeting held.

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

(c) City Manager/Staff

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

(e) Other – 1. Keith Haydon, Central Contra Costa Transit Authority Board of Directors (CCCTA)

2. Introduction of City Council candidates (present at the meeting).

6. PUBLIC COMMENT ON NON - AGENDA ITEMS

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

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

7. PUBLIC HEARINGS – None.

8. ACTION ITEMS

- (a)
 - 1. Adopt the Resolution Accepting the Draft Citywide Engineering and Traffic Survey Recommending Increases in the Speed Limits on Segments of Eagle Peak Drive, Clayton Road and Mountaire Parkway;
 - 2. Introduce, by title only, an Ordinance Amending Chapter 10.20 of the Clayton Municipal Code in Order to Change the Prima Facie Speed Limit on Various Streets. (City Engineer) ([View Here](#))
- (b) Consideration of a letter of support for the Bay Area Plan 2050 Baseline Data Methodology to the Bay Area Governments (ABAG) Housing Methodology Committee related to the State Mandated Regional Housing Needs Assessment (RHNA). (Community Development Director) ([View Here](#))

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

10. CLOSED SESSION

- (a) Conference with Labor Negotiator
Government Code Section 54957.6
Agency designated labor negotiator: Interim City Manager
 - 1. Employee Organization: Miscellaneous City Employees (Undesignated Group)

11. ADJOURNMENT

The next regularly scheduled meeting of the City Council will be September 1, 2020.

#

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

TUESDAY, August 4, 2020

Agenda Date: 8-18-2020

Agenda Item: 3a

1. **CALL TO ORDER THE CITY COUNCIL** – The meeting was recalled to order at 7:02 p.m. by Mayor Pierce on a virtual web meeting and telephonically (877) 853-5257. Councilmembers present: Mayor Pierce, Vice Mayor Wan, and Councilmembers Catalano, Diaz, and Wolfe. Councilmembers absent: None. Staff present: Interim City Manager Fran Robustelli, Assistant to the City Manager Laura Hoffmeister, City Attorney Mala Subramanian, Community Development Director Matthew Feske, City Engineer Scott Alman and City Clerk/HR Manager Janet Calderon.

Mayor Pierce and Councilmembers welcomed Interim City Manager, Fran Robustelli, to her first meeting.

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

3. **CONSENT CALENDAR**

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

- (a) Approved the minutes of the City Council's regular meeting of July 21, 2020.
- (b) Approved the Financial Demands and Obligations of the City.
- (c) City of Clayton's Response To Civil Grand Jury Report No. 2004 "Police Department Staffing", pursuant to California Government Code Section 933 (a) (b).
- (d) Accepted of City Investment Portfolio Report for 2nd Quarter of FY 2019-20 ending December 31, 2019.
- (e) Accepted of City Investment Portfolio Report for 3rd Quarter of FY 2019-20 ending March 31, 2020.
- (f) Accepted of City Investment Portfolio Report for 4th Quarter of FY 2019-20 ending June 30, 2020.

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

5. **REPORTS**

- (a) Planning Commission – No meeting held.
- (b) Trails and Landscaping Committee – No meeting held.

(c) City Manager/Staff

Interim City Manager Fran Robustelli provided a brief report regarding a large crowd gathering that took place over the weekend at Clayton Community Park; gates have since been closed to the upper parking lot to prevent this type of event from occurring during COVID. Ms. Robustelli also advised the City has received its first allocation in the amount of \$23,330.00 of the \$139,979.00 CARES Act funding grant.

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

Vice Mayor Wan emailed and called constituents.

Councilmember Catalano announced the Public Safety ad-hoc committee meeting taking place Wednesday, August 5 at 6:30 p.m. and announced the upcoming community based organized group on race relations focusing on education taking place on Thursday, August 6 at 7:30 p.m.

Councilmember Diaz met with residents in an advisory capacity on Morgan Territory regarding fire service issues and met with the Interim City Manager.

Councilmember Wolfe met with the Interim City Manager, announced the Public Safety ad-hoc committee meeting taking place on Wednesday, August 5 at 6:30 p.m. and announced the upcoming community based organized group on race relations focusing on education taking place on Thursday, August 6 at 7:30 p.m.

Mayor Pierce attended the joint Association of Bay Area Governments and Metropolitan Transportation Commission Governance Committee meeting, and has worked in an advisory capacity with the community based organized group on race relations.

(e) Other – None.

6. PUBLIC COMMENT ON NON - AGENDA ITEMS

Scott Denslow expressed his concerns regarding a sign on a downtown business (Canesa's Brooklyn Heros) advocating the use of firearms.

Nancy Topp advised she does not feel safe in the downtown based on the sign at Canesa's Brooklyn Heros as she feels it is inviting danger and harassment to the community.

Samantha Sexton thanked the City Council for adopting the Condemning Racism Resolution. Ms. Sexton inquired if it can be posted on the City's website and banners on the entryways of town.

Halona Sudduth advised she is having similar race relations issues in Huntington Beach.

Melinda Merrion also saw the sign at a downtown business (Canesa's Brooklyn Heros) and wants to feel safe in this community.

Mayor Pierce closed public comment.

Mayor Pierce closed public comment.

7. PUBLIC HEARINGS – None.

- (a) Public hearing to consider and adopt Ordinance 490 amending Chapter 15.09 of the Clayton Municipal Code and adopting by reference the 2019 California Fire Code with changes, additions, and deletions.

Community Development Director Matthew Feske presented the report.

There were no questions by City Council, Mayor Pierce opened the item to public comment; no comments were offered. Mayor Pierce closed the public hearing.

It was moved by Councilmember Diaz, seconded by Councilmember Wolfe, to Adopt Ordinance 490 amending Chapter 15.09 of the Clayton Municipal Code and adopting by reference the 209 California Fire Code with changes, additions, and deletions. (Passed 5-0)

8. ACTION ITEMS –None.

9. COUNCIL ITEMS

Councilmember Wolfe requested a future discussion regarding race relations in Clayton with adding to the values of the "Do The Right Thing" character traits by adding Diversity or Inclusion.

Mayor Pierce also referred the public to the *Clayton Pioneer* to a column talking about how the community and Council are dealing with the subject of racism. She also requested the Condemning Racism Resolution be added to the City's website.

10. CLOSED SESSION

- 11. ADJOURNMENT–** on call by Mayor Pierce, the City Council adjourned its meeting at 7:29 p.m.

The next regularly scheduled meeting of the City Council will be August 18, 2020.

#

Respectfully submitted,

Janet Calderon, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL

Julie Pierce, Mayor

#



STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: JENNIFER GIANTVALLEY, ACCOUNTING TECHNICIAN

DATE: 08/18/2020

SUBJECT: FINANCIAL DEMANDS AND OBLIGATIONS OF THE CITY

RECOMMENDATION:

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

Attached Report	Purpose	Date	Amount
Open Invoice Report	Accounts Payable	8/11/2020	\$ 200,575.71
Cash Requirements Report	Payroll, Taxes	8/11/2020	96,725.51
	Total Required		\$ 297,301.22

Attachments:

1. Open Invoice Report, dated 8/11/20 (5 pages)



2. Cash Requirements report PPE 8/9/20 (1 page)

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
City of Antioch	7/20/2020	7/20/2020	72020	Tires for PD car #1742	\$938.41	\$0.00		\$938.41
				<i>Totals for City of Antioch</i>	<i>\$938.41</i>	<i>\$0.00</i>		<i>\$938.41</i>
City of Concord								
City of Concord	7/30/2020	7/30/2020	84948	Dispatch services September 2020	\$24,418.92	\$0.00		\$24,418.92
City of Concord	8/5/2020	8/5/2020	84969	Live scan svcs July 2020	\$48.00	\$0.00		\$48.00
				<i>Totals for City of Concord</i>	<i>\$24,466.92</i>	<i>\$0.00</i>		<i>\$24,466.92</i>
City of Pleasant Hill								
City of Pleasant Hill	8/4/2020	8/4/2020	CLA04 900007131	Transpac Dues FY 21	\$23,292.00	\$0.00		\$23,292.00
				<i>Totals for City of Pleasant Hill</i>	<i>\$23,292.00</i>	<i>\$0.00</i>		<i>\$23,292.00</i>
Clean Street								
Clean Street	7/31/2020	7/31/2020	97873	Street sweeping July 2020	\$4,500.00	\$0.00		\$4,500.00
Clean Street	4/30/2020	4/30/2020	97146	Street sweeping April 2020	\$4,500.00	\$0.00		\$4,500.00
Clean Street	5/31/2020	5/31/2020	97386	Street sweeping May 2020	\$4,500.00	\$0.00		\$4,500.00
Clean Street	6/30/2020	6/30/2020	97626	Street sweeping June 2020	\$4,500.00	\$0.00		\$4,500.00
				<i>Totals for Clean Street.</i>	<i>\$18,000.00</i>	<i>\$0.00</i>		<i>\$18,000.00</i>
Comcast Business (PD)								
Comcast Business (PD)	8/1/2020	8/1/2020	105138971	PD internet July 2020	\$949.20	\$0.00		\$949.20
				<i>Totals for Comcast Business (PD)</i>	<i>\$949.20</i>	<i>\$0.00</i>		<i>\$949.20</i>
Comcast Business								
Comcast Business	8/5/2020	8/5/2020	080520	Internet 8/10/20-9/9/20	\$386.09	\$0.00		\$386.09
				<i>Totals for Comcast Business</i>	<i>\$386.09</i>	<i>\$0.00</i>		<i>\$386.09</i>
Command Consulting & Investigations, Inc								
Command Consulting & Investigations, I	8/10/2020	8/10/2020	081020	Transcription pass-through costs	\$5,671.40	\$0.00		\$5,671.40
				<i>Totals for Command Consulting & Investigations, Inc</i>	<i>\$5,671.40</i>	<i>\$0.00</i>		<i>\$5,671.40</i>
Concord Uniforms								
Concord Uniforms	8/1/2020	8/1/2020	16897	PD uniform	\$265.19	\$0.00		\$265.19
				<i>Totals for Concord Uniforms</i>	<i>\$265.19</i>	<i>\$0.00</i>		<i>\$265.19</i>
Contra Costa County - Office of the Sheriff								
Contra Costa County - Office of the She	8/15/2020	8/15/2020	20/21Clytn	ARIES Maintenance FY21	\$8,770.00	\$0.00		\$8,770.00
				<i>Totals for Contra Costa County - Office of the Sherif.</i>	<i>\$8,770.00</i>	<i>\$0.00</i>		<i>\$8,770.00</i>
Contra Costa County Law & Justice Systems								
Contra Costa County Law & Justice Sys	6/30/2020	6/30/2020	LJIS 20-Cly	ACCJIN shared costs FY 20	\$2,323.69	\$0.00		\$2,323.69
				<i>Totals for Contra Costa County Law & Justice Systems</i>	<i>\$2,323.69</i>	<i>\$0.00</i>		<i>\$2,323.69</i>
Contra Costa County Public Works Dept								
Contra Costa County Public Works Dept	6/30/2020	6/30/2020	703192	Traffic signal maintenance June 2020	\$2,758.68	\$0.00		\$2,758.68

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
<i>Totals for Contra Costa County Public Works Dept</i>					\$2,758.68	\$0.00		\$2,758.68
De Lage Landen Financial Services, Inc.								
De Lage Landen Financial Services, Inc.	9/15/2020	8/3/2020	68952574	Copier contract 8/15/20-9/14/20	\$304.59	\$0.00		\$304.59
<i>Totals for De Lage Landen Financial Services, Inc.</i>					\$304.59	\$0.00		\$304.59
Dillon Electric Inc								
Dillon Electric Inc	7/27/2020	7/27/2020	4186	Street light repairs 7/24/20	\$406.25	\$0.00		\$406.25
Dillon Electric Inc	8/6/2020	8/6/2020	4190	Library repair to low voltage lighting system	\$562.50	\$0.00		\$562.50
<i>Totals for Dillon Electric Inc</i>					\$968.75	\$0.00		\$968.75
Ennis-Flint, Inc								
Ennis-Flint, Inc	7/28/2020	7/28/2020	248370	"Drains to Creek" signs	\$2,492.13	\$0.00		\$2,492.13
<i>Totals for Ennis-Flint, Inc.</i>					\$2,492.13	\$0.00		\$2,492.13
Entenmann-Rovin Co								
Entenmann-Rovin Co	6/26/2020	6/26/2020	0152507-IN	PD badge	\$139.54	\$0.00		\$139.54
<i>Totals for Entenmann-Rovin Co</i>					\$139.54	\$0.00		\$139.54
Galaxy Press								
Galaxy Press	8/4/2020	8/4/2020	33495	Leave request form printing	\$104.93	\$0.00		\$104.93
Galaxy Press	8/4/2020	8/4/2020	33497	NAMI brochure printing	\$100.00	\$0.00		\$100.00
<i>Totals for Galaxy Press.</i>					\$204.93	\$0.00		\$204.93
Geoconsultants, Inc.								
Geoconsultants, Inc.	7/28/2020	7/28/2020	19075	Well monitoring July 2020	\$1,546.50	\$0.00		\$1,546.50
<i>Totals for Geoconsultants, Inc.</i>					\$1,546.50	\$0.00		\$1,546.50
Globalstar LLC								
Globalstar LLC	7/16/2020	7/16/2020	3662161	Sat phone 7/16/20-8/15/20	\$109.82	\$0.00		\$109.82
<i>Totals for Globalstar LLC.</i>					\$109.82	\$0.00		\$109.82
Harris & Associates, Inc.								
Harris & Associates, Inc.	7/27/2020	7/27/2020	45561	Engineering svcs 5/24/20-6/30/20	\$12,805.23	\$0.00		\$12,805.23
Harris & Associates, Inc.	7/27/2020	7/27/2020	45560	Engineering svcs 5/24/20-6/30/20	\$5,170.00	\$0.00		\$5,170.00
Harris & Associates, Inc.	6/30/2020	6/30/2020	45559	Engineering svcs 5/24/20-6/30/20	\$9,863.00	\$0.00		\$9,863.00
<i>Totals for Harris & Associates, Inc.</i>					\$27,838.23	\$0.00		\$27,838.23
ICMA Retirement Corporation								
ICMA Retirement Corporation	8/9/2020	8/9/2020	080920	457 Plan contribution PPE 8/9/20	\$1,650.00	\$0.00		\$1,650.00
<i>Totals for ICMA Retirement Corporation</i>					\$1,650.00	\$0.00		\$1,650.00
Joanne Lederman								
Joanne Lederman	7/29/2020	7/29/2020	081020	HH rental refund	\$56.00	\$0.00		\$56.00
<i>Totals for Joanne Lederman.</i>					\$56.00	\$0.00		\$56.00

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
Miwall Corporation								
Miwall Corporation	8/3/2020	8/3/2020	9064	PD Ammo	\$3,264.25	\$0.00		\$3,264.25
				<i>Totals for Miwall Corporation</i>	<i>\$3,264.25</i>	<i>\$0.00</i>		<i>\$3,264.25</i>
Diego Morales								
Diego Morales	7/29/2020	7/29/2020	082320	CCP rental refund	\$220.00	\$0.00		\$220.00
				<i>Totals for Diego Morales.</i>	<i>\$220.00</i>	<i>\$0.00</i>		<i>\$220.00</i>
MPA								
MPA	8/11/2020	8/11/2020	September20	Life/LTD September 2020	\$2,087.71	\$0.00		\$2,087.71
MPA	8/4/2020	8/4/2020	1290	Cyber Liability Coverage Excess premium FY	\$2,510.00	\$0.00		\$2,510.00
				<i>Totals for MPA.</i>	<i>\$4,597.71</i>	<i>\$0.00</i>		<i>\$4,597.71</i>
MSR Mechanical, LLC								
MSR Mechanical, LLC	8/6/2020	8/6/2020	114125	CH HVAC repairs 7/22/20	\$12,053.74	\$0.00		\$12,053.74
MSR Mechanical, LLC	8/3/2020	8/3/2020	114099	Library HVAC repairs 6/18/20	\$1,400.00	\$0.00		\$1,400.00
				<i>Totals for MSR Mechanical, LLC</i>	<i>\$13,453.74</i>	<i>\$0.00</i>		<i>\$13,453.74</i>
Napa Valley Community College District								
Napa Valley Community College Distr	9/14/2020	9/14/2020	PC832	Code enforcement class	\$185.00	\$0.00		\$185.00
				<i>Totals for Napa Valley Community College District</i>	<i>\$185.00</i>	<i>\$0.00</i>		<i>\$185.00</i>
Nationwide								
Nationwide	8/9/2020	8/9/2020	080920	457 Plan contribution PPE 8/9/20	\$500.00	\$0.00		\$500.00
				<i>Totals for Nationwide.</i>	<i>\$500.00</i>	<i>\$0.00</i>		<i>\$500.00</i>
Neopost (add postage)								
Neopost (add postage)	8/7/2020	8/7/2020	080720	Postage	\$300.00	\$0.00		\$300.00
				<i>Totals for Neopost (add postage)</i>	<i>\$300.00</i>	<i>\$0.00</i>		<i>\$300.00</i>
Paychex								
Paychex	8/12/2020	8/12/2020	2020081001	Payroll fees PPE 8/9/20	\$338.46	\$0.00		\$338.46
				<i>Totals for Paychex.</i>	<i>\$338.46</i>	<i>\$0.00</i>		<i>\$338.46</i>
Pond M Solutions								
Pond M Solutions	6/30/2020	6/30/2020	694	Fountain maintenance June 2020	\$650.00	\$0.00		\$650.00
Pond M Solutions	8/6/2020	8/6/2020	695	Fountain maintenance July 2020	\$650.00	\$0.00		\$650.00
				<i>Totals for Pond M Solutions</i>	<i>\$1,300.00</i>	<i>\$0.00</i>		<i>\$1,300.00</i>
Quill Corp.								
Quill Corp.	8/3/2020	8/3/2020	9200484	Office supplies	\$375.69	\$0.00		\$375.69
				<i>Totals for Quill Corp..</i>	<i>\$375.69</i>	<i>\$0.00</i>		<i>\$375.69</i>
Raney Planning & Management, Inc.								
Raney Planning & Management, Inc.	7/9/2020	7/9/2020	1752E-8	Oak Creek Canyon labor June 2020	\$6,168.56	\$0.00		\$6,168.56

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
Raney Planning & Management, Inc.	7/9/2020	7/9/2020	2040E-1	CCChurch Labor June 2020	\$577.50	\$0.00		\$577.50
				<i>Totals for Raney Planning & Management, Inc.</i>	<i>\$6,746.06</i>	<i>\$0.00</i>		<i>\$6,746.06</i>
Riso Products of Sacramento								
Riso Products of Sacramento	7/22/2020	7/22/2020	208872	Copier usage 6/20/20-7/19/20	\$46.17	\$0.00		\$46.17
Riso Products of Sacramento	8/3/2020	8/3/2020	209020	Copier lease pmt 41 of 60	\$106.09	\$0.00		\$106.09
				<i>Totals for Riso Products of Sacramento</i>	<i>\$152.26</i>	<i>\$0.00</i>		<i>\$152.26</i>
Site One Landscape Supply, LLC								
Site One Landscape Supply, LLC	7/16/2020	7/16/2020	101617914-001	Irrigation supplies	\$609.47	\$0.00		\$609.47
				<i>Totals for Site One Landscape Supply, LLC</i>	<i>\$609.47</i>	<i>\$0.00</i>		<i>\$609.47</i>
Sprint Comm (PD)								
Sprint Comm (PD)	7/29/2020	7/29/2020	703335311-224	Cell phones 6/26/20-7/25/20	\$716.62	\$0.00		\$716.62
				<i>Totals for Sprint Comm (PD)</i>	<i>\$716.62</i>	<i>\$0.00</i>		<i>\$716.62</i>
Staples Business Credit								
Staples Business Credit	7/25/2020	7/25/2020	1630065066	Office supplies	\$322.97	\$0.00		\$322.97
				<i>Totals for Staples Business Credit</i>	<i>\$322.97</i>	<i>\$0.00</i>		<i>\$322.97</i>
Swenson's Mobile Fleet Repair								
Swenson's Mobile Fleet Repair	7/29/2020	7/29/2020	1001900	Service to '99 F450	\$1,153.78	\$0.00		\$1,153.78
				<i>Totals for Swenson's Mobile Fleet Repair</i>	<i>\$1,153.78</i>	<i>\$0.00</i>		<i>\$1,153.78</i>
Terracare Associates								
Terracare Associates	7/31/2020	7/31/2020	CD50096269	Irrigation repair to planters on Center St	\$650.00	\$0.00		\$650.00
Terracare Associates	7/31/2020	7/31/2020	CD50096194	Repair to mowstrip @ Windmill Canyon	\$1,455.00	\$0.00		\$1,455.00
Terracare Associates	8/10/2020	8/10/2020	CD50091088	Irrigation repairs @ North Valley Park	\$2,300.00	\$0.00		\$2,300.00
				<i>Totals for Terracare Associates</i>	<i>\$4,405.00</i>	<i>\$0.00</i>		<i>\$4,405.00</i>
US Bank - Corp Pmt System CalCard								
US Bank - Corp Pmt System CalCard	7/22/2020	7/22/2020	Stmt end 7/22/20	CalCard stmt end 7/22/20	\$7,789.76	\$0.00		\$7,789.76
				<i>Totals for US Bank - Corp Pmt System CalCard</i>	<i>\$7,789.76</i>	<i>\$0.00</i>		<i>\$7,789.76</i>
GRAND TOTALS:					\$200,575.71	\$0.00		\$200,575.71

CASH REQUIREMENTS

CASH REQUIRED FOR NEGOTIABLE CHECKS &/OR ELECTRONIC FUNDS TRANSFERS (EFT) FOR CHECK DATE 08/12/20: \$96,725.51

IMPORTANT COVID-19 INFORMATION: If you filed IRS Form 7200, please notify your Paychex representative to avoid owing a balance at the end of the quarter and ensure your Form 941 is accurate.

TRANSACTION SUMMARY

SUMMARY BY TRANSACTION TYPE -	TOTAL ELECTRONIC FUNDS TRANSFER (EFT)	96,725.51
	CASH REQUIRED FOR NEGOTIABLE CHECKS &/OR EFT	96,725.51
	TOTAL REMAINING DEDUCTIONS / WITHHOLDINGS / LIABILITIES	14,951.81
	CASH REQUIRED FOR CHECK DATE 08/12/20	111,677.32

TRANSACTION DETAIL

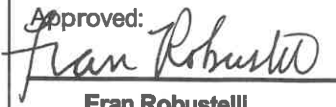
ELECTRONIC FUNDS TRANSFER - Your financial institution will initiate transfer to Paychex at or after 12:01 A.M. on transaction date.

TRANS. DATE	BANK NAME	ACCOUNT NUMBER	PRODUCT	DESCRIPTION		BANK DRAFT AMOUNTS & OTHER TOTALS
08/11/20	BANK OF AMERICA, NA	xxxxxx4799	Direct Deposit	Net Pay Allocations	71,405.16	
08/11/20	BANK OF AMERICA, NA	xxxxxx4799	Direct Deposit	Deductions with Direct Deposit	663.50	72,068.66
08/11/20	BANK OF AMERICA, NA	xxxxxx4799	Readychex®	Check Amounts	2,663.14	2,663.14
08/11/20	BANK OF AMERICA, NA	xxxxxx4799	Garnishment	Employee Deductions	75.00	75.00
				EFT FOR 08/11/20		74,806.80
08/12/20	BANK OF AMERICA, NA	xxxxxx4799	Taxpay®	Employee Withholdings		
				Social Security	1,133.81	
				Medicare	1,501.59	
				Fed Income Tax	11,599.12	
				CA Income Tax	4,783.73	
				Total Withholdings	19,018.25	
				Employer Liabilities		
				Social Security	1,133.81	
				Medicare	1,501.68	
				Fed Unemploy	41.84	
				CA Unemploy	216.16	
				CA Emp Train	6.97	
				Total Liabilities	2,900.46	21,918.71
				EFT FOR 08/12/20		21,918.71
				TOTAL EFT		96,725.51



Agenda Date: 8-18-2020

Agenda Item: 3c

Approved: 
Fran Robustelli
Interim City Manager

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS
FROM: Paul L. Rodrigues, Finance Director
DATE: August 18, 2020
SUBJECT: Resolution Authorizing HdL Companies to Examine the Sales, Use and Transaction Tax Records of the Department of Tax and Fee Administration Pertaining to Those Taxes Collected for the City of Clayton.

RECOMMENDATION

Adopt Resolution ___-2020 authorizing Hinderliter, de Llamas & Associates (HdL Companies) to examine the sales, use and transaction tax records of the Department of Tax and Fee Administration.

BACKGROUND

The City of Clayton utilizes HdL for business license processing. This company also provides review service of sales and use taxes collected by the State to review and analyze the City's existing (Bradley-Burns) sales tax data on file with the State. This will ensure that all sales, use and transaction taxes duly owed to the City of Clayton are properly allocated to the City by the State. Although Avenu Insights & Analytics (Avenu), formerly known as MuniServices, LLC, also provides this service, HdL has emerged as an industry leader with a robust reporting service and has earned a stellar reputation among other municipalities. In researching other companies MAS (Municipal Auditing Services), historically also provided this type of service. However staff research did not locate any web site or information that they provide such service today.

More recently, as the COVID-19 pandemic grew, HdL hosted informational webinars and provided information to local jurisdictions, free of charge, to better understand the potential fiscal impacts of this global pandemic. Such information has proved invaluable as the City has attempted to quantify projected revenue changes and forecast in the City's financial position and FY 20-21 Budget. As part of its ongoing assessment process, staff requested a proposal from HdL.

DISCUSSION

HdL has been in operation since 1983 and has developed California's first computerized sales tax management program that allows verification of the State Board of Equalization's allocation of sales tax revenues to local governments. HdL currently serves 49 counties and 333 cities in California. This enables HdL to compile the most extensive database in the State. Thus, HdL has more access to data regarding misallocated revenue than any other company, aiding in the efficient recovery of such funds for local jurisdictions. HdL is specialized in sales and use tax analysis and has extensive experience identifying and correcting "point of sale" allocation errors, misallocations, and other misreported sales transactions that result in recovered sales tax revenues for the City. Their specialized services include providing quarterly updates to the City through a confidential quarterly sales tax report that identifies changes in sales by major outlets, by category, and areas of growth. Additionally, HdL provides non-confidential quarterly news- letters with economic and sales tax trends by major groups without disclosing confidential information. It should be noted that the confidentiality of information is governed by CDTFA through the California Revenue and Taxation Code, and any reports produced designated as confidential or non-confidential are designated as such in compliance with the Code.

The records needing to be reviewed are on file with the State Department of Tax and Fee Administration. The State requires the local agency to provide a Resolution to authorize review of this data. The contract allows HdL Companies to interface with the Department of Tax and Fee Administration for audit of state records. The services that HdL Companies provides and coordinates with the Department of Tax and Fee Administration Pursuant to California Revenue and Taxation Code section 7056, this resolution authorizes HdL Companies, as the City's contracted representative, to examine sales, use and transaction tax records collected by the Department of Tax and Fee Administration on behalf of the City.

The objective is to identify and correct sales and use tax reporting errors. These errors are identified through thorough and complex analysis of ongoing data to determine discrepancies in reporting values by individual vendors and sectors, as well as monitoring the opening and closing of businesses that should be reporting sales and use tax. The vendor will follow through on these identified errors by working with the California Department of Tax and Fee Administration (CDTFA) to correct and redirect the tax revenue to the City.

In addition, included as part of these services, the vendor will provide sales tax projections that the City may utilize to prepare financial forecasts, annual budgets, and budget amendments. HdL's team has extensive economic development, finance, and local government experience that allows them to analyze the City's revenue in detail and provide relevant, useful, and timely information and financial strategies. As a result, staff is recommending that the Council approve a contract with HdL.

Any revenue misallocations will be reassigned by the State to the proper locality. If a city has been provided revenue that should have been assigned to Clayton, HdL will notify the State and the state will make the payment to the Clayton and then reduce the other City's sales or use tax accordingly. If in the review funds are identified that should be assigned or apportioned to another city that was coming to Clayton in error, Clayton sales tax would be

reduced and the state will repay the proper city. Individual business are generally not contacted by HdL. This is essentially an audit of the state receipt and allocation records. Some examples of errors: A major grocery in a suburban city had miscoded their cash registers and was under collecting the required sales tax in one jurisdiction and over collecting in another. A sandwich store chain had two locations and reported all their sales out of one location, overstating sales in one city and under-reporting in another. These are funds the state received but they were not correctly matched up with the host jurisdiction, or matched up correctly.

The services that HdL Companies provides and coordinates with the Department of Tax and Fee Administration ensures that all sales, use and transaction taxes duly owed to the City of Clayton are properly allocated to the City. Pursuant to California Revenue and Taxation Code section 7056, this resolution authorizes HdL Companies, as the City's contracted representative, to examine sales, use and transaction tax records collected by the Department of Tax and Fee Administration on behalf of the City.

FISCAL IMPACTS

For this service HdL agreement cost is \$3,800 annually plus a 15% "finder fee" of any state apportionment/allocation errors discovered. These costs were included in the adopted Fiscal Year 20-21 budget. If errors are found that result in an increase in sales tax revenue by way of sales tax error corrections this could increase overall general fund revenues.

ATTACHMENTS

- Attachment A: Resolution __-2020 A Resolution Authorizing Examination of State Data related to the Sales, Use and Transaction Tax Records
- Exhibit A: Agreement for Sales, Use and Transaction Tax Audit and Information Services

RESOLUTION NO. ____-2020

**A RESOLUTION AUTHORIZING EXAMINATION OF SALES, USE AND
TRANSACTIONS TAX RECORDS**

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

WHEREAS, pursuant to Ordinance 125, the City of Clayton entered into a contract with the Department of Tax and Fee Administration to perform all functions incident to the administration and collection of local sales, use and transactions taxes; and

WHEREAS, the City Council of the City of Clayton deems it desirable and necessary for authorized representatives of the City to examine confidential sales, use and transactions tax records of the Department of Tax and Fee Administration pertaining to sales, use and transactions taxes collected by the Department for the City pursuant to that contract; and

WHEREAS, Section 7056 of the California Revenue and Taxation Code sets forth certain requirements and conditions for the disclosure of Department of Tax and Fee Administration records, and establishes criminal penalties for the unlawful disclosure of information contained in, or derived from, the sales, use and transactions tax records of the Department; and

WHEREAS, the City Manager is hereby authorized to execute the attached "Agreement for Sales, Use and Transactions Tax Audit and Information Services" (Exhibit A) with Hinderliter, de Llamas & Associates (HdL).

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLAYTON
HEREBY RESOLVES AS FOLLOWS:**

Section 1. That the City Manager, or other officer or employee of the City designated in writing by the City Manager to the Department of Tax and Fee Administration (hereafter referred to as Department), is hereby appointed to represent the City of Clayton with authority to examine sales, use and transactions tax records of the Department pertaining to sales, use and transactions taxes collected for the City by the Department pursuant to the contract between the City and the Department. The information obtained by examination of Department

records shall be used only for purposes related to the collection of City sales, use and transactions taxes by the Department pursuant to that contract.

Section 2. That the City Manager, or other officer or employee of the City designated in writing by the City Manager to the Department, is hereby appointed to represent the City with authority to examine those sales, use and transactions tax records of the Department, for purposes related to the following governmental functions of the City:

- (a) City administration
- (b) Revenue management and budgeting
- (c) Community and economic development
- (d) Business license tax administration

The information obtained by examination of Department records shall be used only for those governmental functions of the City listed above.

Section 3. That Hinderliter, de Llamas & Associates is hereby designated to examine the sales, use and transactions tax records of the Department pertaining to sales, use and transactions taxes collected for the City by the Department. The person or entity designated by this section meets all of the following conditions:

- (a) has an existing contract with the City to examine those sales, use and transactions tax records;
- (b) is required by that contract to disclose information contained in, or derived from, those sales, use and transactions tax records only to the officer or employee authorized under Sections 1 or 2 of this resolution to examine the information.
- (c) is prohibited by that contract from performing consulting services for a retailer during the term of that contract; and
- (d) is prohibited by that contract from retaining the information contained in, or derived from those sales, use and transactions tax records, after that contract has expired.

The information obtained by examination of Department records shall be used only for purposes related to the collection of City sales, use and transactions taxes by the Department pursuant to the contract between the City and the Department and for purposes relating to the governmental functions of the City listed in section 2 of this resolution.

PASSED, APPROVED and ADOPTED by the City Council of the City of Clayton at a regular public meeting thereof on August 18, 2020 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

Julie Pierce, Mayor

ATTEST:

Janet Calderon, City Clerk

**AGREEMENT FOR SALES, USE AND TRANSACTIONS TAX AUDIT AND
INFORMATION SERVICES**

This Agreement is made and entered into as of the ____ day of _____, 2020 (the “Effective Date”) by and between the CITY OF CLAYTON, a municipal corporation hereinafter called (“CITY”), and HINDERLITER, de LLAMAS AND ASSOCIATES (HdL) a California Corporation, hereinafter called (“CONTRACTOR”).

I. RECITALS

WHEREAS, sales, use and transactions tax (sometimes collectively referred to herein as “sales and use tax”) revenues can be increased through a system of continuous monitoring, identification and correction of allocation errors, and

WHEREAS, an effective program of sales and use tax management will improve identification of economic opportunities; provide for more accurate sales and use tax forecasting; and assist in related revenue collections; and

WHEREAS, CITY desires the combination of data entry, report preparation and analysis necessary to effectively manage its sales and use tax base; the recovery of revenues erroneously allocated to other jurisdictions and allocation pools; and to maximize its financial and economic planning; and

WHEREAS, CONTRACTOR has the programs, equipment and personnel required to deliver the sales and use tax related services referenced herein;

THEREFORE, CITY and CONTRACTOR, for the consideration hereinafter described, mutually agree as follows:

II. SERVICES

The CONTRACTOR shall perform the following services (collectively, the “Services”):

A. ALLOCATION AUDIT AND RECOVERY SERVICES

1. CONTRACTOR shall conduct initial and on-going sales, use and transactions tax audits to identify and correct distribution and allocation errors, and to proactively affect favorable registration, reporting or formula changes thereby generating previously unrealized sales, use and transactions tax income for the CITY and/or recovering misallocated tax from previously properly registered taxpayers. Common errors that will be monitored and corrected include, but are not limited to: transposition errors resulting in misallocations; erroneous consolidation of multiple outlets; formula errors, misreporting of “point of sale” to the wrong location; delays in reporting new outlets; misallocating use tax payments to the allocation pools or wrong jurisdiction; and erroneous fund transfers and adjustments.
2. CONTRACTOR shall initiate contacts with state agencies, and sales management and accounting officials in companies that have businesses where a probability of error exists to verify whether current tax receipts accurately reflect the local sales activity. Such contacts will be conducted in a professional and courteous manner.
3. CONTRACTOR shall (i) prepare and submit to the Department of Tax and Fee Administration information for the purpose of correcting allocation errors that are identified and (ii) follow-up with individual businesses and the California Department of Tax and Fee Administration to promote recovery by the CITY of back or prospective quarterly payments that may be owing.
4. If during the course of its audit, CONTRACTOR finds businesses located in the CITY that are properly reporting sales and use tax but have the potential for modifying their operation to provide an even greater share to the CITY, CONTRACTOR may so advise CITY and work with those businesses and the CITY to encourage such changes.

B. SOFTWARE AND REPORTS

CONTRACTOR shall provide access to HdL's custom web-based software program containing the CITY's California Department of Tax and Fee Administration sellers' registration and tax allocation data. The data is updated quarterly and contains CITY's sales tax history back to 1989-1990.

Additionally, at the beginning of each quarter and as soon as the data is available from the California Department of Tax and Fee Administration, CONTRACTOR will prepare PDF reports showing regional, county and CITY trends for the quarter, top sales tax generators and business types and a cash flow analysis showing Department of Tax and Fee Administration payments by major business group, administrative fees and compensation fund allocations.

The software is web-based, user friendly and allows the CITY's designated staff to search businesses by street address, account number, business name, business type and by keyword in the business and address fields. It also provides staff with the ability to arrange the data by geographic area and print a variety of reports by business type, sales volume and geographic area. The information can be exported to other city data sets for related business license and planning activities.

C. CONSULTING AND OTHER OPTIONAL SERVICES

CONTRACTOR may, from time to time in its sole discretion, consult with CITY staff, including without limitation, regarding (i) technical questions and other issues related to sales, use and transactions tax; (ii) utilization of reports to enhance business license collection efforts; and (iii) sales tax projections for proposed annexations, economic development projects and budget planning. In addition to the foregoing optional consulting services, CONTRACTOR may, from time to time in its sole discretion, perform other optional Services, including without limitation, negotiating/review of tax sharing agreements, establishing purchasing corporations, and meeting with taxpayers to encourage self-assessment of use tax.

III. CONSIDERATION

- A. CONTRACTOR shall be further paid **15%** of all new and recovered sales, use and transactions tax revenue received by the CITY as a result, in whole or in part, of the

allocation audit and recovery services described in above (hereafter referred to as “audit fee”), including without limitation, any reimbursement or other payment from any state fund and any point of sale misallocations.

1. The audit fee shall be paid even if CITY assists, works in parallel with, and/or incurs attorneys’ fees or other costs or expenses in connection with any of the relevant Services. Among other things, the audit fee applies to state fund transfers received for back quarter reallocations and monies received in the first eight consecutive reporting quarters following completion of the allocation audit by CONTRACTOR and confirmation of corrections by the California Department of Tax and Fee Administration. CITY shall pay audit fees upon CONTRACTOR’S submittal of evidence of CONTRACTOR’S work in support of recovery of subject revenue, including, without limitation, copies of CDTFA 549-S petition forms of any other correspondence between CONTRACTOR and the Department of Tax and Fee Administration or the taxpayer.
2. For any increase in the tax reported by businesses already properly making tax payments to CITY, it shall be CONTRACTOR’s responsibility to support in its invoices the audit fee attributable, in whole or in part, to CONTRACTOR’s Services.

B. CITY shall have access to the sales tax database through our web-based software and a basic set of quarterly management reports and revenue estimates described above for a fee of **\$950** per quarter, **\$3,800** annually commencing with the month of the Effective Date (hereafter referred to as “quarterly fee”). The quarterly fee shall be invoiced quarterly in arrears, and shall be paid by CITY no later than 30 days after the invoice date. The quarterly fee shall increase annually following the month of the Effective Date by the percentage increase in the “CPI” for the preceding twelve month period. In no event shall the quarterly fee be reduced by this calculation. For purposes of this Agreement, the “CPI” shall mean the Consumer Price Index - All Urban Consumers for the surrounding statistical metropolitan area nearest CITY, All Items (1982-84 = 100), as published by the U.S. Department of Labor, Bureau of Labor Statistics, or, if such index should cease to be published, any reasonably comparable index selected by CONTRACTOR.

C. CONTRACTOR shall invoice CITY for any consulting and other optional Services rendered to CITY in accordance with Section II-E above based on the following hourly rates on a monthly or a quarterly basis, at CONTRACTOR’s option. All such invoices shall be payable by CITY no later than 30 days following the invoice date. CITY shall not

be invoiced for any consulting Services totaling less than an hour in any month. The hourly rates in effect as of the Effective Date are as follows:

Principal	\$325 per hour
Programmer	\$295 per hour
Senior Analyst	\$245 per hour
Analyst	\$195 per hour

CONTRACTOR may change such hourly rates from time to time upon not less than 30 days' prior written notice to CITY.

- D. Any invoices not paid in accordance with the Thirty (30) day payment terms, shall accrue monthly interest at a rate equivalent to ten percent (10%) per annum until paid.
- E. CONTRACTOR unilaterally retains the right to divide any recovery bills in excess of \$25,000 over a one (1) year period (Four (4) quarterly billings).
- F. CONTRACTOR shall provide CITY with an itemized quarterly invoice showing all formula calculations and amounts due for the audit fee (including, without limitation, a detailed listing of any corrected misallocations), which shall be paid by CITY no later than 30 days following the invoice date.

IV. CONFIDENTIALITY; OWNERSHIP/USE OF INFORMATION

- A. Section 7056 of the State of California Revenue and Taxation Code specifically limits the disclosure of confidential taxpayer information contained in the records of the California Department of Tax and Fee Administration. Section 7056 specifies the conditions under which a CITY may authorize persons other than CITY officers and employees to examine State Sales and Use Tax records.
- B. The following conditions specified in Section 7056-(b), (1) of the State of California Revenue and Taxation Code are hereby made part of this Agreement:
 - 1. CONTRACTOR is authorized by this Agreement to examine sales, use or transactions and use tax records of the Department of Tax and Fee Administration provided to CITY pursuant to contract under the Bradley-Burns Uniform Sales and Use Tax Law Revenue and Taxation Code section 7200 et.seq.

2. CONTRACTOR is required to disclose information contained in, or derived from, those sales, use or transactions and use tax records only to an officer or employee of the CITY who is authorized by resolution to examine the information.
 3. CONTRACTOR is prohibited from performing consulting services for a retailer, as defined in California Revenue & Taxation Code Section 6015, during the term of this Agreement.
 4. CONTRACTOR is prohibited from retaining the information contained in, or derived from those sales, use or transactions and use tax records, after this Agreement has expired. Information obtained by examination of Department of Tax and Fee Administration records shall be used only for purposes related to collection of local sales and use tax or for other governmental functions of the CITY as set forth by resolution adopted pursuant to Section 7056 (b) of the Revenue and Taxation Code. The resolution shall designate the CONTRACTOR as a person authorized to examine sales and use tax records and certify that this Agreement meets the requirements set forth above and in Section 7056 (b), (1) of the Revenue and Taxation Code.
- C. Software Use. CONTRACTOR hereby provides authorization to CITY to access CONTRACTOR'S Sales Tax website if CITY chooses to subscribe to the software and reports option. The website shall only be used by authorized CITY staff. No access will be granted to any third party without explicit written authorization by CONTRACTOR. CITY shall not sublet, duplicate, modify, decompile, reverse engineer, disassemble, or attempt to derive the source code of said software. The software use granted hereunder shall not imply ownership by CITY of said software, or any right of CITY to sell said software or the use of same, or any right to use said software for the benefit of others. This software use authorization is not transferable. Upon termination or expiration of this Agreement, the software use authorization shall expire, and all CITY staff website logins shall be de-activated.
- D. Proprietary Information. As used herein, the term "proprietary information" means all information or material that has or could have commercial value or other utility in CONTRACTOR's business, including without limitation: CONTRACTOR'S (i) computer or data processing programs; (ii) data processing applications, routines, subroutines, techniques or systems; desktop or web-based software; (iii) business processes; (iv) marketing plans, analysis and strategies; and (v) materials and techniques used; as well as the terms and conditions of this Agreement. Except as otherwise

required by law, CITY shall hold in confidence and shall not use (except as expressly authorized by this Agreement) or disclose to any other party any proprietary information provided, learned of or obtained by CITY in connection with this Agreement. The obligations imposed by this Section IV-D shall survive any expiration or termination of this Agreement or otherwise. The terms of this Section IV-D shall not apply to any information that is public information.

V. CITY MATERIALS AND SUPPORT

CITY shall adopt a resolution in a form acceptable to the California Department of Tax and Fee Administration and in compliance with Section 7056 of the Revenue and Taxation Code, authorizing CONTRACTOR to examine the confidential sales tax records of CITY. CITY further agrees to provide any information or assistance that may readily be available such as business license records within the CITY and to provide CONTRACTOR with proper identification for contacting businesses. CITY further agrees to continue CONTRACTOR's authorization to examine the confidential sales tax records of the CITY by maintaining CONTRACTOR's name on the CITY resolution or by providing copies of future allocation reports on computer readable magnetic media until such time as all audit adjustments have been completed by the California Department of Tax and Fee Administration and any audit fee owing to CONTRACTOR has been paid.

VI. LICENSE, PERMITS, FEES AND ASSESSMENTS

CONTRACTOR shall obtain such licenses, permits and approvals (collectively the "Permits") as may be required by law for the performance of the Services. CITY shall assist CONTRACTOR in obtaining such Permits, and CITY shall absorb all fees, assessments and taxes which are necessary for any Permits required to be issued by CITY.

VII. TERMINATION

This Agreement may be terminated for convenience by either party by giving 30 days written notice to the other of such termination and specifying the effective date thereof. Upon the presentation of such notice, CONTRACTOR may continue to perform Services through the date of termination. Following termination of this Agreement, CITY shall continue to timely pay CONTRACTOR's invoices for Services performed and not paid for prior to termination. Anything to the contrary herein notwithstanding (and without limitation on the foregoing sentence), CITY shall continue to pay to CONTRACTOR the audit fee for tax payments received by CITY after termination of this Agreement from (i) state fund transfers for back

quarter reallocations and the first eight consecutive calendar quarters following completion of the allocation audit by CONTRACTOR and confirmation of corrections by the California Department of Tax and Fee Administration; and (ii) businesses identified by CONTRACTOR pursuant to above, to the extent such businesses commence or continue to make increased tax payments during the first 24 months following termination of this Agreement.

VIII. INDEPENDENT CONTRACTOR

CONTRACTOR shall perform the services hereunder as an independent contractor and shall furnish such services in its own manner and method, and under no circumstances or conditions shall any agent, servant, or employee of CONTRACTOR be considered as an employee of CITY.

IX. COOPERATIVE AGREEMENT

It is intended any other public agency (e.g., city, county, district, public authority, public agency, municipality, or other political subdivision of California) located in the state of California shall have an option to procure identical services as set forth in this Agreement. The City of Clayton shall incur no responsibility, financial or otherwise, in connection with orders for services issued by another public agency. The participating public agency shall accept sole responsibility for securing services or making payments to the vendor.

X. NON-ASSIGNMENT

This Agreement is not assignable either in whole or in part by CONTRACTOR without the written consent of CITY.

XI. INSURANCE

CONTRACTOR shall maintain the policies set out below, and in amounts of coverage not less than those indicated herein. Additionally, where required by CITY, CONTRACTOR shall name the CITY as an additional insured on CONTRACTOR's comprehensive general liability policy and provide a Certificate of Insurance.

1. Worker's Compensation and Employer's Liability. In accordance with applicable law.
2. Comprehensive General Liability. Bodily injury liability in the amount of \$1,000,000 for each person in any one accident, and \$1,000,000 for injuries sustained by two or more

persons in any one accident. Property damage liability in the amount of \$1,000,000 for each accident, and \$2,000,000 aggregate for each year of the policy period.

3. Comprehensive Automobile Liability. Bodily injury liability coverage of \$1,000,000 for each accident.
4. Errors and Omissions. In addition to any other insurance required by this Agreement, CONTRACTOR shall provide and maintain, during the term of this Agreement, professional liability insurance in the amount of \$1,000,000 as evidenced by a Certificate of Insurance.

XII. INDEMNIFICATION

With respect to losses, claims, liens, demands and causes of action arising out of the CITY's use of the results of CONTRACTOR's services as provided to the City pursuant to this Agreement, CONTRACTOR hereby agrees to protect, defend, indemnify, and hold the CITY free and harmless from any and all losses, claims, liens, demands, and causes of action of every kind and character including, but not limited to, the amounts of judgments , penalties, interest, court costs, legal fees, and all other expenses incurred by the CITY arising in favor of any party, including claims, liens, debts, personal injuries, death, or damages to property (including employees or property of the CITY).

CITY hereby agrees to protect, defend, indemnify, and hold CONTRACTOR free and harmless from any and all losses, claims, liens, demands, and causes of action of every kind and character arising from CONTRACTOR's performance or lack of performance under this Agreement including, but not limited to, the amounts of judgments , penalties, interest, court costs, legal fees, and all other expenses incurred by CONTRACTOR arising in favor of any party, including claims, liens, debts, personal injuries, death, or damages to property (including employees or property of the CONTRACTOR).

Each party to this Agreement agrees to investigate, handle, respond to, provide defense for, and defend at its sole expense any such claims, demand, or suit for which it has agreed to indemnify the other party pursuant to this paragraph. Each party also agrees to bear all other costs and expenses related to its indemnity obligation, even if the claim or claims alleged are groundless, false, or fraudulent. This provision is not intended to create any cause of action in favor of any third party against CONTRACTOR or the CITY or to enlarge in any way the liability of CONTRACTOR or the CITY but is intended solely to provide for indemnification

of each party from liability for damages or injuries to third persons or property arising from this contract or agreement on the terms set forth in this paragraph.

XIII. IRREPARABLE HARM

CONTRACTOR and CITY each understands and agrees that any breach of this Agreement by either of them may cause the other party hereto irreparable harm, the amount of which may be difficult to ascertain, and therefore agrees that such other party shall have the right to apply to a court of competent jurisdiction for specific performance and/or an order restraining and enjoining any further breach and for such other relief as such other party shall deem appropriate. Such right is to be in addition to the remedies otherwise available to such other party at law or in equity. The parties hereto expressly waive the defense that a remedy in damages will be adequate and any requirement in an action for specific performance or injunction hereunder for the posting of a bond.

XIV. DISPUTE RESOLUTION

The Parties agree to make a diligent, good faith attempt to resolve any claim, controversy or dispute arising out of or relating to this Agreement, or concerning the breach or interpretation thereof. If a dispute arises between the Parties that cannot be settled after engaging in good faith negotiations, the parties agree to resolve the dispute pursuant to the following procedures. Each Party shall designate an authorized representative to negotiate the dispute, and said representative will attempt to resolve the dispute by any means within their authority.

If the issue remains unresolved after thirty (30) days, the Parties will resolve any remaining dispute through (non-binding) arbitration. The non-binding arbitration process will provide for the selection by both Parties of a disinterested third person arbitrator within thirty (30) days. If the Parties cannot agree upon an arbitrator, then a single neutral arbitrator will be appointed pursuant to Section 1281.6 of the Code of Civil Procedure. The place of the arbitration shall be in Contra Costa County, California. The arbitrator will follow the substantive laws of the State of California, including rules of evidence, and the arbitrator's decision will be supported by substantial evidence. The arbitrator will have no power, authority or jurisdiction to award any punitive or exemplary damages. The award will be made within six (6) months, and the prevailing Party will be entitled to an award of reasonable attorneys' fees, CONSULTANT and expert witness fees, and any and all costs for services rendered to or for such prevailing Party. If non-binding arbitration does not result in

settlement of the dispute within six (6) months, either Party may pursue other legal remedies for a determination of the dispute.

This provision is not intended to, nor shall it be construed to, change the time periods for filing any claim or action under Government Code Sections 900, et seq. This dispute resolution process is a material condition to this Agreement and must be exhausted as an administrative remedy prior to either party initiating litigation. By executing this Agreement, you are agreeing to the dispute resolution process described in this section, and are giving up any rights you might possess to have the dispute litigated in a court or by jury trial.

CITY (initial)

CONSULTANT (initial)

XV. GOVERNING LAW

This Agreement shall be governed by and construed in accordance with the laws of the State of California (without regard to its choice of law provisions). If any legal action is necessary to enforce or interpret this Agreement, the parties agree that such action shall be brought in the Superior Court for the State of California, County of Contra Costa, or the U.S. District Court for the Northern District of California, Western Division. The parties hereby submit to the exclusive jurisdiction of such courts and waive any other venue to which either party might be entitled by domicile or otherwise.

XVI. ATTORNEYS' FEES

If any party hereto brings an action or proceeding under this Agreement or to declare rights hereunder, the Prevailing Party in any such proceeding, action, or appeal thereon shall be entitled to recover all reasonable fees, costs and expenses, including reasonable attorneys' fees. Such fees, costs and expenses may be awarded in the same suit or recovered in a separate suit, whether or not such action or proceeding is pursued to decision or judgment. The attorneys' fees award shall not be computed in accordance with any court fee schedule, but shall be such as to fully reimburse all attorneys' fees reasonably incurred. "Prevailing Party" shall mean and include, without limitation, a party who substantially obtains or defeats the relief sought, as the case may be, whether by compromise, settlement, judgment, or the abandonment by the other party of its claim or defense.

XVII. SEVERABILITY; NO WAIVER

The invalidity or unenforceability of any provision of this Agreement shall not affect the validity or enforceability of the other provisions of this Agreement, which shall remain in full force and effect. If any of the provisions of this Agreement shall be deemed to be unenforceable by reason of its extent, duration, scope or otherwise, then the parties contemplate that the court making such determination shall enforce the remaining provisions of this Agreement, and shall reduce such extent, duration, scope, or other provision and shall enforce them in their reduced form for all purposes contemplated by this Agreement. No failure or delay by either party in exercising any right, power or privilege hereunder shall operate as a waiver thereof, nor shall any single or partial exercise thereof preclude any other or further exercise thereof or the exercise of any right, power or privilege hereunder.

XVIII. NOTICES

All notices sent by a party under this Agreement shall be in writing and shall be deemed properly delivered to the other party as of the date of receipt, if received on a business day prior to 3:00 PM local time, or otherwise on the next business day after receipt, provided delivery occurs personally, by courier service, or by U.S. mail to the other party at its address set forth below, or to such other address as either party may, by written notice, designate to the other party. Notices to CONTRACTOR shall be sent to HINDERLITER, de LLAMAS and ASSOCIATES, 120 S. State College Blvd., Suite 200, Brea, CA 92821; and notices to CITY shall be sent to CITY OF CLAYTON, 6000 Heritage Trail, Clayton, CA 94517.

XIX. ENTIRE AGREEMENT; ETC.

This Agreement expresses the full and complete understanding of the parties with respect to the subject matter hereof and supersedes all prior or contemporaneous proposals, agreements, representations and understandings, whether written or oral, with respect to the subject matter. This Agreement may not be amended or modified except in writing signed by each of the parties hereto. This Agreement shall be construed as to its fair meaning and not strictly for or against either party. The headings hereof are descriptive only and not to be construed in interpreting the provisions hereof.

XX. COUNTERPARTS; AUTHORITY TO SIGN

This Agreement may be executed in any number of counterparts, each of which will constitute an original and all of which, when taken together, will constitute one agreement. Any signature pages of this Agreement transmitted by facsimile or sent by email in portable document format (PDF) will have the same legal effect as an original executed signature page. Each of the persons signing on behalf of a party hereto represents that he or she has the right and power to execute this Agreement on such party's behalf.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the date first above written by their respective officers duly authorized in their behalf.

CITY:
CITY OF CLAYTON

City Manager

City Clerk

CONTRACTOR:
HINDERLITER, DE LLAMAS & ASSOCIATES
A California Corporation

By: _____
Andrew Nickerson, President



Agenda Date: 8-18-2020

Agenda Item: 3d

Approved:

Fran Robustelli

Fran Robustelli
Interim City Manager

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: Scott Alman, City Engineer

DATE: August 18, 2020

SUBJECT: Adopt a Resolution Accepting the North Valley Park Playground Rehabilitation Project (CIP No. 10442) Performed by Specified Play Equipment Company (SPEC) as Complete, Approving the attached Notice of Completion, Directing the City Clerk to Record Same with the County Recorder and Authorizing the Payment of All Retained Funds to SPEC 35 Days After Recording the Notice of Completion.

RECOMMENDATION

Staff recommends City Council adopt the attached Resolution accepting the North Valley Park Playground Rehabilitation Project (CIP No. 10442) performed by Specified Play Equipment Company (SPEC) as complete, approving the attached Notice of Completion, directing the City Clerk to record same with the County Recorder and authorizing the payment of all retained funds to SPEC 35 days after recording the Notice of Completion.

BACKGROUND

Approximately twenty years ago the current North Valley Park playground was a sand volleyball court that the developer installed as a condition of approval of the development. The volleyball court was never used by the community, and after several years the neighborhood asked to have the volleyball court replaced with a tot lot. The previous play equipment and fall protection surface was approximately 20 years old. The equipment was outdated and replacement parts were not available to make repairs and the fall protection surface was badly deteriorated.

The project scope included removing and replacing the previous 20-year old play equipment and the deteriorated fall protection surface, adding shade structures over the two existing picnic tables and a new children's swing area adjacent to the play structure.

City staff reached out to 3 commercial playground equipment companies receiving cost proposals from two of the three. The quotes received are as follows:

- | | |
|---|--------------------------------|
| 1. Specified Playground Equipment Company | \$156,669.15 |
| 2. Nspix3 | \$197,514.65 |
| 3. Miracle Play Structures | Declined to submit a quotation |

Specified Play Equipment Company (SPEC) has manufactured and installed children's play equipment in public parks within numerous cities including Brentwood, Dublin and Lafayette, CA. SPEC equipment is manufactured in the USA in Wisconsin. SPEC's equipment warranty includes 5 years for swing seats, 15 years for main play equipment and 100 years for steel poles, clamps and bolts.

At their regular meeting on October 15, 2019 Council took action and awarded a contract to Specified Playground Equipment Company in the amount of \$156,669.15. Based on that contract award and issuance of the Notice to Proceed, the contractor began work on the project and has now completed construction.

DISCUSSION

The low-bid contractor, SPEC, completed construction of the North Valley Park Improvement Project (CIP No. 10442) on approximately 7/6/2020. As a part of the project approval process, a California licensed Playground Special Inspector reviewed and inspected the placement and installation of all of the new playground equipment and fall protection surfaces. The Special Inspector determined that all park playground equipment is placed appropriately to provide adequate spacing between pieces, as well as matching the location and dimensions of fall protection equipment adjacent to and under the play equipment. After inspection by the Special Inspector, the City Engineer and the City's Maintenance Manager inspected the completed work and determined that the completed project meets the project specifications. The City Engineer is recommending City Council accept the North Valley Park Improvements and order the filing of the Notice of Completion.

FISCAL IMPACT

The approved FY 2017-18 Capital Improvement Budget established CIP No. 10442 North Valley Park Playground Rehabilitation Project and approved the project budget shown below:

REVENUE	DESCRIPTION	AMOUNT
	Open Space In-lieu Impact Fee	\$142,000.
	CIP Interest Earnings	\$23,800.
	Project Interest	\$2,775.
	Transfer from Project 5057	\$50,000.
	TOTAL:	\$218,575.
EXPENDITURE		
	Construction/Execution	\$165,800.

Council contract award for this project totals \$156,669.15. The previous City Manager used their signature authority and fiscal discretion to increase the contract amount by \$13,596.85 for higher quality swings and revised fall protection work for a total contract commitment of \$170,266.00. To date the City has made payments totaling \$154,984 to Specified Play Equipment Company (SPEC) while retaining \$8,156 in retention guaranteeing completion of the project for a total contract expenditure of \$163,140.

REVENUE	DESCRIPTION	AMOUNT
	Project Revenue (above)	\$218,575.
ACTUAL EXPENDITURES		
	Contract Payments to Date	(\$154,984.)
	Retention Held	(\$8,156.)
	Irrigation Improvement	(\$2,300.)
	Staff Charges	(\$357.)
BUDGET BALANCE		\$52,777.

Part of the remaining balance will be used to design and construct the ADA access ramp and pathway improvement from Golden Eagle Court into North Valley Park. The remainder of the project budget after the ramp construction has been completed would become available to be reallocated to another use within the City.

With the City Council acceptance of this work and the recording of the Notice of Completion, The City will release all retained funds to SPEC 35 days after recordation of the Notice to Proceed as long as no claims are made against SPEC by a material supplier or subcontractor.

CONCLUSION

CIP Project No. 10442, North Valley Park Playground Rehabilitation is complete and the work performed meets the project specifications. A special inspector of children's playground equipment inspected the completed improvements and all of the equipment and installations passed inspection for child safety. The City Engineer inspected the completed work and determined that it meets the project specifications. Therefore, the City Engineer recommends approval of this resolution accepting CIP Project No. 10442, North Valley Park Playground Rehabilitation as complete, ordering the filing of a Notice of Completion and authorizing the payment of all retained funds 35 days after filing of the notice.

Attachments:

1. Resolution [2 pp.]
2. Notice of Completion [2 pp.]
3. Playground Inspection Report [4 pp.]

RESOLUTION NO. __-2020

**A RESOLUTION ACCEPTING THE NORTH VALLEY PARK PLAYGROUND
REHABILITATION PROJECT (CIP No. 10442) PERFORMED BY SPECIALIZED
PLAYGROUND EQUIPMENT COMPANY (SPEC) AS COMPLETE, APPROVING THE
NOTICE OF COMPLETION, DIRECTING THE CITY CLERK TO RECORD SAME WITH
THE COUNTY RECORDER AND AUTHORIZING THE PAYMENT OF ALL RETAINED
FUNDS TO SPECIALIZED PLAYGROUND EQUIPMENT COMPANY 35 DAYS AFTER
RECORDING OF THE NOTICE OF COMPLETION**

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

WHEREAS, on October 18, 2019 the City Council of Clayton, California did award a low-bid contract to Specialized Playground Equipment Company for the construction of the North Valley Park Playground Rehabilitation Project (CIP #10442); and

WHEREAS, Specialized Playground Equipment Company, represents that it has completed construction of the work in conformance with the project specifications and that the project is now ready for acceptance by the City; and

WHEREAS, the City Council must accept the work as complete and order the filing of a Notice of Completion prior to release of the retained funds; and

WHEREAS, a playground Special Inspector has inspected the completed work and determined that the completed work is in compliance with state requirements for equipment placement, spacing, safety and fall protection; and

WHEREAS, the playground Special Inspector has prepared and submitted a report to the City stating that the completed work is in compliance with state requirements for equipment placement, spacing, safety and fall protection and passes the special inspection; and

WHEREAS, the City Engineer has inspected the completed work and determined that the completed work is in compliance with the project specifications; and

WHEREAS, in its accompanying report the City Engineer recommends that the City Council adopt this Resolution accepting the North Valley Park Playground Rehabilitation Project (CIP No. 10442) performed by Specialized Playground Equipment Company, approving the Notice of Completion, directing the City Clerk to record same with the County Recorder and authorizing the payment of all retained funds to Specialized Playground Equipment Company 35 days after recording the Notice of Completion;

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Clayton, California does hereby accept as complete, as of the date of adoption of this Resolution, accepting the North Valley Park Playground Rehabilitation Project (CIP No. 10442) performed by Specialized

Playground Equipment Company approving the Notice of Completion, directing the City Clerk to record same with the County Recorder and authorizing the payment of all retained funds to Specialized Playground Equipment Company 35 days after recording the Notice of Completion.

PASSED, APPROVED and ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 18th day of August 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Julie Pierce, Mayor

ATTEST:

Janet Calderon, City Clerk

Recording requested by
and when recorded mail to:

(Section for Recorder's Use Only)

CITY OF CLAYTON
6000 Heritage Trail
Clayton, California 94517
Attn: Janet Calderon

[NO RECORDING FEE SHALL BE CHARGED PURSUANT TO GOVERNMENT CODE SECTION 6103]

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN that the undersigned is the Owner of a work of improvement described as North Valley Park Playground Rehabilitation, Clayton CIP #10442, and of the real property on which the work of improvement is situated, which real property is located in the County of Contra Costa, State of California and specifically described as follows: North Valley Park, Keller Ridge Drive and Golden Eagle Court Clayton, CA 94517.

That the undersigned, as Owner of the above-described property, on October 15, 2019, entered into an original contract with Specialized Playground Equipment Company for the construction of the above-described work of improvement.

That on July 7, 2020, the work of improvement was actually completed by Specialized Playground Equipment Company.

That the nature of the interest of the undersigned is as a fee simple ownership of a public park (North Valley Park) in the above-described real property.

That the name and address of the undersigned Owner of the above-described property is:

City of Clayton
6000 Heritage Trail
Clayton, California 94517

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

CITY OF CLAYTON

By: _____
Fran Robustelli

Its: Interim City Manager

Dated: August 18, 2020

[VERIFICATION ON FOLLOWING PAGE]

VERIFICATION

I, Fran Robustelli, state that I am the Authorized Agent of the Owner identified in the foregoing Notice of Completion. I have read said Notice of Completion and know the contents thereof; the same is true of my own knowledge.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this 18th day of August 2020, at Clayton, California.

CITY OF CLAYTON

By: _____
Fran Robustelli

Its: Interim City Manager



PLAYGROUND SAFETY AUDIT

PREPARED FOR CITY OF CLAYTON

Site Location: North Valley Park

Provided by Sedgwick Risk Control Services
Bill Vannett ARM, COHC, CPSI #40143-1220
Specialist II, Risk Control Services - Pooling
1750 Creekside Oaks Drive, Suite 200
Sacramento, CA 95833
916.290.4630
william.vannett@sedgwick.com

July 8, 2020

Entity Name City of Clayton
Playground Safety Audit
Site Location: North Valley Park

Executive Summary

The Public Works of the City of Clayton requested a safety inspection and audit of its playground(s). The audits were conducted by certified playground safety inspector Bill Vannett ARM, COHC, CPSI #40143-1220 of Sedgwick Risk Control Services on June 29, 2020. The following playground(s) were inspected and located at: Keller Ridge Dr. Clayton CA 94517

The conditions observed were measured against the standards established by the American Society for Testing and Materials (ASTM) Standard F1487-17 and the guidelines established by Consumer Product Safety Commission (CPSC) Handbook for [Public Playground Safety, Publication # 325](#) (2015). A copy of ASTM F1487-17 and other ASTM standards may be purchased at <http://www.astm.org>. The CPSC Handbook for Public Playground Safety, Publication # 325, is a public document that may be downloaded at no charge from <http://www.cpsc.gov>.

The State of California does not require the certified playground safety inspectors establish the critical height value of the protective surfacing while conducting playground audits. It is the responsibility of the playground owner/operator to install and maintain protective surface protection material to the appropriate critical height value. This report does contain observation statements regarding the condition of the protective surfacing observed at the time of the site visit. The entity is encouraged to review its playground installation records, the manufacturer's instructions, and the vendor recommendations to ensure the protective surface protection material at its playgrounds is being maintained to the critical height value necessary for each of its playgrounds.

Disclaimer

The inspector(s) and Sedgwick have made a sincere effort to conduct a thorough survey, but there is no guarantee that all existing or potential hazards have been identified and documented. This report is based on conditions at the time of the survey, information provided by the entity, and conditions apparent during the survey. The information in this report does not guarantee operations noted are in compliance with federal, state, or local laws or regulations. Further, the absence of comment or recommendation on a given area does not mean the area is in compliance with all acceptable codes and statutes, conforms to good practices and procedures, or is without a loss potential. The entity's compliance with these recommendations is not a guarantee that losses will be prevented or reduced. These recommendations are not a substitute for the entity's responsibility to administer its safety and risk control programs.

Entity Name City of Clayton
Playground Safety Audit
Site Location: North Valley Park

Introduction

On January 1, 2000, California's playground regulation went into effect. This regulation adopted by reference certain sections of the CPSC Handbook for Public Playground Safety and certain sections of the ASTM Standard F 1487-98. The other source document used is the California Code of Regulations (Title 22, Division 4, and Chapter 22). In September of 2005, the state of California passed AB 1144, which rescinded the specifics of the playground regulations specified in Chapter 22 and directed the State Department of Health Services to adopt and amend, as necessary, its playground safety standards in order to meet current ASTM standards for playground safety. AB 1144 still requires all public playgrounds be inspected by a certified playground safety inspector (CPSI) for all new playground installations and renovations.

Hazard Priority Ratings

To facilitate the timely correction of hazards, hazards identified during an audit or inspection are prioritized based on the following factors:

1. Possibility – the likelihood that users would come into contact with the hazard
2. Probability – the probability that users could have an accident as a result of the hazard
3. Consequences – the most likely level of injury that may result

Priority	Severity of Injury	Owner/Operator Response
1	Permanent disability, loss of life or body part	Condition should be corrected immediately
2	Serious injury resulting in temporary disability	Condition should be corrected as soon as possible
3	Minor (non-disabling) injury	Condition should be corrected very soon
4	Potential for injury very minimal	Condition should be corrected if it worsens

As CPSIs, we prioritized the hazards we observed during the audit; however, the responsibility to prioritize and to address them lies with the entity as the owner and operator of the playgrounds.

The terms "toddler," "preschool," and "school age" are used to reference the user age group for whom the playground structures were designed. "Toddler" is defined to mean users under the age of 2 years. "Preschool" is defined to mean users aged 2 to 5 years old. "School age" is defined to mean users aged 5 to 12 years old.



Entity Name *City of Clayton*
Playground Safety Audit
Site Location: *North Valley Park*

Park Name & Description


North Valley Park;

This is a new playground with one school age play structure and one swing structure with a pour in place surface. The park is on the corner of Keller Ridge Dr. and Golden Eagle Pl. The playground is on top of the hill far back from the streets.

The playground meets all regulation and is ready to be opened.

Preschool Composite Play Structure	School Age Composite Play Structure	Free Standing Equipment
No preschool structure		

Entity Name *City of Clayton*
 Playground Safety Audit
 Site Location: *North Valley*

North Valley Park							
Rec No.	Priority	Reference		Equipment	Observation	Recommendation	Photos
		ASTM	CPSC				
					No issues observed at this time.		

Agenda Date: 8-18-2020

Agenda Item: 4a

declaring

August 26, 2020

as

"National Women's Suffrage Day"

WHEREAS, the bold, courageous and powerful women who fought for the ratification of the 19th Amendment to the United States Constitution on August 26, 1920, deserve special celebrations, especially on the 100th anniversary of its ratification in 2020; and

WHEREAS, the right to vote is the cornerstone of our democracy and the fundamental right upon which all our civil liberties rest; and

WHEREAS, the 19th Amendment did not guarantee suffrage for all women, including Native Americans who did not gain the right to vote until 1924. For Asian Pacific Islander Americans it was 1952. African-American and Latin Americans suffered voter suppression until passage of the Voting Rights Act of 1965 and 1975; and

WHEREAS, the fact that today women are active in local, state and national government and are running for office in unprecedented numbers reminds us that we all follow in the footsteps of these resolute American suffragists; and

WHEREAS, the 19th amendment to the United States Constitution has played an important role in advancing the right of all women.

NOW, THEREFORE, I, Julie Pierce, Mayor of the City of Clayton, on behalf of the Clayton City Council do hereby declare August 26, 2020, as "National Women's Suffrage Day", in Celebration, Recognition and Honor of the 100th Anniversary of the 19th Amendment to the United States Constitution.



Agenda Date: 8-18-2020

Agenda Item: 8a

Approved: Fran Robustelli
Fran Robustelli
Interim City Manager

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: Scott Alman, P.E., City Engineer
Lynne Filson, P.E., Consulting Traffic Engineer

DATE: August 18, 2020

SUBJECT: Approval of a Resolution Accepting the Draft Citywide Engineering and Traffic Survey Recommending Increases in the Speed Limits on Segments of Clayton Road, Eagle Peak Drive, and Mountaire Parkway; and Approval of an Ordinance Amending Chapter 10.20 of the Clayton Municipal Code in order to Change the Prima Facie Speed Limit on Various Streets

RECOMMENDATION

Staff recommends the City Council:

- Adopt the resolution Accepting the Draft Citywide Engineering and Traffic Survey Report.
- Introduce, by title only, an Ordinance amending Chapter 20 of Title 10 of the Clayton Municipal Code "Speed Limits" Articles 010 thru 050 in order to change the prima facie speed limits on certain streets.

BACKGROUND

The California Vehicle Code (CVC) requires that jurisdictions, in order to use radar or lidar for speed enforcement, conduct Engineering and Traffic Surveys and set speed limits at reasonable limits on roadway segments shown as arterials or collectors on the California Road System (CRS) Maps. Engineering and Traffic Surveys must be conducted every five years and may be extended for up to an additional five years. Roadway segments shown on the CRS Maps as local roads are not required to have Engineering and Traffic Surveys.

The existing Engineering and Traffic Surveys for the City of Clayton were completed in April 2010, and in July 2015 they were extended to April of 2020. The surveys have now expired *and new surveys have been completed for acceptance by the City Council. The results can be found in the Draft Citywide Engineering and Traffic Survey Report, Attachment B.*

The Draft Citywide Engineering and Traffic Survey Report includes a summary of the various CVC sections that pertain to speed limits. CVC Section 627 gives the Department of Transportation (Caltrans) the responsibility for determining the procedures for conducting the Engineering and Traffic Surveys. Caltrans has provided the procedures in Section 2C.13 of the California Manual of Uniform Traffic Control Devices (CAMUTCD).

In addition to discussing what information must be collected, analyzed, and shown in the Engineering and Traffic Survey, the CAMUTCD sets the following requirements for setting the speed limits:

When a speed limit is to be posted, it shall be established at the nearest 5 mph increment of the 85th-percentile speed of free-flowing traffic, except as shown in the two Options below.

Option:

1. The posted speed may be reduced by 5 mph from the nearest 5 mph increment of the 85th-percentile speed, in compliance with CVC Section 627 and 22358.5. See Standard below for documentation requirements.
2. For cases in which the nearest 5 mph increment of the 85th-percentile speed would require a rounding up, then the speed limit may be rounded down to the nearest 5 mph increment below the 85th percentile speed, if not further reduction is used. Refer to CVC Section 21400(b).

If the speed limit to be posted has had the 5 mph reduction applied, then an E&TS shall document in writing the conditions and justification for the lower speed limit and be approved by a registered Civil or Traffic Engineer. The reasons for the lower speed limit shall be in compliance with CVC Sections 627 and 22358.5.

The 85th percentile speed is the speed at which 85 percent of the motorists are going at that speed or lower. It is also called the Critical Speed.

DISCUSSION

The California Road System Maps (CRS Maps) identified 22 roadway segments in Clayton that fall into the arterial or collector categories and required analysis. Out of the 22 segments, four segments require raising speed limits by 5 mph, even after taking the 5 mph reduction from the rounded 85th percentile speed allowed by the MUTCD. These segments are:

Street	85 th Percentile Speed	Proposed Speed Limit	Existing Speed
Eagle Peak Drive from Oakhurst Drive (east) to Keller Ridge Drive	40	35	30
Clayton Road from Washington Blvd. to Mitchell Canyon Road	51	45	40
Clayton Road from Mitchell Canyon Road to Oakhurst Drive	51	45	40
Mountaire Parkway from Marsh Creek Road to (south) Mountaire Circle	38	35	30

As discussed above, the 85th percentile speed is the speed where 85 percent of motorists are going that speed or slower. The CAMUTC also states:

The establishment of a speed limit of more than 5 mph below the 85th percentile speed should be done with great care as studies have shown that establishing a speed limit at less than the 85th percentile generally results in an increase in collision rates; in addition, this may make violators of a disproportionate number of the reasonable majority of drivers.

In addition, establishing a speed limit below the 85th percentile speed is a “speed trap” as defined by the CVC. The CVC prohibits the use of speed traps (Section 40801) as well as the use of any evidence obtained by the use of a speed trap (Section 40803) for the purposes of prosecution. A speed trap as defined in CVC Section 40802 is:

- (a) A “speed trap” is either of the following:
 - (1) A particular section of a highway measured as to distance and with boundaries marked, designated, or otherwise determined in order that the speed of a vehicle may be calculated by securing the time it takes the vehicle to travel the known distance.
 - (2) A particular section of a highway with a prima facie speed limit that is provided by this code or by local ordinance under paragraph (1) of subdivision (b) of Section 22352, or established under Section 22354, 22357, 22358, or 22358.3, if that prima facie speed limit is not justified by an engineering and traffic survey conducted within five years prior to the date of the alleged violation, and enforcement of the speed limit involves the use of radar or any other electronic device that measures the speed of moving objects. This paragraph does not apply to a local street, road, or school zone.
- (b) (1) For purposes of this section, a local street or road is one that is functionally classified as “local” on the “California Road System Maps,” that are approved by the Federal Highway Administration and maintained by the Department of Transportation. When a street or road does not appear on the “California Road System Maps,” it may be defined as a “local street or road” if it primarily provides access to abutting residential property and meets the following three conditions:
 - (A) Roadway width of not more than 40 feet.
 - (B) Not more than one-half of a mile of uninterrupted length. Interruptions shall include official traffic control signals as defined in Section 445.
 - (C) Not more than one traffic lane in each direction.
- (2) For purposes of this section, “school zone” means that area approaching or passing a school building or the grounds thereof that is contiguous to a highway and on which is posted a standard “SCHOOL” warning sign, while children are going to or leaving the school either during school hours or during the noon recess period. “School zone” also includes the area approaching or passing any school grounds that are not separated from the highway by a fence, gate, or other physical barrier while the grounds are in use by children if that highway is posted with a standard “SCHOOL” warning sign.
- (c) (1) When all of the following criteria are met, paragraph (2) of this subdivision shall be applicable and subdivision (a) shall not be applicable:
 - (A) When radar is used, the arresting officer has successfully completed a radar operator course of not less than 24 hours on the use of police traffic radar, and the course was approved and certified by the Commission on Peace Officer Standards and Training.
 - (B) When laser or any other electronic device is used to measure the speed of moving objects, the arresting officer has successfully completed the training required in subparagraph (A) and an additional training course of not

less than two hours approved and certified by the Commission on Peace Officer Standards and Training.

- (C) (i) The prosecution proved that the arresting officer complied with subparagraphs (A) and (B) and that an engineering and traffic survey has been conducted in accordance with subparagraph (B) of paragraph (2). The prosecution proved that, prior to the officer issuing the notice to appear, the arresting officer established that the radar, laser, or other electronic device conformed to the requirements of subparagraph (D).
- (ii) The prosecution proved the speed of the accused was unsafe for the conditions present at the time of alleged violation unless the citation was for a violation of Section 22349, 22356, or 22406.

(D) The radar, laser, or other electronic device used to measure the speed of the accused meets or exceeds the minimal operational standards of the National Highway Traffic Safety Administration, and has been calibrated within the three years prior to the date of the alleged violation by an independent certified laser or radar repair and testing or calibration facility.

(2) A "speed trap" is either of the following:

(A) A particular section of a highway measured as to distance and with boundaries marked, designated, or otherwise determined in order that the speed of a vehicle may be calculated by securing the time it takes the vehicle to travel the known distance.

(B) (i) A particular section of a highway or state highway with a prima facie speed limit that is provided by this code or by local ordinance under paragraph (1) of subdivision (b) of Section 22352, or established under Section 22354, 22357, 22358, or 22358.3, if that prima facie speed limit is not justified by an engineering and traffic survey conducted within one of the following time periods, prior to the date of the alleged violation, and enforcement of the speed limit involves the use of radar or any other electronic device that measures the speed of moving objects:

(I) Except as specified in subclause (II), seven years.

(II) If an engineering and traffic survey was conducted more than seven years prior to the date of the alleged violation, and a registered engineer evaluates the section of the highway and determines that no significant changes in roadway or traffic conditions have occurred, including, but not limited to, changes in adjoining property or land use, roadway width, or traffic volume, 10 years.

(ii) This subparagraph does not apply to a local street, road, or school zone.

Staff has discussed additional actions that may help reduce speeds on the four roadway segments where the new speed surveys indicate speed limits should be raised. These actions are based on the "3E's" of traffic safety: Engineering, Education, and Enforcement.

The CAMUTCD states that the speed of traffic should not be altered by concentrated law enforcement, or other means, just prior to, or while taking the speed measurements.

Possible allowable actions could include:

1. An on-going educational campaign to make a longer term slowing of traffic possible. Two possibilities are targeting parents through the schools (may have to wait until the schools reopen after Covid) and using social media to target younger drivers.
2. Providing a seal coat (a thin pavement treatment) on Mountaire Parkway to obliterate the existing striping and restripe with one lane in each direction, a two-way left-turn lane, and bike lanes.
3. Using traffic calming devices such as radar speed signs, also known as driver feedback signs, designed to slow speeders down by alerting them of their speed. They are used across the country, and around the world, because they are effective at slowing speeding drivers down.
4. A longer term enforcement program targeting streets with speeds higher than acceptable. This would require extra patrol staff to perform targeted traffic enforcement during peak travel times.

The four street segments would need to be re-analyzed (prepare a new Engineering and Traffic Survey) at a later date to determine if any of the actions taken had reduced the 85th percentile speed.

Updates to the City Municipal Code are being recommended to bring it into conformance with the speed limits recommended in the Report. The proposed Ordinance is listed as Attachment B.

Police department staff has reviewed the report and is in agreement with the findings. Qualified and trained officers would be able to enforce speed limits upon arterial and collector streets with current and valid speed surveys through the use of electronic devices such as radar and lidar.

FISCAL IMPACTS

- The cost of replacing the speed limit signs showing the new speed is estimated to cost \$3,000.
- The preparation of a new Engineering and Traffic Survey of a roadway segment is estimated to cost \$1,500. The four roadway segments would cost \$6,000 to recertify.
- The cost of an educational campaign would be between \$2,500 and \$5,000 annually depending on the scope of the program.
- The cost to resurface and restripe Mountaire Parkway between Clayton Road and (south) Mountaire Circle is estimated to cost \$45,000.
- Purchase and installation of traffic calming devices. Radar feedback signs cost approximately \$5,000 each for sign and installation.
- The cost of an ongoing enforcement program would increase police expenses by up to \$25,000 annually.

ALTERNATIVE ACTIONS

1. Should City Council choose to not accept the Draft Citywide Engineering and Traffic Survey Report, the consequence of this decision would be that the Police Department would be unable to use radar or lidar to enforce the posted speed limits on any of the streets included in the Draft Citywide Engineering and Traffic Survey Report. The Police Department would however be able to enforce the California maximum speed laws, CVC Section 22349. Per CVC Section 22349, no person may drive a vehicle upon a highway at a speed greater than 65 miles per hour and no person may drive a vehicle upon a two-lane, undivided highway at a speed greater than 55 miles per hour. Following are the roadways that would fall into each category:

Maximum speed of 65 applies on roadways except two-lane, undivided roadways:

- Clayton Road (All)
- Marsh Creek Road (Crosswalk south of Stranahan Circle to Regency Drive)
- Mountaire Parkway (Marsh Creek Road to Mountaire Circle (south))
- Oakhurst Drive (All)

Maximum speed of 55 applies on roadways that are (predominately) two-lane, undivided:

- Atchinson Stage Road (Clayton Road to Pine Hollow Road)
- Center Street (Oak Street to Easley Drive)
- Eagle Peak Drive (Oakhurst Drive (east) to Keller Ridge Drive)
- Easley Drive (All)
- El Camino Drive (Clayton Road to Pine Hollow Road)
- El Molino Drive (All)
- Indian Wells Way (All)
- Keller Ridge Drive (All)
- Main Street (Clayton Road (north) to Clayton Road (south))
- Marsh Creek Road (Clayton Road (north) to crosswalk south of Stranahan Circle, and Regency Drive to the easterly City limits)
- Mitchell Canyon (Clayton Road to Herriman Drive)
- Mountaire Parkway (Mountaire Circle (south) to the southerly end)
- Regency Drive (All)

2. The City Council can choose to accept the Draft Citywide Engineering and Traffic Survey Report but exclude from that acceptance the four roadway segments with recommended speed increases. The impact of this action would be that the Police Department would be unable to use radar or Lidar to enforce the posted speed limits on those four roadway segments. The Police Department would however be able to enforce the California maximum speed laws, CVC Section 22349. Per CVC Section 22349, no person may drive a vehicle upon a highway at a speed greater than 65 miles per hour and no person may drive a vehicle upon a two-lane, undivided

highway at a speed greater than 55 miles per hour. Following are the roadways that would fall into each category:

Maximum speed of 65 applies on roadways except two-lane, undivided roadways:

- Clayton Road (Washington Boulevard to Oakhurst Drive)
- Mountaire Parkway (Marsh Creek Road to Mountaire Circle (south))

Maximum speed of 55 applies on roadways that are (predominately) two-lane, undivided:

- Eagle Peak Drive (Oakhurst Drive (east) to Keller Ridge Drive)

ATTACHMENTS

- A. Resolution
- B. Ordinance
- C. Draft Citywide Engineering and Traffic Survey
- D. California Vehicle Code Sections

RESOLUTION NO. ____-2020

A RESOLUTION ACCEPTING THE DRAFT CITYWIDE ENGINEERING AND TRAFFIC SURVEY RECOMMENDING INCREASES IN THE SPEED LIMITS ON SEGMENTS OF EAGLE PEAK DRIVE, CLAYTON ROAD AND MOUNTAIRE PARKWAY

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

WHEREAS, the California Vehicle Code (CVC) requires that jurisdictions, in order to use radar or lidar for speed enforcement, conduct Engineering and Traffic Surveys and set speed limits at reasonable limits on roadway segments shown as arterials or collectors on the California Road System Maps; and

WHEREAS, the existing Engineering and Traffic Surveys for arterial and collector roadways in the City of Clayton have expired; and

WHEREAS, a Draft Citywide Engineering and Traffic Survey Report has been prepared in conformance with the California Vehicle Code and the California Manual of Uniform Traffic Control Devices on the 22 roadway segments within the City shown as arterials and collectors on the California Road System Maps; and

WHEREAS, analysis of traffic speeds on four of the 22 roadway segments studied require the speed limits to be increased by 5 mph to allow the use of radar or lidar for speed enforcement as follows:

Street	Existing Speed	85 th Percentile Speed	Proposed Speed Limit
Eagle Peak Drive from Oakhurst Drive (east) to Keller Ridge Drive	30	40	35
Clayton Road from Washington Blvd. to Mitchell Canyon Road	40	51	45
Clayton Road from Mitchell Canyon Road to Oakhurst Drive	40	51	45
Mountaire Parkway from Marsh Creek Road to (south) Mountaire Circle	30	40	35

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Clayton, California, does hereby accept the Draft Citywide Engineering and Traffic Survey Report.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California, at a regular public meeting thereof held on the 18th day of August 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

JULIE PIERCE, Mayor

ATTEST:

Janet Calderon, City Clerk

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 10.20 OF THE CLAYTON MUNICIPAL CODE IN ORDER TO CHANGE THE PRIMA FACIE SPEED LIMIT ON VARIOUS STREETS INCLUDING INCREASES IN THE SPEED LIMITS ON SEGMENTS OF EAGLE PEAK DRIVE, CLAYTON ROAD AND MOUNTAIRE PARKWAY

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

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

WHEREAS, Engineering and Traffic Surveys are required by the State of California to establish speed limits on arterial and collector streets within a municipality as shown on the Functional Classification Maps of the Federal Highway Administration and to enforce those limits using radar or other speed measuring devices; and

WHEREAS, Harris and Associate and W&S Consultants prepared an "Engineering and Traffic Surveys – Draft Report", dated August 12, 2020, recommending revisions to the speed limit on various arterial and collector streets; and

WHEREAS, staff is recommending changes to the speed limits on various local streets; and

WHEREAS, amendments to the municipal code are proposed to modify speed limits on specific roadways in the City;

WHEREAS, the City of Clayton is required to memorialize changes to speed limits by ordinance per the California Vehicle Code (CVC 22357); and

WHEREAS, Clayton Municipal Code Sections 10.20.010 through 10.20.50, which set speed limits on various streets, will be affected by the proposed ordinance revisions;

THE CITY COUNCIL OF THE CITY OF CLAYTON DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 20 of Title 10 of the Clayton Municipal Code is hereby amended to read as follows in its entirety:

"§ 10.20 SPEED LIMITS.

The Council, on the basis of engineering and traffic surveys, has determined that the speeds permitted by state laws, as applicable to certain city streets, are different than those necessary for safe operation thereon under the conditions found to exist on such streets. It is hereby declared that the prima facie speed limit shall be as set forth in this article on those streets, or parts of streets, within the city when signs giving notice thereof have been erected upon such streets.

§ 10.20.010 – Twenty-five (25) miles per hour.

No vehicles shall travel in excess of twenty-five (25) miles per hour on the following streets or portions of streets:

All city streets except those designated otherwise in this article.

§ 10.20.020 – Thirty (30) miles per hour.

No vehicle shall travel in excess of thirty (30) miles per hour on the following streets or portions of streets:

None.

§ 10.20.030 – Thirty-five (35) miles per hour.

No vehicle shall travel in excess of thirty-five (35) miles per hour on the following streets or portions of streets:

- A. Eagle Peak Avenue between Keller Ridge Drive and its easterly intersection with Oakhurst Drive.
- B. Marsh Creek Road between its westerly intersection with Clayton Road and its easterly intersection with Clayton Road.
- C. Mountaire Parkway between Marsh Creek Road and its southerly intersection with Mountaire Circle.

§ 10.20.040 – Forty (40) miles per hour.

No vehicle shall travel in excess of forty (40) miles per hour on the following streets or portions of streets:

- A. Oakhurst Drive between the westerly City limits and Clayton Road.

§ 10.20.050 – Forty-five (45) miles per hour.

No vehicle shall travel in excess of forty (45) miles per hour on the following streets or portions of streets:

- A. Clayton Road between the Washington Boulevard and Marsh Creek Road at Diablo View Middle School.
- B. Marsh Creek Road between Clayton Road at Diablo View Middle School and the easterly City limits."

Section 2. CEQA.

This Ordinance is not a "project" subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15378. In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guideline section 15061(b)(3) because it can be seen with certainty that there is no possibility that it may have a significant effect on the environment, subject to a statutory exemption contained in CEQA Guidelines section 15369(b), or subject to a categorical exemption contained in CEQA Guidelines sections 15301, 15302, 15303, 15304, 15307, 15308, and 15309.

Section 3. This ordinance shall take effect and be enforced thirty (30) days from and after the date of its adoption. Within fifteen (15) days after the passage of the Ordinance, the City Clerk shall cause it to be posted in three (3) public places heretofore designated by resolution by the

City Council for the posting of ordinances and public notices. Further, the City Clerk is directed to cause the amendments adopted in Sections 2 through 7 of this Ordinance to be entered into the City of Clayton Municipal Code..

Section 4. If any section, subsection, sentence, clause, or phrase of this Ordinance, or the application thereof to any person or circumstances, is held to be unconstitutional or to be otherwise invalid by any court competent jurisdiction, such invalidity shall not affect other provisions or clauses of this Ordinance or application thereof which can be implemented without the invalid provisions, clause, or application, and to this end such provisions and clauses of the Ordinance are declared to be severable.

I HEREBY CERTIFY that the foregoing ordinance was introduced at a regular meeting of the City Council of the City of Clayton, held on the 18th day of August 2020 and passed and adopted at a regular meeting thereof, held on the _____ day of _____ 2020 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

Julie Pierce, Mayor

ATTEST:

Janet Calderon, City of Clerk

APPROVED AS TO FORM
ADMINISTRATION

APPROVED BY

Malathy Subramanian, City Attorney

Fran Robustelli, City Manager

I hereby certify that the foregoing Ordinance was duly introduced at a noticed regular meeting of the City Council of the City of Clayton held on August 18, 2020 and was duly adopted, passed and orded posted at a regular meeting thereof following a public hearing of the City Council held on September 1, 2020.

Janet Calderon, City Clerk

Citywide Engineering and Traffic Survey



Draft Report
Clayton, California

Prepared for City of Clayton, CA
Prepared by W & S Solutions, LLC
In Association with Harris Associates
August 13, 2020



Harris & Associates

This Citywide Engineering and Traffic Survey has been prepared under the direction of a licensed Civil Engineer. The licensed Civil Engineer attests to the technical information contained therein and has judged the qualifications of any technical specialists providing engineering data, which recommendations, conclusions, and decisions are based. These surveys conform to Sections 627 and 40802 of the California Vehicle Code and Section 2B.13 of the California MUTCD and recommend speed limit appropriate to facilitate the safe and orderly movement of traffic.

Prepared By:

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Signature

Jia Hao Wu

Directed and Approved by

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Signature

Lynne B Filson



Project Content Quality Control			
Date	Content	Staff	Reviewer
2020/02/10	First Review of Project Results	Jia Hao Wu, W&S	Lynne B. Filson Senior Project Manager/Traffic Engineer, Harris & Associates
2020/06/19	Second Review of Project Results	Jia Hao Wu, W&S	Lynne B. Filson Senior Project Manager/Traffic Engineer, Harris & Associates
2020/06/30	Second Review of Project Results	Jia Hao Wu, W&S	Lynne B. Filson Senior Project Manager/Traffic Engineer, Harris & Associates
2020/07/09	Discussion of Project results with Police	Jia Hao Wu, W&S	Lynne B. Filson Senior Project Manager/Traffic Engineer, Harris & Associates Chief Warren; Sgt Shaw, City of Clayton Police Department
2020/08/07	City Review	Lynne Filson, PE, Consulting Traffic Engineer, Harris	Interim City Manager, Fran Robustelli; Scott Alman, City Engineer; Sgt. Jason Shaw; Chief Elise Warren;

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1 Introduction and Summary

1.1 Introduction

This report presents the results of the engineering and traffic survey, 21 locations conducted in November 2019, and 1 location in March 2020 by W & S Solutions in association with Harris Associates for the City of Clayton. The survey includes a summary of speed surveys between 9:00 a.m. and 4:00 p.m., daily traffic counts, traffic collisions from 2015 through 2019, and an analysis of roadway conditions for 22 identified street segments on the arterial and collector streets in Clayton as identified on the California Road System Map in Appendix B: Functional Classification System in City of Clayton.

The purpose of this survey is to evaluate if the speed limits currently posted on these segments are still appropriate for law enforcement and to provide any recommended speed limit changes in accordance with the current State of California regulations and guidelines. As required by the California Vehicle Code (CVC) Section 40802, engineering and traffic surveys for speed limits should be conducted by governing municipalities. The survey can be done once every five, seven, or ten years. A radar or any other electronic device may be used as a means of measuring existing speeds for speed limit enforcement. Streets defined as "local streets and roads" as described in the amended subdivision (b) of Section 40802 "Speed Trap" of the CVC, effective January 1, 1982, are exempted.

Speed limits are established primarily for protecting the public from the unreasonable behavior of reckless, unreliable, or dangerous drivers. Speed limits are generally found at or near the 85th percentile speed. The 85th percentile speed is referred to as the critical speed. It is defined as the speed at or below which 85 percent of traffic is moving in free-flow conditions. Speed limits established on this basis conform to the consensus of those who drive on the roadways as to what speed is reasonable and safe under usual driving conditions.

The current standard, as described in the California Manual on Uniform Traffic Control Devices (CAMUTCD), is to consider the speed limit at the nearest five miles per hour (mph) increment of the critical speed. However, a reduction of five mph is allowable to meet the needs of the community if it is justified with an engineering and traffic survey as defined in the CVC. Significant factors in determining reasonable and safe speed limits that are most appropriate to facilitate the orderly movement of traffic include prevailing speeds, collision rates, unexpected roadway conditions, and adjacent land uses, including residential and commercial densities.

A more detailed discussion of current State regulations and guidelines is provided in the Speed Limit Recommendations section of the report. Applicable CVC Code sections are summarized in the California Vehicle Code Requirements section.

1.2 Summary

Based on current State regulations and guidelines, recommendations are made in this report for the identified Clayton roadway segments. Speed survey data, speed distribution analysis, a speed survey summary sheet, and a final recommendation of a change in speed for each segment are included in the Appendix. The existing and recommended speed limits for each street segment are summarized in Table 1 together with a map of study segment locations, IDs, and their segment coverages, annual average daily traffic volumes (AADT), collisions of last five years, existing speeds, recommended speeds, and speed result statistics as shown in Figure 1 and Figure 5.

2 Study and Survey Methodology

2.1 Procedures

The procedures used to formulate recommendations in this report are based on the requirements of the California Vehicle Code (CVC) Section 627, Sections 22348 through 22413 under Division 11, Chapter 7 "Speed Laws," Section 40802, and others as referenced herein, and the 5th Edition of the 2014 California Manual on Uniform Traffic Control Devices (CAMUTCD) Section 2B.13. The CAMUTCD is the amended version of the Federal Highway Administration MUTCD for use in California. Summarized below are applicable portions from the CVC related to the preparation of an engineering and traffic survey for speed limits. California Vehicle Code (CVC) is summarized as follows.

CVC Section 235 – Business District: An area in which at least 50 percent of the properties are used for business for a minimum distance of 600 feet on one side or 300 feet on both sides of a highway.

CVC Section 515 – Residence District: An area outside of the Business District along a highway that has a minimum of 13 separate dwelling units on one side, or 16 on both sides within a distance of a quarter mile.

CVC Section 627 – Engineering and Traffic Survey: A survey of highway and traffic conditions in accordance with methods determined by the California Department of Transportation (Caltrans) for use by State and local authorities, which shall include consideration of prevailing speeds as determined by traffic engineering measurements, accident records, and highway, traffic, and roadside conditions not readily apparent to the driver. Local authorities may also consider residential density as defined in Section 515.

CVC Section 22349 – Maximum Speed Limits: Provides that no person shall drive a vehicle upon a highway at a speed greater than 65 mph. An exception to this, as stated in CVC Section 22356, is that Caltrans may increase the speed and these increases can only be made after consultation with the California Highway Patrol (CHP) and on the basis of an engineering and traffic survey.

CVC Section 22350 – Basic Speed Law: Provides that no person shall drive a vehicle upon a highway at a speed greater than is reasonable or prudent, and in no event at a speed that endangers the safety of persons or property. Reasonable is defined in Webster's New World Dictionary as "just, of sound judgment, and not excessive." Prudent is defined as "exercising sound judgment in practical matters, cautious and discreet in conduct, not rash and managing carefully."

CVC Section 22351 – Speed Law Violations: States that the speed of any vehicle upon a highway not in excess of the limits specified in Section 22352 of the CVC or established as authorized in the CVC is lawful unless clearly proved to be in violation of the Basic Speed Law. This same section also states that the speed of any vehicle upon a highway in excess of the prima facie speed limits in Section 22352 of the CVC or established as authorized in the CVC is unlawful unless the defendant establishes by competent evidence that the speed in excess of said limits did not constitute a violation of the Basic Speed Law at the time, place and under the conditions then existing.

CVC Section 22352 – Prima Facie Speed Limits: Establishes prima facie speed limits for Local Roads and Streets. The literal definition of the phrase "prima facie" is "first appearance". It is also defined at "first view" and "before investigation." Prima facie evidence is evidence sufficient to establish the fact, or to raise the presumption of fact unless rebutted. Prima facie speed limits are those that are defined in CVC Section 22352. These speed limits shall be applicable unless changed as authorized in the CVC and if so changed, only when signs have been erected giving notice thereof. A speed limit of 15 MPH applies at railroad crossings, at uncontrolled highway intersections with an obstructed view, and on alleys. A

speed limit of 25 mph applies on any highway other than State highways in any business or residence district unless a different limit is established by procedures described in the CVC. The 25 mph limit also applies to school zones.

CVC Sections 22357 (Increase of Local Speed Limits to 65 mph) and 22358 (Decrease of Local Speed Limits): Authorizes local authorities to establish prima facie speed limits on streets and roads under their jurisdiction, on the basis of an engineering and traffic survey.

CVC Sections 22358.3 (Decrease on Narrow Streets) and 22358.4 (Decrease of Local Limits Near Schools or Senior Centers): Authorizes local agencies to reduce prima facie speed limits to 20 or 15 mph on narrow streets (with roadway width less than 25 feet), school zones, or senior centers on the basis of engineering and traffic surveys.

CVC Section 22358.5 – Downward Speed Zoning: Physical conditions such as width, curvature, grade, and surface conditions, or any other condition readily apparent to a driver, in the absence of other factors, would not require special downward speed zoning.

CVC Section 40802 (a)(2) – Prima Facie Speed Limits: Provides that prima facie speed limits established under CVC Sections 22352(b)(1), 22354, 22357, 22358, and 22358.3 may not be enforced by radar unless the speed limit has been justified by an engineering and traffic survey within the last five years. This CVC section does not apply to a local street, road or school zone. A local street or road is defined by the latest functional usage and federal-aid system maps or, if not shown on the federal-aid system map, a street or road that primarily provides access to abutting residential property and meets the following criteria: (1) roadway is not more than 40 feet in width; (2) roadway is not more than one-half mile of uninterrupted length; and (3) roadway is not more than one travel lane in each direction.

Also, we follow the recent guideline of California Manual for Setting Speed Limits, Division of Traffic Operations published by the California Department of Transportation, 2019.

2.2 Posted Speed Limits and Existing Speed Limits

The posted speed limits are obtained based on field observations. CVC Section 22352 sets the prima facie speed limits in California for road segments with no posted speed limit. The term "prima facie," as used in the CVC, is a speed limit that applies when no other specific speed limit is posted. It is a Latin term meaning "at first face" or "at first appearance." The first speed limit is 15 mph; and it is applicable to uncontrolled railway crossings, blind, uncontrolled intersections, and alleyways. The second speed limit is 25 mph, and it is relevant to business and residential areas without other posted speed limits, school zones, and areas immediately around senior centers. Thus, the existing speed limits are obtained based on this section.

2.3 Speed Survey and Analysis

Traffic speed data was obtained using video files and field measured distances based on an advanced computer vision technology as a valid alternative to radar. Survey dates had fair weather, dry pavement, and clear visibility. An effort was made to determine the locations, the periods, and traffic conditions to ensure that the speed data collection equipment used did not affect the speed of the traffic being surveyed. Locations were selected where the prevailing speeds were representative of the entire street segment. Most sample sizes for a particular segment of both directions included a minimum of 200 vehicles. Due to the nature of the video recording of 24 hours, there were no segments with fewer than 100 vehicles in a given sample in these verified time periods. These segments have sufficient data points (vehicle speed data) for obtaining speed distributions. All data points were reviewed and clusters of data points were not included in the analysis as these points represent vehicles not in a free flow condition. Thus, the data samples of

all the segments meet the survey requirements. The results of the speed survey data are summarized in Table 1 and shown for each segment in Appendix A.

The speed survey data was compiled and analyzed to determine the 50th percentile speed, 85th percentile speed, 10 mph pace speed, the percent of vehicles observed within the 10 mph pace speed, the range of speed observed, and the average speed for each surveyed segment. These results are considered to be acceptable and reasonable. A description of these terms is provided below:

- **50th Percentile Speed (Median Speed):** The speed above and below which 50 percent of the sample speeds were observed. This value indicates the speed that a driver may choose to drive without the influence of any speed limits, speed signs, or enforcement.
- **85th Percentile Speed (Critical Speed):** The speed at or below which 85 percent of the sample speeds were observed. The 85th percentile speed of a spot speed survey is the primary indicator of the appropriate speed limit for a section of the roadway.
- **10 mph Pace Speed:** The 10 mph increment (range) of speeds containing the greatest number of vehicles. In almost all cases, the 85th percentile speed and the recommended speed lie within the range, frequently in the middle to upper range of the interval. The percent of vehicles that fall within the pace speed is an indicator of the bunching of vehicular speeds. The number of observed vehicles within the 10 mph pace is often between 60 and 80 percent of the entire sample.
- **Average speed:** The average speed is simply the cumulative speed divided by the number of observed vehicles.

2.4 Traffic Volumes

W&S conducted daily traffic counts at 21 study locations on December 10 and 17, 2019, and 1 study location on March 17, 2020, using video cameras systems. Thus, there is a set of a minimum of 24 hours of video files for each location. In addition, W&S used the Annual Average Daily Traffic Volumes (AADT) of Caliper (A national data provider based on the big data sources) as a reference source. These two data sources were used to determine local AADT and to compute the collision rates for each segment, which in turn was used as a factor in determining the appropriate speed limit for each segment. Figure 2 shows the map of AADT counts for all the study segments.

2.5 Collision Data

Collisions reported at study roadway segments were obtained from the Statewide Integrated Traffic Records System (SWITRS) database for a period of 5 years from January 2015 to December 2019.

Collision rates are a significant factor in determining the appropriate speed limits. The speed survey summary data for each roadway segment included in Appendix shows the number of collisions during the period, collision rate, and average daily traffic.

Table 1 shows a summary of the collision data for each roadway segment and Figure 3 shows the collision rate map for the study segments.

2.6 Additional Segment Data

Additional segment data that were collected include segment direction, number of lanes, length, width, land use, and geometry (such as on-street parking and bike lanes).

2.7 Field Checks with a Radar Gun

A final field check involves an experienced transportation surveyor driving some street segments while using a radar gun to spot-check a few locations as a data source for speed verification purposes.

A project traffic engineer evaluates the appropriateness of the 85th percentile speed and adds the perspective of human engineering judgments to set the appropriate speed limits. Such factors as roadside development; the number and location of driveways; parked vehicles; emergency shoulder areas; schools and playgrounds; areas frequented by pedestrians; horizontal and vertical alignment of the roadway; intersection spacing, visibility, and control; landscaping, and other less tangible factors, all contribute to establishing the final recommended speed limit.

3 Speed Limit Recommendations

The establishment of speed limits requires a rational, defensible, and consistent evaluation process. Speed limits are typically set near the 85th percentile speed, which establishes an upper limit of what is considered reasonable and prudent. With all of the statistics inherent to the engineering and traffic speed survey process, there is a great deal of engineering judgment required. Speed limits should be reasonable and realistic regardless of the results of the field studies. Reasonable speed limits are those at which responsible motorists would drive without enforcement and signage and depend on the voluntary compliance of the greater majority of motorists. Speed limits cannot be set arbitrarily low as this would create violators of the majority of drivers and would not command the respect of the public.

In 2004, to better conform to the intent of the federal standards as established in the Federal Highway Administration's Manual on Uniform Traffic Control Devices, and also to address some of the widespread disregard of the 5 miles per hour (mph) special downward speed zoning provision, the California Manual on Uniform Traffic Control Devices (CA MUTCD) replaced the Traffic Manual, and the speed zoning section of the Traffic Manual was changed to require rounding the 85th percentile to the nearest 5 mph increment rather than the lower 5 mph increment. This specific guideline revision resulted in raising certain street speed limits and had become a challenge to state and local jurisdictions.

In 2007, the California Traffic Control Devices Committee (CTCDC) ruled to approve a language change in the CA MUTCD to clarify how local speed limits should be set. The CTCDC was prompted to make this change due to major variations in the interpretation and application of the CA MUTCD Section 2B.13 "Speed Limit Sign (R2-1)" and to distinguish better the differences between "within" 5 mph of the 85th percentile speed and "round to the nearest" 5 mph of the 85th percentile speed for setting local speed limits.

The changes included are posted speed limits will be set "round to the nearest" 5 mph increment of the 85th percentile speed. Jurisdictions can lower this speed by an additional 5mph based on and justified by conditions and factors cited in the California Vehicle Code. Caltrans ultimately issued a Traffic Operations Policy Directive (No. 09-04), effective July 1, 2009, which clearly defined these changes and incorporated new requirements into the CA MUTCD.

As required by Section 2B.13 of the 2014 Edition of the CA MUTCD, a speed limit shall be established at the nearest 5 mph increment of the 85th percentile speed, except that the posted speed may be reduced by 5 mph from the nearest 5 mph increment of the 85th percentile speed in compliance with CVC Sections 627 and 22358.5.

For cases in which the nearest 5 mph increment of the 85th percentile speed would require rounding up, the speed limit may be rounded down to the nearest 5 mph increment below the 85th percentile speed if no further reduction is used. Section 2B.13 further states that justification for reducing speed limits can be based on residential density, pedestrian/bicyclist safety, and other factors not readily apparent to drivers

but essential to meet the traffic safety needs of the community. The following factors may be considered to adjust and determine the final speed limits:

- Road characteristics, shoulder condition, grade, alignment, and sight distance
- Ten mph pace speed
- Roadside land use development and geometry environment
- Parking practices and bicycle/pedestrian activity
- Reported collisions for the last 5-year period

Additionally, the CA MUTCD recommends that speed zoning with 5 mph increments are preferable in urban areas and that low-speed zones should be avoided. Based on the above guidelines, speed limit recommendations for these street segments were established.

Table 1 summarizes the existing speed limit, critical speed, and recommended speed limit for each street segment. Figure 4 indicates the existing posted speed limit for all the study segments, and Figure 5 shows the recommended speed limits for all segments. We notice that:

1. There are 17 segments with no changes in speed.
2. There are 3 segments with only changes in speeds of + 5 mph.

The Appendix presents the results of the traffic survey analyses, which include prevailing speed data, accident history, traffic factors, and roadway conditions for each of the segment. The recommended speed limit for each street segment is also shown with a comment on the rationale for the recommendation.

Table 1: 2020 City of Clayton Engineering and Traffic Survey and Recommendation Summary

Location ID	Location Name	Classification ¹	Roadway Type	Direction	Number of Lanes	AADT (2019) ¹	Collisions (2015 - 2019) ²	Length (mi) ⁵	Total Survey Data	10 MPH Pace	Number in Pace	% in Pace	Average Speed (mph)	50% tile Speed	85% tile Speed	Posted Speed (mph)	Existing Speed Limit (mph)	Collision Rate (Acc/MVM) ³	Width (feet)	Recommended Speed (mph)
1	Oakhurst Dr. between the Westerly City Limit and Clayton Rd.	Minor Arterial	Arterial	EB/WB	4	11599	10	1.17	838	35-45	317	38	42	43	47	40	40	0.40	76	45
2	Indian Wells Way between Oakhurst Dr. (North) and Oakhurst Dr. (South)	Major Collector	Collector	SB/NB	2	896	0	0.58	238	23-33	131	55	27	27	33	25	25	0.00	36-44	25
3	Eagle Peak Dr. between Oakhurst Dr. and Keller Ridge Dr. (East)	Major Collector	Arterial	SB/NB	4	3389	2	0.36	1371	29-39	778	57	34	33	40	N/A	30	0.90	58	35
4	Keller Ridge Dr. between Eagle Peak Dr. and its east end	Major Collector	Collector	EB/WB	2	4652	5	0.97	354	22-32	242	68	27	26	31	25	N/A	0.61	40	25
5	Clayton Rd. between Ygnacio Valley Rd. and Washington Blvd.	Other Principal Arterial	Arterial	EB/WB	4	27022	7	0.09	1182	15-25	573	48	25	24	32	N/A	40	1.58	83	40
6	El Camino Dr. Between Clayton Rd. and Pine Hollow Rd.	Major Collector	Collector	SB/NB	2	2771	2	0.51	681	30-40	326	48	32	31	38	25	25	0.78	40	25
7	Atchinson Stage Rd. between Pine Hollow Rd and Clayton Rd	Major Collector	Collector	SB/NB	2	1152	0	0.29	431	14-24	211	49	24	24	29	25	N/A	0.00	38	25
8	Mitchell Canyon Rd. between Clayton Rd. and Hezrman Rd	Major Collector	Collector	SB/NB	2	2432	3	0.65	682	20-30	339	50	21	21	26	25	N/A	1.04	30	25
9	Clayton Rd. between Washington Blvd. and Mitchell Canyon Rd.	Other Principal Arterial	Arterial	EB/WB	4	21510	1	0.95	1181	41-51	533	45	43	45	51	40	40	0.03	70	45
10	Clayton Rd. between Mitchell Canyon Rd. and Oakhurst Drive Rd.	Other Principal Arterial	Arterial	EB/WB	4	23108	4	0.63	518	44-54	182	35	41	41	51	40	40	0.15	69	45
11	Clayton Rd. between Oakhurst Drive and Marsh Creek Rd. (South)	Other Principal Arterial	Arterial	EB/WB	4	13042	13	0.88	1989	33-43	746	38	38	37	49	45	45	0.62	78	45
12	Marsh Creek Rd. between Marsh Creek Rd. (South) and Regency Dr.	Other Principal Arterial	Arterial	EB/WB	4	10526	5	0.40	639	33-43	276	43	33	34	40	45	45	0.65	80	45
13	Marsh Creek Rd between Regency Dr. and Pine Ln	Other Principal Arterial	Arterial	EB/WB	2	9555	5	0.52	1161	32-42	522	45	34	34	42	45	45	0.55	50	45
14	Main St. between Oak St and Marsh Creek Rd.	Major Collector	Local	EB/WB	2	1877	2	0.17	242	10-20	170	70	18	18	23	25	25	3.43	24	25
15	Center St. between Oak St and Marsh Creek Rd.	Major Collector	Local	EB/WB	2	2626	5	0.19	720	44124	589	82	17	17	20	25	25	5.49	23	25
16	Center St. between Marsh Creek Rd. and Easley Dr.	Major Collector	Local	EB/WB	2	4443	1	0.08	861	19-29	543	63	22	22	27	N/A	25	1.54	58	25
17	Easley Dr. between Center St. and Marsh Creek Rd.	Major Collector	Collector	SB/NB	2	823	0	0.74	210	21-31	133	63	25	25	30	25	N/A	0.00	36	25
18	Marsh Creek Rd. between Clayton Road (West) and Clayton Rd. (East)	Minor Arterial	Collector	EB/WB	2	2576	7	1.05	263	26-36	157	60	29	29	34	35	35	1.42	51	35
19	El Molino Dr. between Marsh Creek Rd. and Regency Fr.	Major Collector	Collector	SB/NB	2	854	1	0.82	263	16-36	152	58	29	29	34	25	N/A	0.78	40	25
20	Mountaire Pkwy between Mountaire Circle (South) and Its Southerly Terminus	Major Collector	Collector	SB/NB	2	2312	2	0.45	554	21-31	267	48	31	31	38	N/A	25	1.05	40	25
21	Regency Dr. between Marsh Creek Rd. and Its Southerly Terminus	Major Collector	Collector	SB/NB	2	1693	0	0.24	261	30-40	118	45	35	34	43	25	N/A	0.00	40	25
22	Mountaire Pkwy between Clayton Road and Mountaire Circle (South)	Major Collector	Collector	SB/NB	4	2382	2	0.45	591	30-40	344	58	34	34	40	30	30	1.02	62	35

Data Source: W & S Solutions, 2020

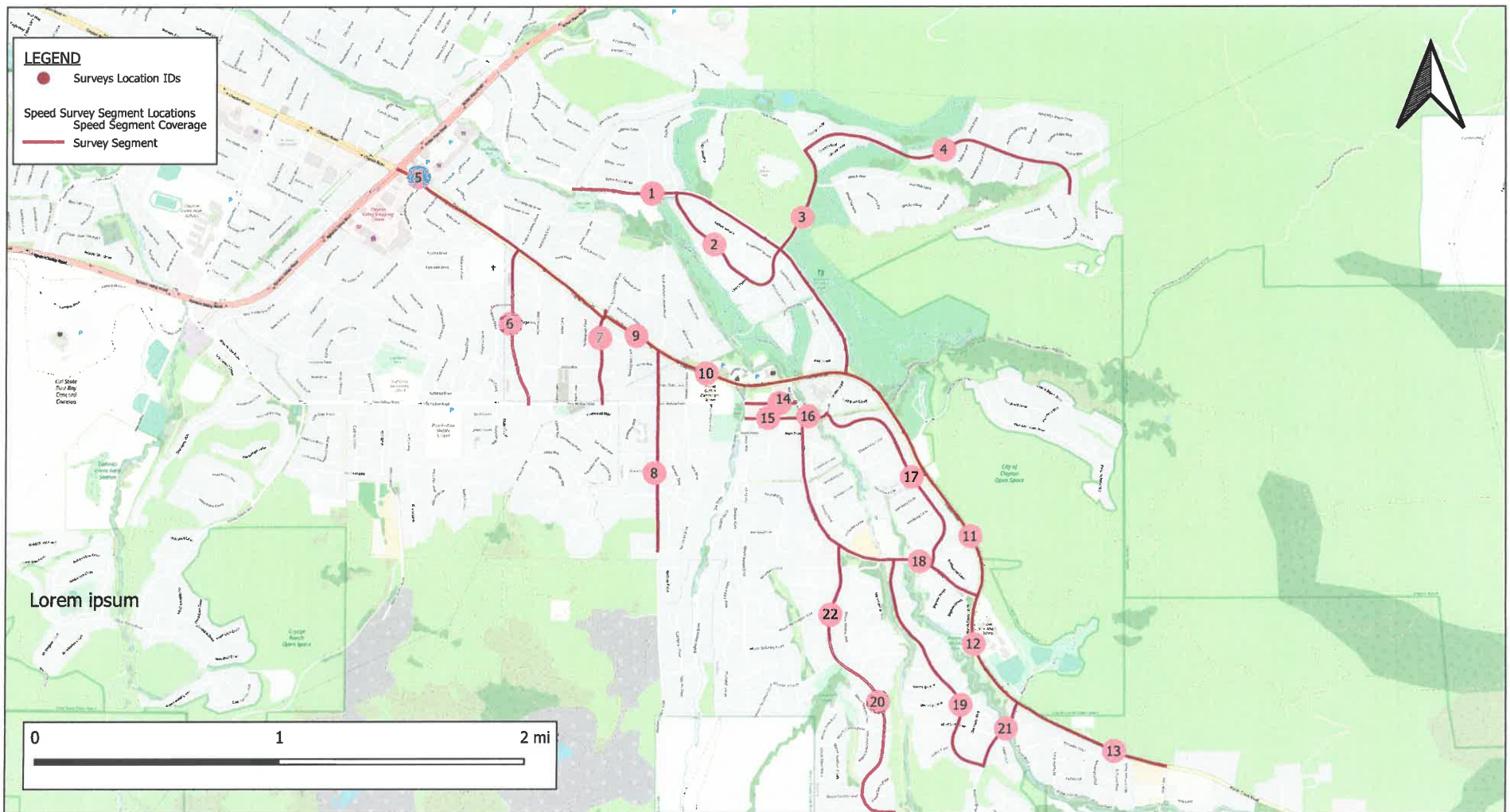
Note¹: Estimated based Caliper AADT Data Source and W&S 2019 Daily Traffic Count

Note²: SWITRS data (2015-2019)

Note³: MVM: Million Vehicle Miles Traveled.

Note⁴: Contra Costa California Road System (2011)

Note⁵: The length of Segment 20 and 22 are assumed to be same.



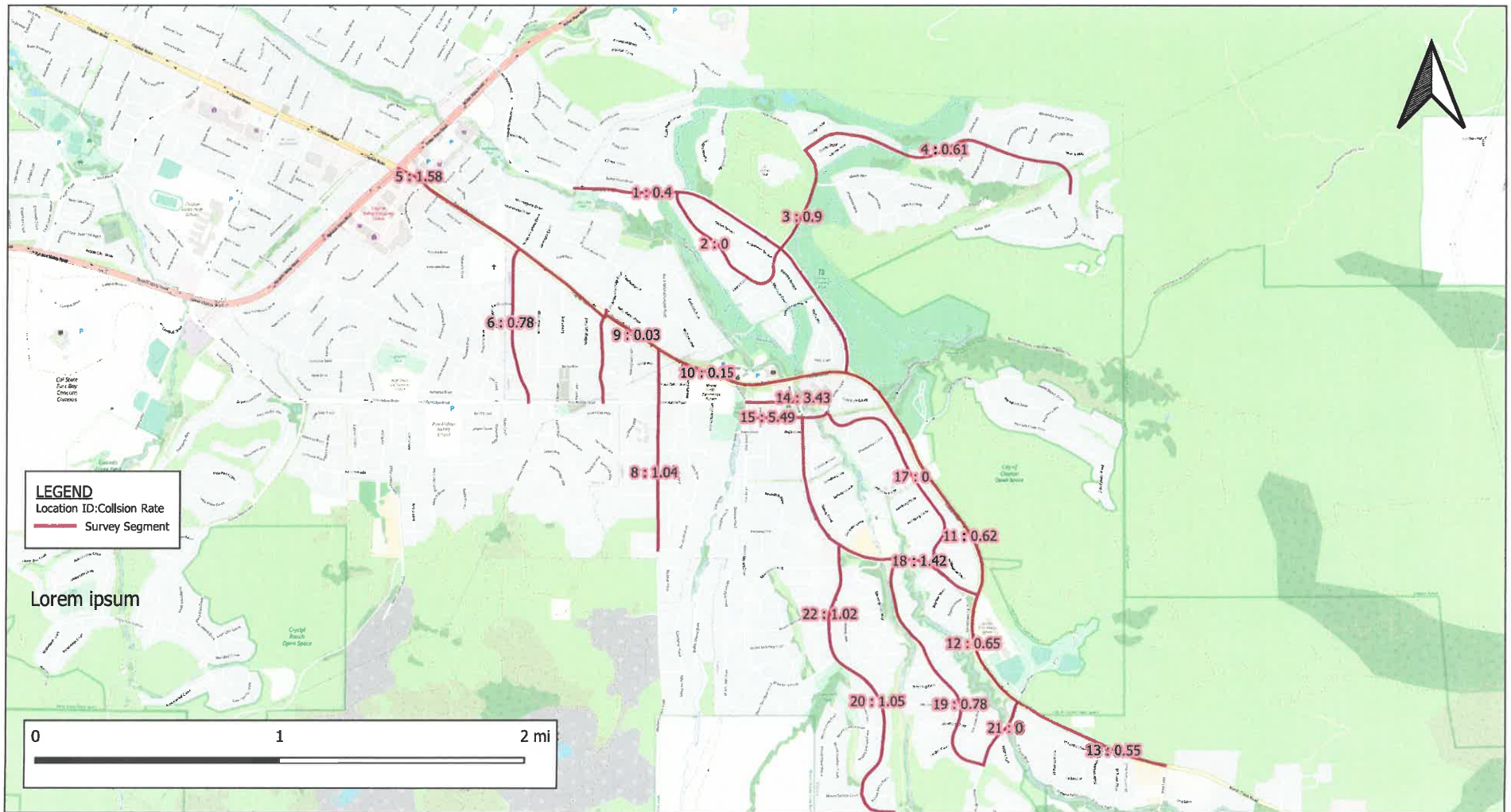
Prepared by W & S Solutions
 Jia Hao Wu
 6701 Koll Center Parkway, Suite 250
 Pleasanton, CA, US, 94566
 Reviewed by Harris Associates
 Lynne Filson, P.E.

Department of Public Works



Engineering & Traffic Survey and Study

Figure 1: Survey Location IDs and Segment Coverages



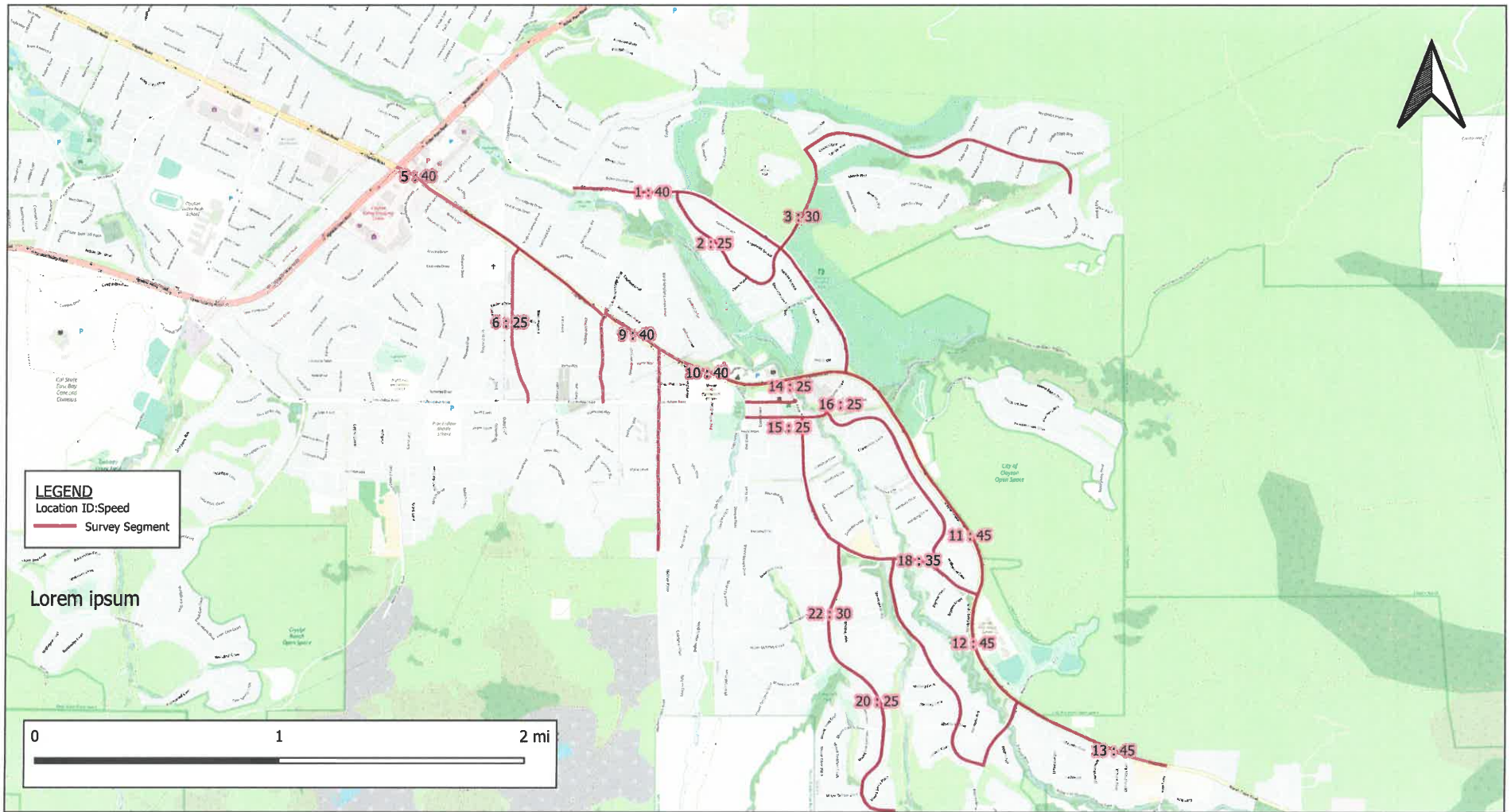
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Department of Public Works



Engineering & Traffic Survey and Study

Figure 3: Collision Rates (Acc/MVM) with Location ID: Rates



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Department of Public Works



Engineering & Traffic Survey and Study

Figure 4: Existing Speed (mph) with Location ID:Speed

4 Project Team

W & S Solutions:

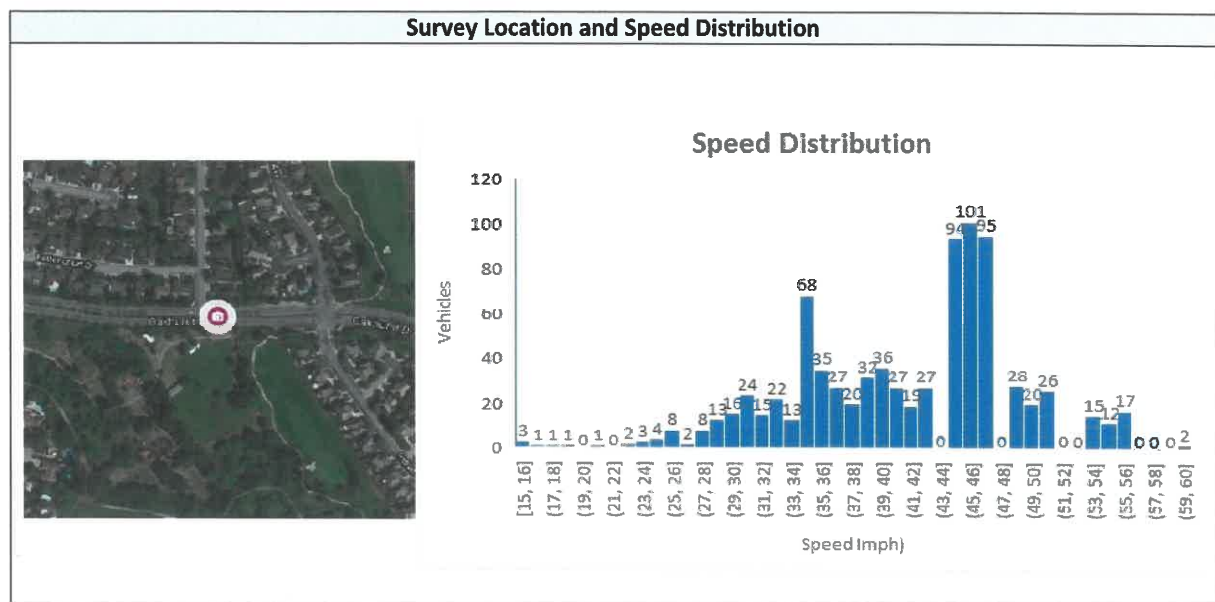
Jia Hao Wu, Ph.D., Project Manager
Denis Wu, Project Engineer (AI Data Process)
Yanping Zhang, Project Engineer (National Data for AADT)
Zhu Ye, Project Data Installation and Collection
Yi Zheng Wei, Project Administration

Harris & Associates:

Lynne Filson, Senior Project Manager/Traffic Engineer (Project Quality Control, Review and Engineering Analysis and SWITRS Data)

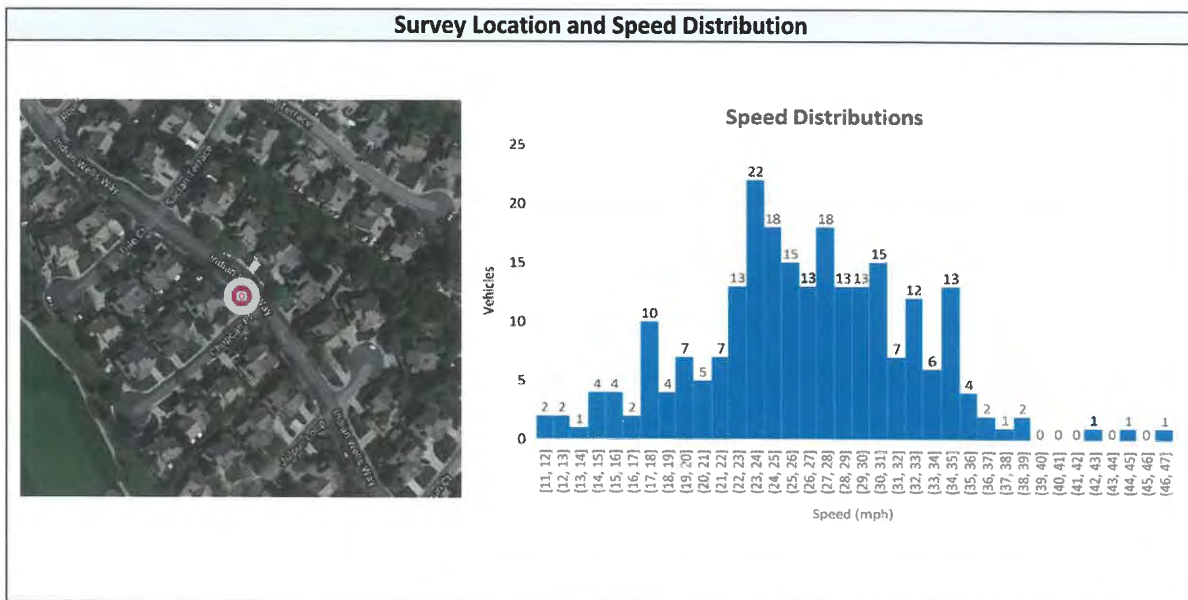
5 Appendix A: Segment Survey and Speed Limit Recommendation Forms

City of Clayton				
2019 Engineering and Traffic Survey				
Segment Info	Location ID	Location Name		
	1	Oakhurst Dr. between the Westerly City Limit and Clayton Rd.		
Facility Condition	Classification	Direction	Number of Lanes	Length (mi)
	Arterial	EB/WB	4	1.17
Prevailing Speed Data	Date and Time Period: Begin		Date and Time Period: End	
	2019-12-17 at 09:06:03		2019-12-17 at 16:10:53	
	Total Survey Data	10 MPH Pace	Number in Pace	% in Pace
	838	35-45	317	38
	Average Speed (mph)	50% tile Speed	85% tile Speed	
	42	43	47	
	Posted Speed (mph)	Existing Speed Limit (mph)	Annual Average Daily Traffic	
40	40	11599		
Collisions	Years	Collisions	Collision Rate (Acc/MVM)3	
	2015-2019	10	0.40	
Observations	Adjacent Land Use	The location is generally residential with three parks near by.		
	Road Geometrics	It has 4 lanes divided with a bike lane and without on-street parking in both directions.		
	Comment	Per Section 2B.13 of the California MUTCD, the posted speed may e reduced by 5 mph from the nearest 85th percentile speed in compliance with CVC Sections 627 and 22358.5. Due to a school and access to the downtown, a 10 mile per hour pace of 35-45, a low percentage of vehicles within the 10 mph pace, it is recommended that this roadway segment be posted at 45 mph.		
Recommendation	Recommended Speed (mph)	Change in Speed	Comment	
	45	5		
Statement	Approved and Authorized for release by The City of Clayton: This survey conforms to Section 627 and 40802 of the California Vehicle Code and Section 2B.13 of the California MUTCD and recommends a speed limit appropriate to facilitate the safe and orderly movement of traffic. I approve this recommended speed limit.			
		Lynne Filson, P.E.	Traffic Engineer	8/13/2020
	Signature	Name	Title	Date



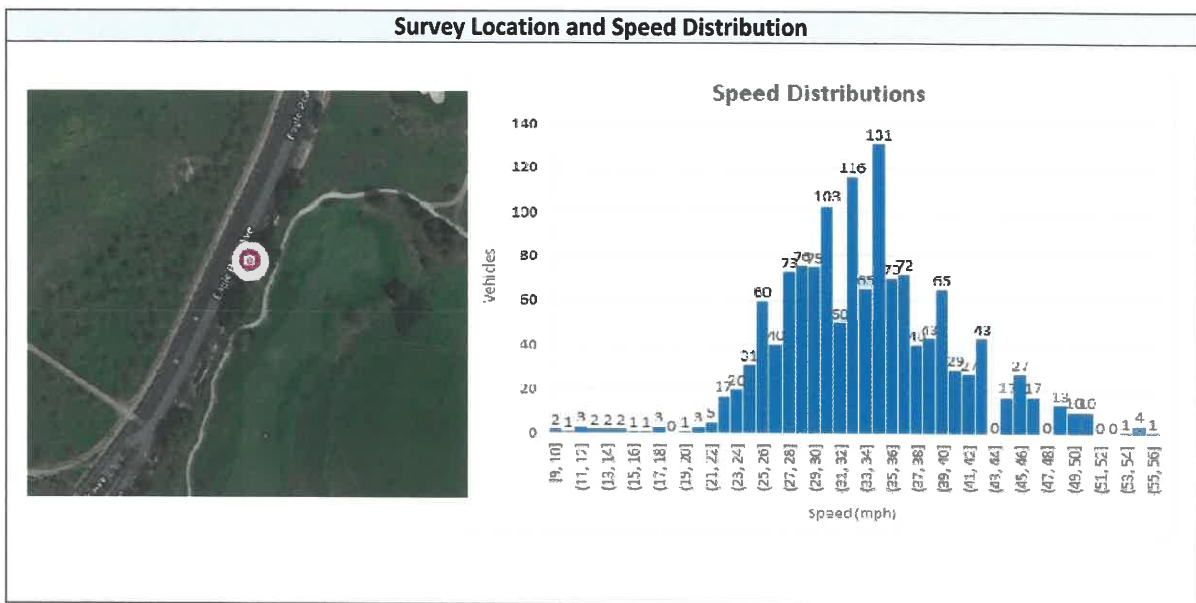
Data Source: W & S Solutions, 2020

City of Clayton				
2019 Engineering and Traffic Survey				
Segment Info	Location ID	Location Name		
	2	Indian Wells Way between Oakhurst Dr. (North) and Oakhurst Dr. (South)		
Facility Condition	Classification	Direction	Number of Lanes	Length (mi)
	Collector	SB/NB	2	0.58
Prevailing Speed Data	Date and Time Period: Begin		Date and Time Period: End	
	2019-12-10 at 07:50:17		20-- at ::	
	Total Survey Data	10 MPH Pace	Number in Pace	% in Pace
	238	21-31	147	62
	Average Speed (mph)	50% tile Speed	85% tile Speed	
	27	27	33	
	Posted Speed (mph)	Existing Speed Limit (mph)	Annual Average Daily Traffic	
	25	25	896	
Collisions	Years	Collisions	Collision Rate (Acc/MVM)3	
	2015-2019	0	0.00	
Observations	Adjacent Land Use	The location is generally residential.		
	Road Geometrics	It has 2 lanes undivided with on-street parking in both directions.		
	Comment	Although Indian Wells Rd. is listed as a collector on the NHS maps, it generally meets all of the criteria of a local road and the definition of a residential road under CVC Sections 515 and 40804. Therefore, a 25 mph speed limit is recommended.		
Recommendation	Recommended Speed (mph)	Change in Speed	Comment	
	25	0		
Statement	Approved and Authorized for release by The City of Clayton: This survey conforms to Section 627 and 40802 of the California Vehicle Code and Section 2B.13 of the California MUTCD and recommends a speed limit appropriate to facilitate the safe and orderly movement of traffic. I approve this recommended speed limit.			
		Lynne Filson, P.E.	Traffic Engineer	8/13/2020
	Signature	Name	Title	Date



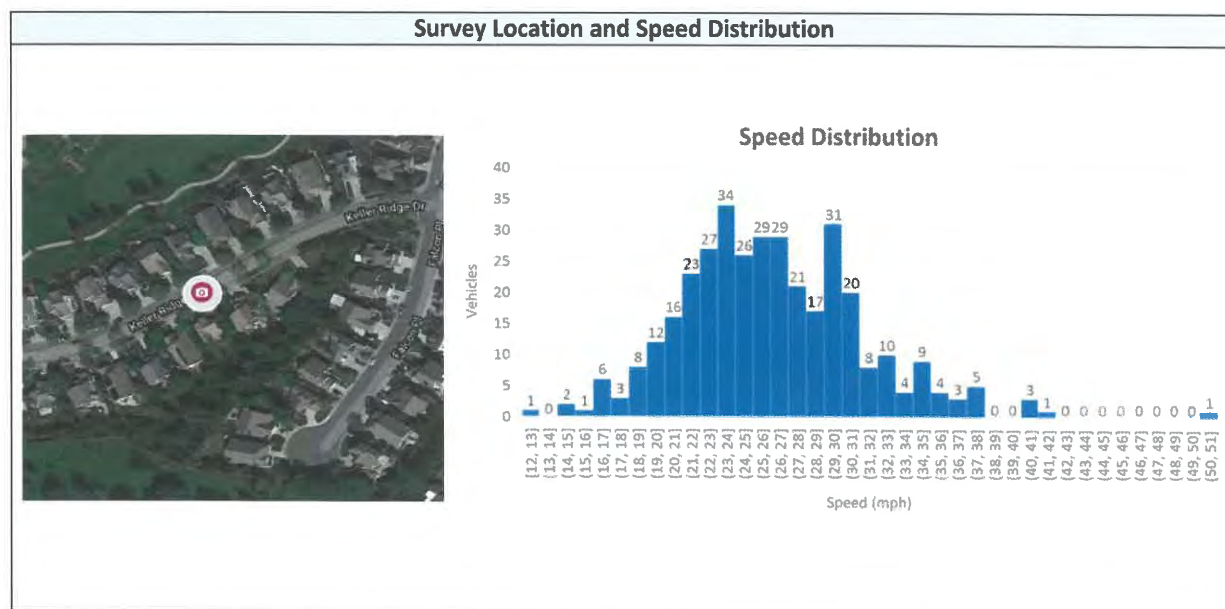
Data Source: W & S Solutions, 2020

City of Clayton				
2019 Engineering and Traffic Survey				
Segment Info	Location ID	Location Name		
	3	Eagle Peek Dr. between Oakhurst Dr. and Keller Ridge Dr. (East)		
Facility Condition	Classification	Direction	Number of Lanes	Length (mi)
	Arterial	SB/NB	4	0.36
Prevailing Speed Data	Date and Time Period: Begin		Date and Time Period: End	
	2019-12-10 at 10: 06: 50		2019-12-10 at 16: 10: 56	
	Total Survey Data	10 MPH Pace	Number in Pace	% in Pace
	1372	29-39	778	57
	Average Speed (mph)	50% tile Speed	85% tile Speed	
	34	33	40	
	Posted Speed (mph)	Existing Speed Limit (mph)	Annual Average Daily Traffic	
	N/A	30	3389	
Collisions	Years	Collisions	Collision Rate (Acc/MVM)3	
	2015-2019	2	0.90	
Observations				
	Adjacent Land Use	The location is open space and back-on residential.		
	Road Geometrics	It has 4 lanes divided with a bike lane in both directions.		
	Comment	Per Section 2B.13 of the California MUTCD, the posted speed may e reduced by 5 mph from the nearest 85th percentile speed in compliance with CVC Sections 627 and 22358.5. Due to a 10 mile per hour pace of 30-40 and a low percentage of vehicles in the pace, it is recommended that this roadway segment be posted at 35 mph.		
Recommendation	Recommended Speed (mph)	Change in Speed	Comment	
	35	5		
Statement	Approved and Authorized for release by The City of Clayton: This survey conforms to Section 627 and 40802 of the California Vehicle Code and Section 2B.13 of the California MUTCD and recommends a speed limit appropriate to facilitate the safe and orderly movement of traffic. I approve this recommended speed limit.			
		Lynne Filson, P.E.	Traffic Engineer	8/13/2020
	Signature	Name	Title	Date



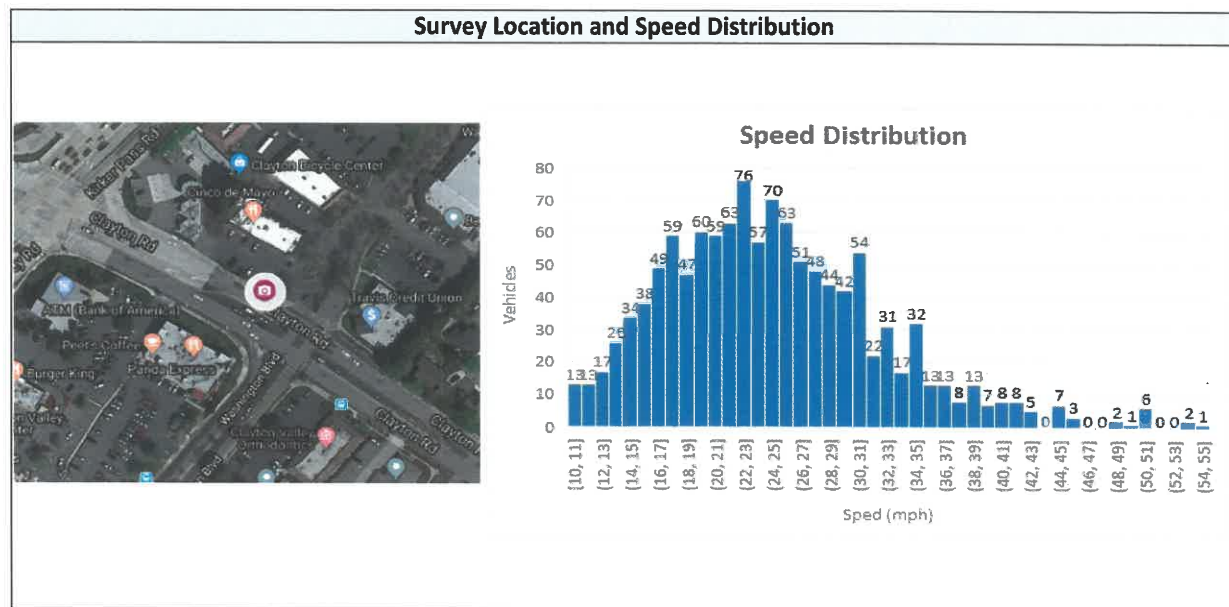
Data Source: W & S Solutions, 2020

City of Clayton				
2019 Engineering and Traffic Survey				
Segment Info	Location ID	Location Name		
	4	Keller Ridge Dr. between Eagle Peak Dr. and its east end		
Facility Condition	Classification	Direction	Number of Lanes	Length (mi)
	Collector	EB/WB	2	0.97
Prevailing Speed Data	Date and Time Period: Begin		Date and Time Period: End	
	2019-12-10 at 14: 09: 24		20-- at ::	
	Total Survey Data	10 MPH Pace	Number in Pace	% in Pace
	354	22-32	242	68
	Average Speed (mph)	50% tile Speed	85% tile Speed	
	27	26	31	
	Posted Speed (mph)	Existing Speed Limit (mph)	Annual Average Daily Traffic	
	25	N/A	4652	
Collisions	Years	Collisions	Collision Rate (Acc/MVM)3	
	2015-2019	5	0.61	
Observations	Adjacent Land Use	The location is generally residential.		
	Road Geometrics	It has 2 lanes undivided with on-street parking in both directions. Additional roadway west of Condor Way to accommodate bike lanes.		
	Comment	Although Keller Ridge Dr. is listed as a collector on the NHS maps, it generally meets all of the criteria of a local road and the definition of a residential road under CVC Sections 515 and 40804. Therefore, a 25 mph speed limit is recommended.		
Recommendation	Recommended Speed (mph)	Change in Speed	Comment	
	25	0		
Statement				
	Classification	Classification	Classification	Classification
		Lynne Filson, P.E.	Traffic Enginner	8/13/2020
	Signature	Name	Title	Date



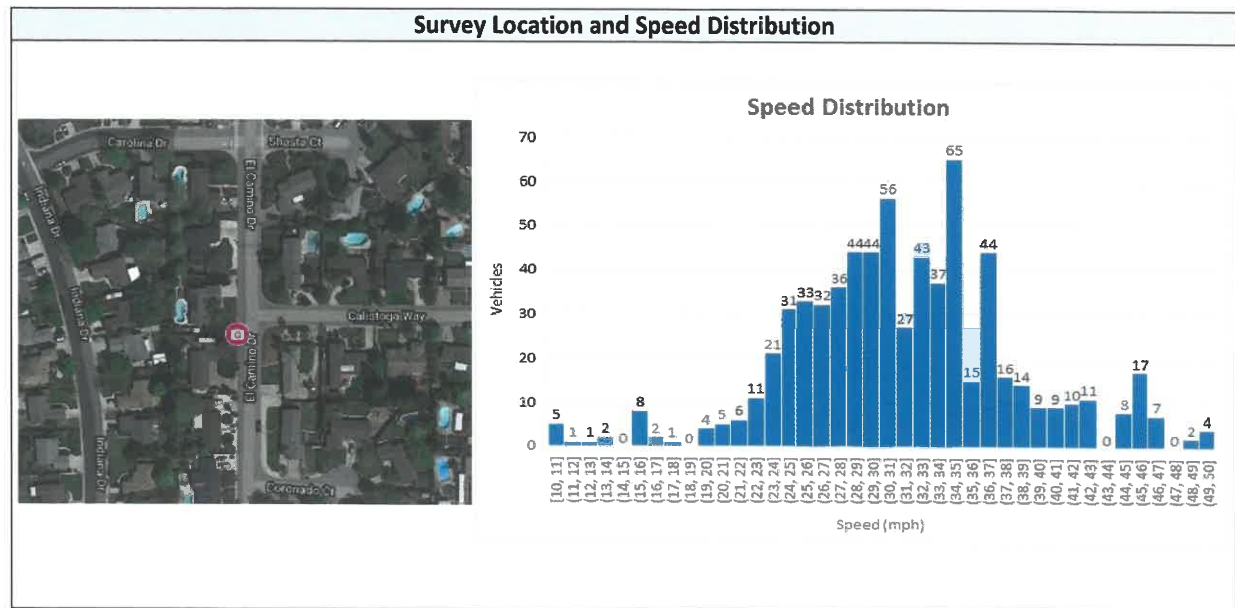
Data Source: W & S Solutions, 2020

City of Clayton				
2019 Engineering and Traffic Survey				
Segment Info	Location ID	Location Name		
	5	Clayton Rd. between Ygnacio Valley Rd. and Washington Blvd.		
Facility Condition	Classification	Direction	Number of Lanes	Length (mi)
	Arterial	EB/WB	4	0.09
Prevailing Speed Data	Date and Time Period: Begin		Date and Time Period: End	
	2019-12-10 at 08:35:45		20-- at ::	
	Total Survey Data	10 MPH Pace	Number in Pace	% in Pace
	1182	15-25	573	48
	Average Speed (mph)	50% tile Speed	85% tile Speed	
	25	24	32	
	Posted Speed (mph)	Existing Speed Limit (mph)	Annual Average Daily Traffic	
	N/A	40	27,022	
Collisions	Years	Collisions	Collision Rate (Acc/MVM)3	
	2015-2019	7	1.58	
Observations	Adjacent Land Use	The location is generally commercial.		
	Road Geometrics	It has 5 to 6 lanes divided with no on-street parking in both directions.		
	Comment	Maintain 40 mph speed limit for consistency with adjacent roadway segments.		
Recommendation	Recommended Speed (mph)	Change in Speed	Comment	
	40	0		
Statement	Approved and Authorized for release by The City of Clayton: This survey conforms to Section 627 and 40802 of the California Vehicle Code and Section 2B.13 of the California MUTCD and recommends a speed limit appropriate to facilitate the safe and orderly movement of traffic. I approve this recommended speed limit.			
		Lynne Filson, P.E.	Traffic Engineer	8/13/2020
	Signature	Name	Title	Date

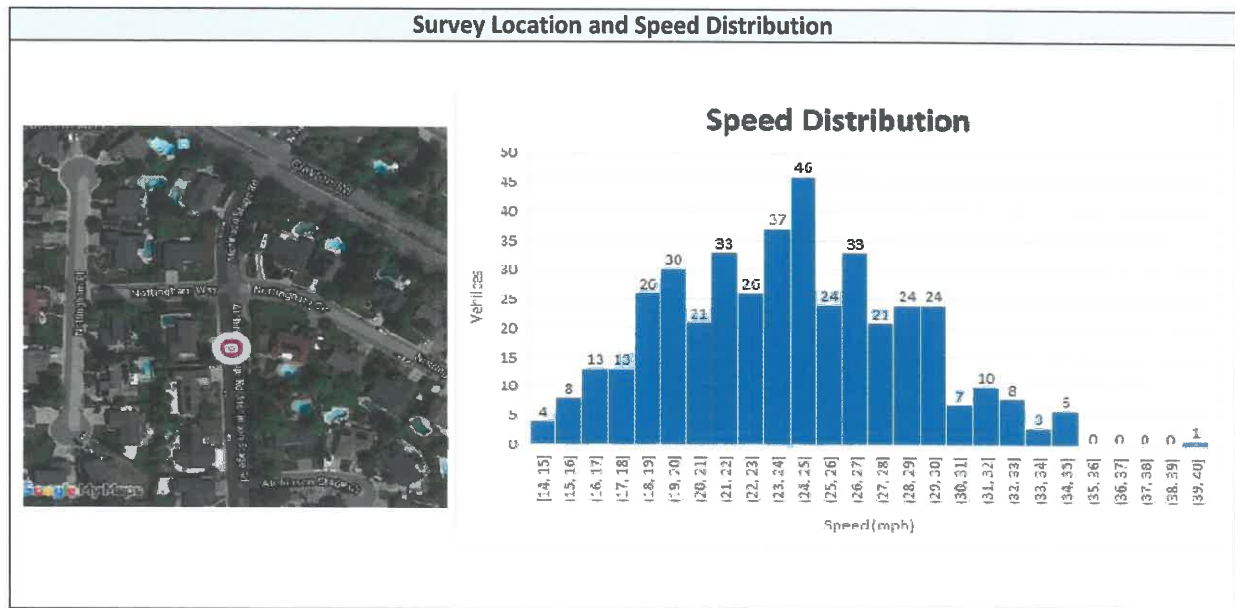


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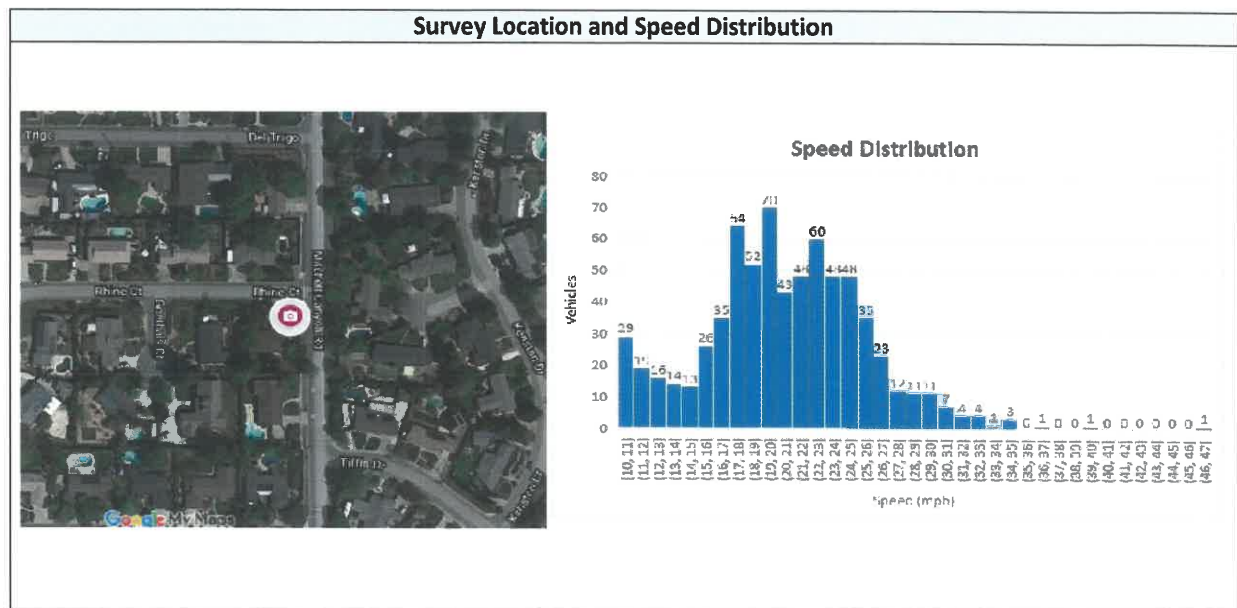
City of Clayton				
2019 Engineering and Traffic Survey				
Segment Info	Location ID	Location Name		
	6	El Camino Dr. Between Clayton Rd. and Pine Hollow Rd.		
Facility Condition	Classification	Direction	Number of Lanes	Length (mi)
	Collector	SB/NB	2	0.51
Prevailing Speed Data	Date and Time Period: Begin		Date and Time Period: End	
	2019-12-10 at 09:36:30		#REF!	
	Total Survey Data	10 MPH Pace	Number in Pace	% in Pace
	681	30-40	326	48
	Average Speed (mph)	50% tile Speed	85% tile Speed	
	32	31	38	
	Posted Speed (mph)	Existing Speed Limit (mph)	Annual Average Daily Traffic	
	25	25	2771	
Collisions	Years	Collisions	Collision Rate (Acc/MVM)3	
	2015-2019	2	0.78	
Observations				
	Adjacent Land Use	The location is a residential area.		
	Road Geometrics	It has 2 lanes undivided with on-street parking in both directions.		
	Comment			
Recommendation	Recommended Speed (mph)	Change in Speed	Comment	
	25	0		
Statement	Approved and Authorized for release by The City of Clayton: This survey conforms to Section 627 and 40802 of the California Vehicle Code and Section 2B.13 of the California MUTCD and recommends a speed limit appropriate to facilitate the safe and orderly movement of traffic. I approve this recommended speed limit.			
		Lynne Filson, P.E.	Traffic Engineer	8/13/2020
	Signature	Name	Title	Date



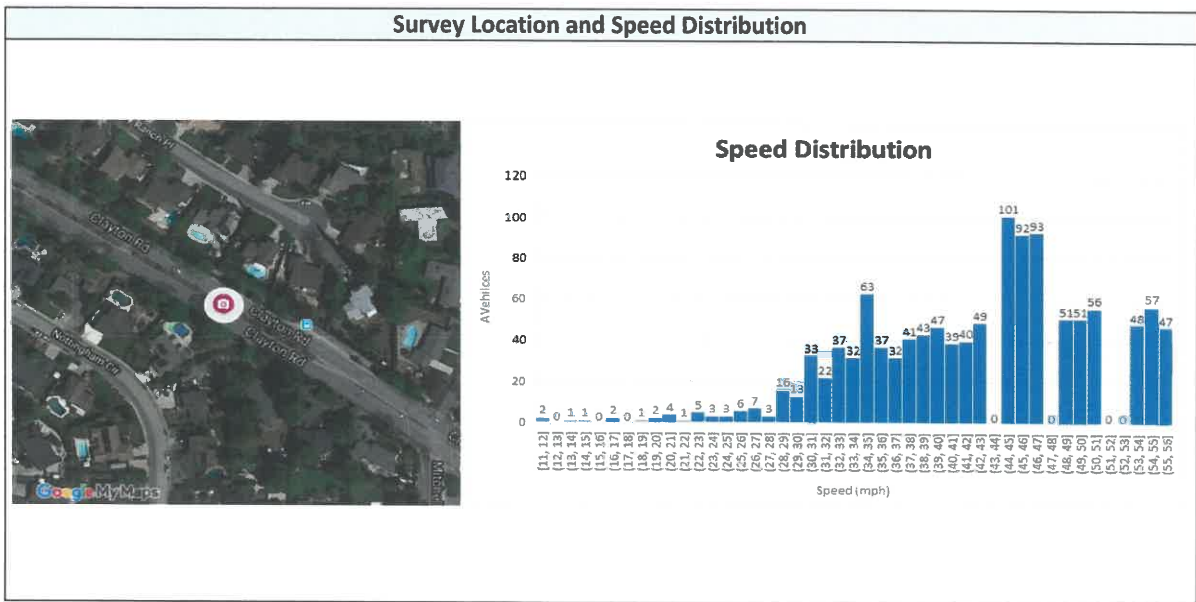
City of Clayton				
2019 Engineering and Traffic Survey				
Segment Info	Location ID	Location Name		
	7	Atchinson Stage Rd. between Pine Hollow Rd and Clayton Rd		
Facility Condition	Classification	Direction	Number of Lanes	Length (mi)
	Collector	SB/NB	2	0.29
Prevailing Speed Data	Date and Time Period: Begin		Date and Time Period: End	
	2019-12-17 at 07:04:45		20-- at ::	
	Total Survey Data	10 MPH Pace	Number in Pace	% in Pace
	431	14-24	211	49
	Average Speed (mph)	50% tile Speed	85% tile Speed	
	24	24	29	
	Posted Speed (mph)	Existing Speed Limit (mph)	Annual Average Daily Traffic	
25	N/A	1152		
Collisions	Years	Collisions	Collision Rate (Acc/MVM)3	
	2015-2019	0	0.00	
Observations	Adjacent Land Use	The location is a residential area.		
	Road Geometrics	It has 2 lanes undivided with on-street parking in both directions.		
	Comment			
Recommendation	Recommended Speed (mph)	Change in Speed	Comment	
	25	#VALUE!		
Statement	Approved and Authorized for release by The City of Clayton: This survey conforms to Section 627 and 40802 of the California Vehicle Code and Section 2B.13 of the California MUTCD and recommends a speed limit appropriate to facilitate the safe and orderly movement of traffic. I approve this recommended speed limit.			
		Lynne Filson, P.E.	Traffic Engineer	8/13/2020
	Signature	Name	Title	Date



City of Clayton				
2019 Engineering and Traffic Survey				
Segment Info	Location ID	Location Name		
	8	Mitchell Canyon Rd. between Clayton Rd. and Herriman Rd		
Facility Condition	Classification	Direction	Number of Lanes	Length (mi)
	Collector	SB/NB	2	0.65
Prevailing Speed Data	Date and Time Period: Begin		Date and Time Period: End	
	2019-12-17 at 09: 06: 11		2019-12-17 at 16: 11: 01	
	Total Survey Data	10 MPH Pace	Number in Pace	% in Pace
	682	20-30	339	50
	Average Speed (mph)	50% tile Speed	85% tile Speed	
	21	21	26	
	Posted Speed (mph)	Existing Speed Limit (mph)	Annual Average Daily Traffic	
	25	N/A	2432	
Collisions	Years	Collisions	Collision Rate (Acc/MVM)3	
	2015-2019	3	1.04	
Observations				
	Adjacent Land Use	The location is a residential area.		
	Road Geometrics	It has 2 lanes undivided with on-street parking in both directions.		
	Comment			
Recommendation	Recommended Speed (mph)	Change in Speed	Comment	
	25	#VALUE!		
Statement	Approved and Authorized for release by The City of Clayton: This survey conforms to Section 627 and 40802 of the California Vehicle Code and Section 28.13 of the California MUTCD and recommends a speed limit appropriate to facilitate the safe and orderly movement of traffic. I approve this recommended speed limit.			
		Lynne Filson, P.E.	Traffic Engineer	8/13/2020
	Signature	Name	Title	Date

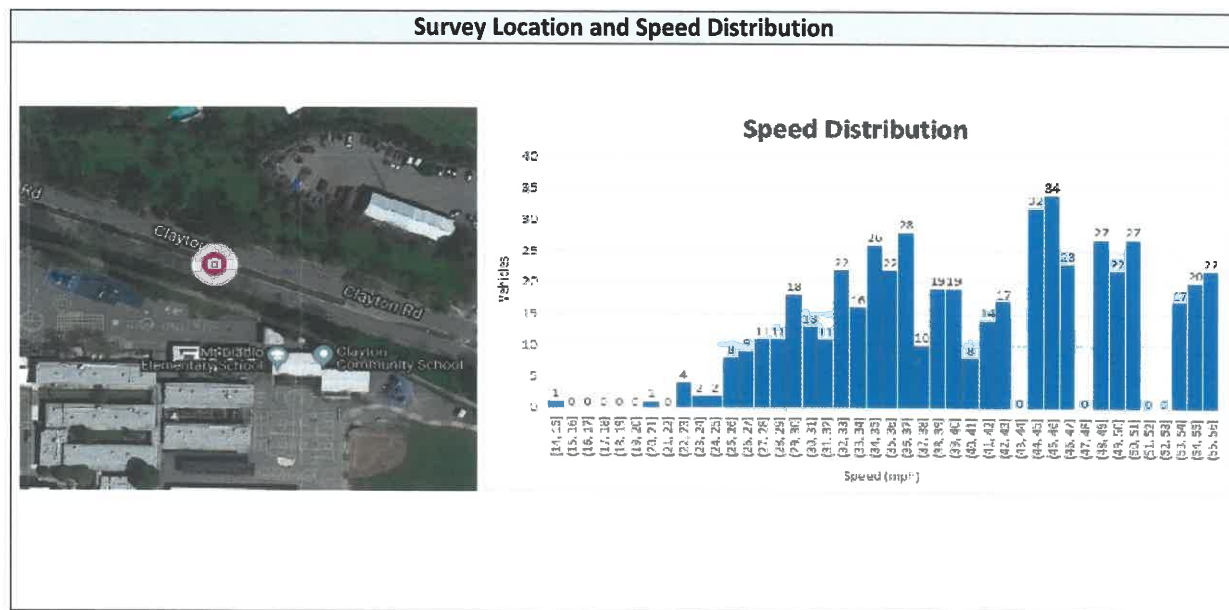


City of Clayton				
2019 Engineering and Traffic Survey				
Segment Info	Location ID	Location Name		
	9	Clayton Rd. between Washington Blvd. and Michell Canyon Rd.		
Facility Condition	Classification	Direction	Number of Lanes	Length (mi)
	Arterial	EB/WB	4	0.95
Prevailing Speed Data	Date and Time Period: Begin		Date and Time Period: End	
	2019-12-10 at 08:05:24		2019-12-10 at 11:37:48	
	Total Survey Data	10 MPH Pace	Number in Pace	% in Pace
	1181	41-51	533	45
	Average Speed (mph)	50% tile Speed	85% tile Speed	
	43	45	51	
	Posted Speed (mph)	Existing Speed Limit (mph)	Annual Average Daily Traffic	
	40	40	21,510	
Collisions	Years	Collisions	Collision Rate (Acc/MVM)3	
	2015-2019	1	0.03	
Observations	Adjacent Land Use	The location is a residential area.		
	Road Geometrics	It has 4 lanes divided with a bike lane and no on-street parking in both directions.		
	Comment	Per Section 2B.13 of the California MUTCD, the posted speed may e reduced by 5 mph from the nearest 85th percentile speed in compliance with CVC Sections 627 and 22358.5. Due to a 10 mile per hour pace of 39-49 and a low percentage of motorist in the pace, it is recommended that this roadway segment be posted at 45 mph.		
Recommendation	Recommended Speed (mph)	Change in Speed	Comment	
	45	5		
Statement	Approved and Authorized for release by The City of Clayton: This survey conforms to Section 627 and 40802 of the California Vehicle Code and Section 2B.13 of the California MUTCD and recommends a speed limit appropriate to facilitate the safe and orderly movement of traffic. I approve this recommended speed limit.			
		Lynne Filson, P.E.	Traffic Engineer	8/13/2020
	Signature	Name	Title	Date

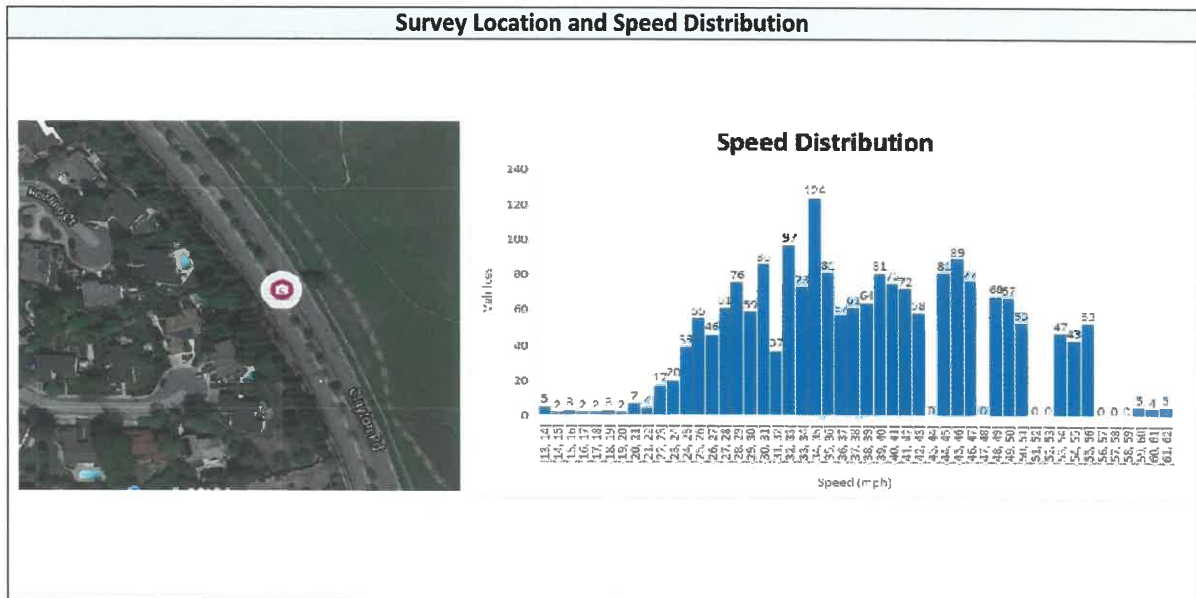


Data Source: W & S Solutions, 2020

City of Clayton				
2019 Engineering and Traffic Survey				
Segment Info	Location ID	Location Name		
	10	Clayton Rd. between Mitchell Canyon Rd. and Oakhurst Drive Rd.		
Facility Condition	Classification	Direction	Number of Lanes	Length (mi)
	Arterial	EB/WB	4	0.63
Prevailing Speed Data	Date and Time Period: Begin		Date and Time Period: End	
	2019-12-10 at 09:06:10		2019-12-10 at 10:06:54	
	Total Survey Data	10 MPH Pace	Number in Pace	% in Pace
	516	44-54	182	35
	Average Speed (mph)	50% tile Speed	85% tile Speed	
	41	41	51	
	Posted Speed (mph)	Existing Speed Limit (mph)	Annual Average Daily Traffic	
	40	40	23108	
Collisions	Years	Collisions	Collision Rate (Acc/MVM)3	
	2015-2019	4	0.15	
Observations	Adjacent Land Use	The location is a residential area with Mt. Diablo Elementary School and Clayton Town Hall near by.		
	Road Geometrics	It has 4 lanes divided with a bike lane and no on-street parking in both directions.		
	Comment	Per Section 2B.13 of the California MUTCD, the posted speed may e reduced by 5 mph from the nearest 85th percentile speed in compliance with CVC Sections 627 and 22358.5. Due to a school and access to the downtown, a 10 mile per hour pace of 35-45, a low percentage of vehicles within the 10 mph pace, it is recommended that this roadway segment be posted at 45 mph.		
Recommendation	Recommended Speed (mph)	Change in Speed	Comment	
	45	5		
Statement	Approved and Authorized for release by The City of Clayton: This survey conforms to Section 627 and 40802 of the California Vehicle Code and Section 2B.13 of the California MUTCD and recommends a speed limit appropriate to facilitate the safe and orderly movement of traffic. I approve this recommended speed limit.			
		Lynne Filson, P.E.	Traffic Engineer	8/13/2020
	Signature	Name	Title	Date

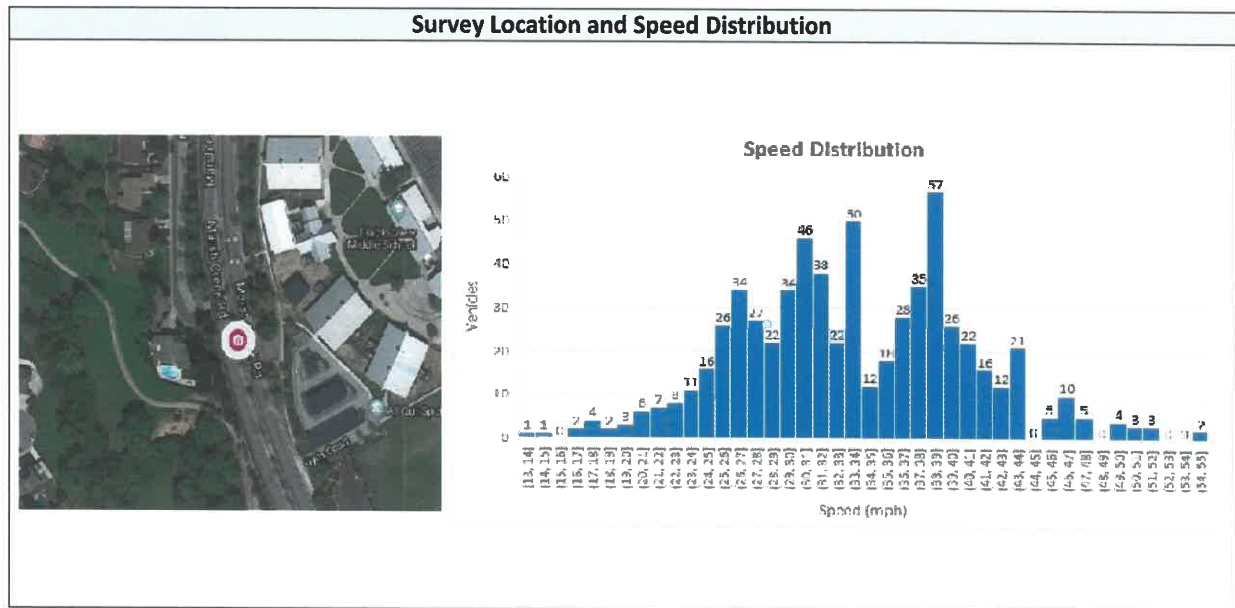


City of Clayton				
2019 Engineering and Traffic Survey				
Segment Info	Location ID	Location Name		
	11	Clayton Rd. between Oakhurst Drive and Marsh Creek Rd. (South)		
Facility Condition	Classification	Direction	Number of Lanes	Length (mi)
	Arterial	EB/WB	4	0.88
Prevailing Speed Data	Date and Time Period: Begin		Date and Time Period: End	
	2019-12-17 at 09:06:09		2019-12-17 at 16:10:58	
	Total Survey Data	10 MPH Pace	Number in Pace	% in Pace
	1989	33-43	746	38
	Average Speed (mph)	50% tile Speed	85% tile Speed	
	38	37	49	
	Posted Speed (mph)	Existing Speed Limit (mph)	Annual Average Daily Traffic	
	45	45	13,042	
Collisions	Years	Collisions	Collision Rate (Acc/MVM)3	
	2015-2019	13	0.62	
Observations				
	Adjacent Land Use	The location is a residential area with Clayton Community Park Picnic Area near by.		
	Road Geometrics	It has 4 lanes divided with a bike lane and no on-street parking in both directions.		
	Comment	Per Section 2B.13 of the California MUTCD, the posted speed may e reduced by 5 mph from the nearest 85th percentile speed in compliance with CVC Sections 627 and 22358.5. Due to a school, curves and grade, a 10 mile per hour pace of 33-43, a low percentage of vehicles within the 10 mph pace, it is recommended that this roadway segment be posted at 45 mph.		
Recommendation	Recommended Speed (mph)	Change in Speed	Comment	
	45	0		
Statement	Approved and Authorized for release by The City of Clayton: This survey conforms to Section 627 and 40802 of the California Vehicle Code and Section 2B.13 of the California MUTCD and recommends a speed limit appropriate to facilitate the safe and orderly movement of traffic. I approve this recommended speed limit.			
		Lynne Filson, P.E.	Traffic Engineer	8/13/2020
	Signature	Name	Title	Date

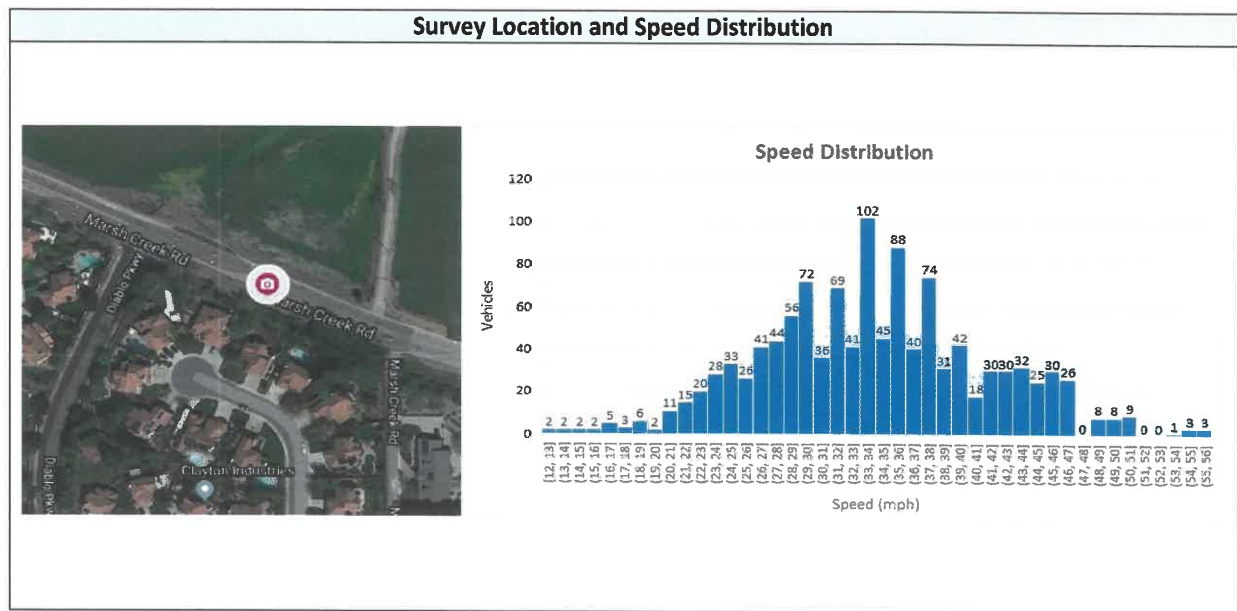


Data Source: W & S Solutions, 2020

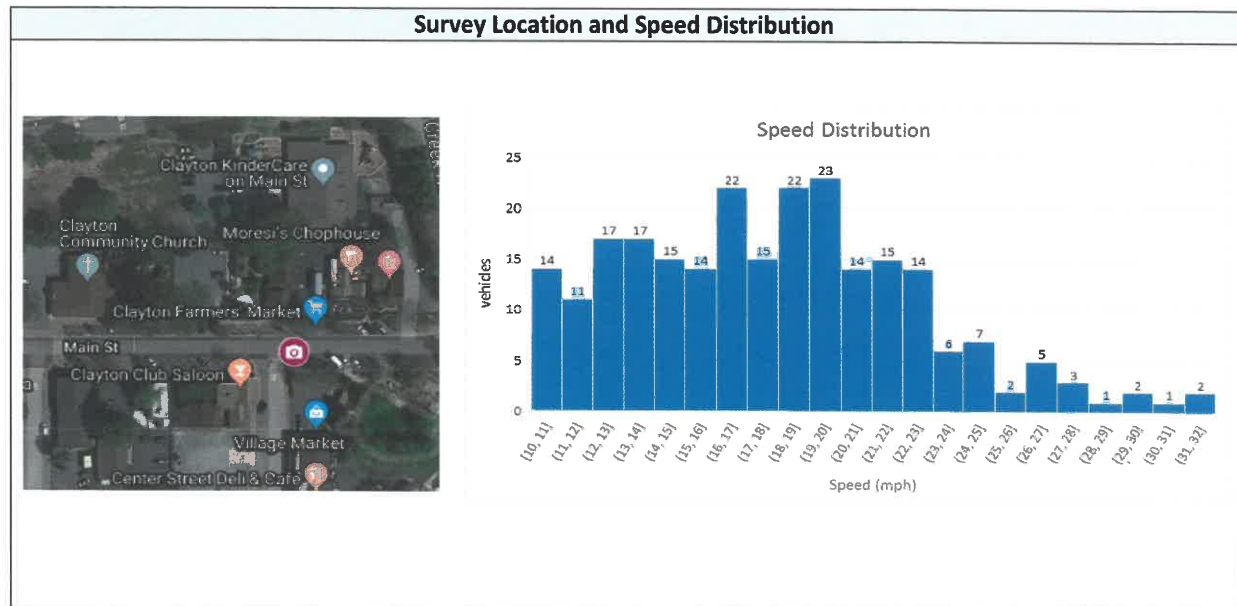
City of Clayton				
2019 Engineering and Traffic Survey				
Segment Info	Location ID	Location Name		
	12	Marsh Creek Rd. between Marsh Creek Rd. (South) and Regency Dr.		
Facility Condition	Classification	Direction	Number of Lanes	Length (mi)
	Arterial	EB/WB	4	0.4
Prevailing Speed Data	Date and Time Period: Begin		Date and Time Period: End	
	2019-12-17 at 08: 05: 29		2019-12-17 at 12: 08: 17	
	Total Survey Data	10 MPH Pace	Number in Pace	% in Pace
	639	33-43	276	43
	Average Speed (mph)	50% tile Speed	85% tile Speed	
	33	34	40	
	Posted Speed (mph)	Existing Speed Limit (mph)	Annual Average Daily Traffic	
	45	45	10526	
Collisions	Years	Collisions	Collision Rate (Acc/MVM)3	
	2015-2019	5	0.65	
Observations	Adjacent Land Use	The location is a residential area with Diablo View Middle School and Clayton Community Park Picnic Area near by.		
	Road Geometrics	It has 4 lanes divided with a bike lane and no on-street parking in both directions.		
	Comment	A speed of 45 mph is recommended to avoid having a short speed segment		
Recommendation	Recommended Speed (mph)	Change in Speed	Comment	
	45	0		
Statement	Approved and Authorized for release by The City of Clayton: This survey conforms to Section 627 and 40802 of the California Vehicle Code and Section 2B.13 of the California MUTCD and recommends a speed limit appropriate to facilitate the safe and orderly movement of traffic. I approve this recommended speed limit.			
		Lynne Filson, P.E.	Traffic Engineer	8/13/2020
	Signature	Name	Title	Date



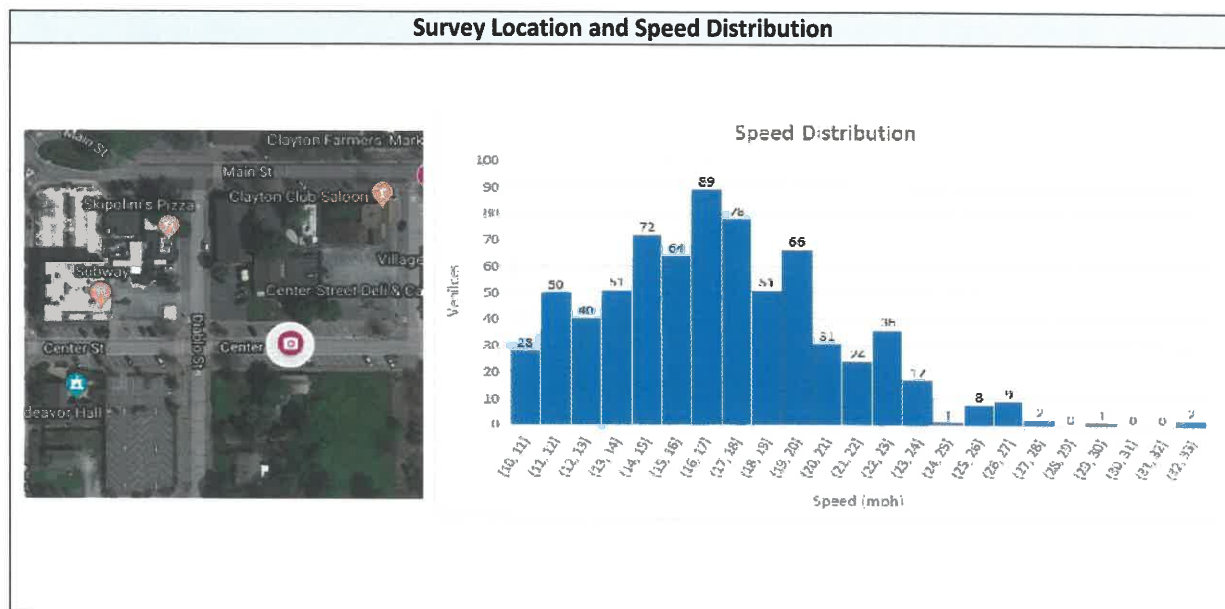
City of Clayton				
2019 Engineering and Traffic Survey				
Segment Info	Location ID	Location Name		
	13	Marsh Creek Rd between Regency Dr. and Pine Ln		
Facility Condition	Classification	Direction	Number of Lanes	Length (mi)
	Arterial	EB/WB	2	0.52
Prevailing Speed Data	Date and Time Period: Begin		Date and Time Period: End	
	2019-12-17 at 08:05:24		2019-12-17 at 12:08:11	
	Total Survey Data	10 MPH Pace	Number in Pace	% in Pace
	1161	32-42	522	45
	Average Speed (mph)	50% tile Speed	85% tile Speed	
	34	34	42	
	Posted Speed (mph)	Existing Speed Limit (mph)	Annual Average Daily Traffic	
45	45	9555		
Collisions	Years	Collisions	Collision Rate (Acc/MVM)3	
	2015-2019	5	0.55	
Observations	Adjacent Land Use	The location is a residential area with Contra Costa Water District and Clayton Community Park Picnic Area near by.		
	Road Geometrics	It has 4 lanes divided with a bike lane and no on-street parking in both directions.		
	Comment	A speed of 45 mph is recommended to avoid having a short speed segment		
Recommendation	Recommended Speed (mph)	Change in Speed	Comment	
	45	0		
Statement	Approved and Authorized for release by The City of Clayton: This survey conforms to Section 627 and 40802 of the California Vehicle Code and Section 2B.13 of the California MUTCD and recommends a speed limit appropriate to facilitate the safe and orderly movement of traffic. I approve this recommended speed limit.			
		Lynne Filson, P.E.	Traffic Enginner	8/13/2020
	Signature	Name	Title	Date



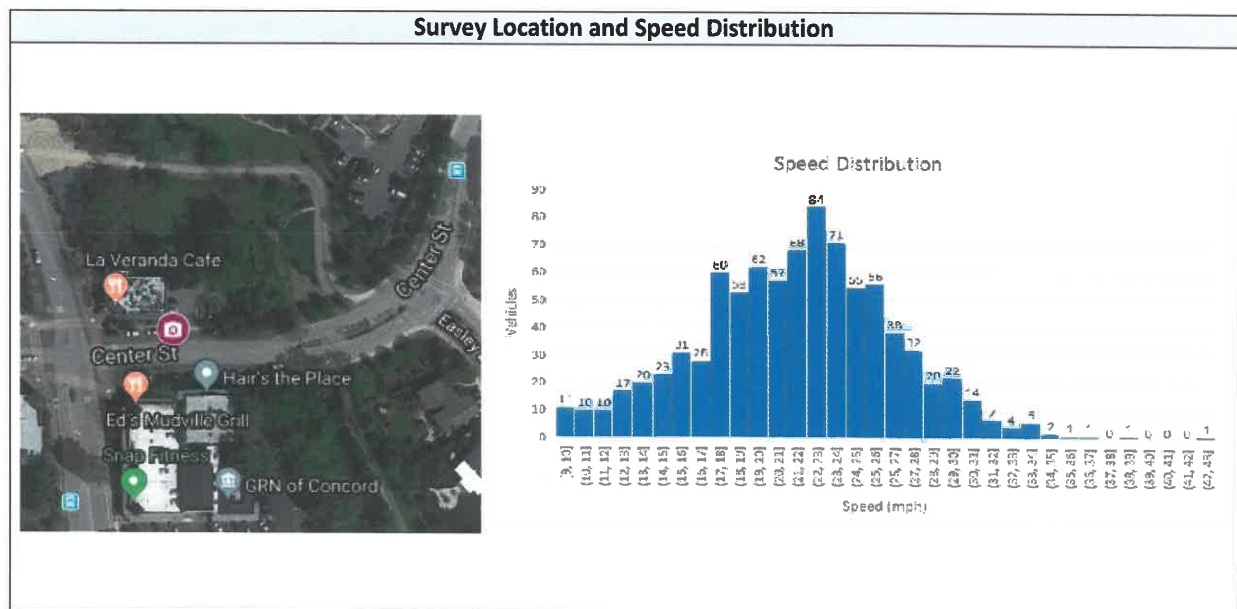
City of Clayton				
2019 Engineering and Traffic Survey				
Segment Info	Location ID	Location Name		
	14	Main St. between Oak St and Marsh Creek Rd.		
Facility Condition	Classification	Direction	Number of Lanes	Length (mi)
	Local	EB/WB	2	0.17
Prevailing Speed Data	Date and Time Period: Begin		Date and Time Period: End	
	2019-12-17 at 09: 06: 02		2019-12-17 at 13: 39: 11	
	Total Survey Data	10 MPH Pace	Number in Pace	% in Pace
	242	10-20	170	70
	Average Speed (mph)	50% tile Speed	85% tile Speed	
	18	18	23	
	Posted Speed (mph)	Existing Speed Limit (mph)	Annual Average Daily Traffic	
Collisions	Years	Collisions	Collision Rate (Acc/MVM)3	
	2015-2019	2	3.43	
Observations	Adjacent Land Use	The location is a commercial area with Clayton Farmers' Market and Clayton Community Church near by.		
	Road Geometrics	It has 2 lanes undivided with on-street parking in EB direction.		
	Comment			
Recommendation	Recommended Speed (mph)	Change in Speed	Comment	
	25	0		
Statement	Approved and Authorized for release by The City of Clayton: This survey conforms to Section 627 and 40802 of the California Vehicle Code and Section 2B.13 of the California MUTCD and recommends a speed limit appropriate to facilitate the safe and orderly movement of traffic. I approve this recommended speed limit.			
		Lynne Filson, P.E.	Traffic Engineer	8/13/2020
	Signature	Name	Title	Date



City of Clayton				
2019 Engineering and Traffic Survey				
Segment Info	Location ID	Location Name		
	15	Center St. between Oak St and Marsh Creek Rd.		
Facility Condition	Classification	Direction	Number of Lanes	Length (mi)
	Local	EB/WB	2	0.19
Prevailing Speed Data	Date and Time Period: Begin		Date and Time Period: End	
	2019-12-17 at 09:06:02		2019-12-17 at 14:54:53	
	Total Survey Data	10 MPH Pace	Number in Pace	% in Pace
	720	44124	589	82
	Average Speed (mph)	50% tile Speed	85% tile Speed	
	17	17	20	
	Posted Speed (mph)	Existing Speed Limit (mph)	Annual Average Daily Traffic	
	25	25	2626	
Collisions	Years	Collisions	Collision Rate (Acc/MVM)3	
	2015-2019	5	5.49	
Observations	Adjacent Land Use	The location is a commercial area with Center Street Deli & Café and Subway near by.		
	Road Geometrics	It has 2 lanes undivided with on-street parking in both directions.		
	Comment			
Recommendation	Recommended Speed (mph)	Change in Speed	Comment	
	25	0		
Statement	Approved and Authorized for release by The City of Clayton: This survey conforms to Section 627 and 40802 of the California Vehicle Code and Section 2B.13 of the California MUTCD and recommends a speed limit appropriate to facilitate the safe and orderly movement of traffic. I approve this recommended speed limit.			
		Lynne Filson, P.E.	Traffic Engineer	8/13/2020
	Signature	Name	Title	Date

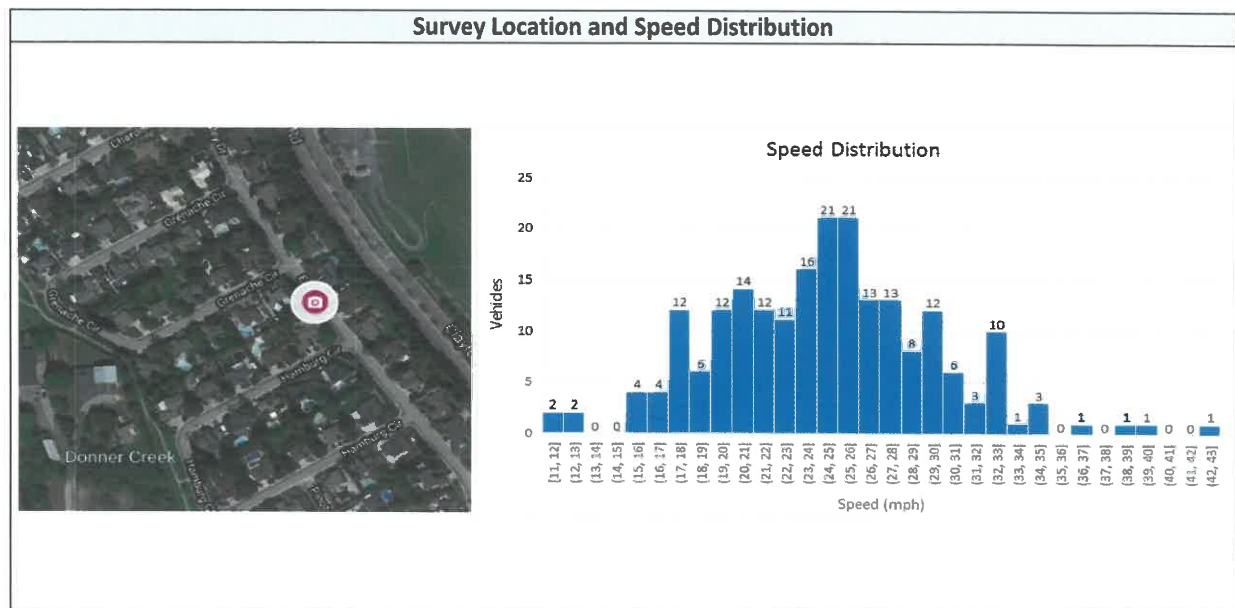


City of Clayton				
2019 Engineering and Traffic Survey				
Segment Info	Location ID	Location Name		
	16	Center St. between Marsh Creek Rd. and Easley Dr.		
Facility Condition	Classification	Direction	Number of Lanes	Length (mi)
	Local	EB/WB	2	0.08
Prevailing Speed Data	Date and Time Period: Begin		Date and Time Period: End	
	2019-12-17 at 09:06:08		2019-12-17 at 15:10:17	
	Total Survey Data	10 MPH Pace	Number in Pace	% in Pace
	861	19-29	543	63
	Average Speed (mph)	50% tile Speed	85% tile Speed	
	22	22	27	
	Posted Speed (mph)	Existing Speed Limit (mph)	Annual Average Daily Traffic	
N/A	25	4443		
Collisions	Years	Collisions	Collision Rate (Acc/MVM)3	
	2015-2019	1	1.54	
Observations	Adjacent Land Use	The location is a commercial area with Café and Hair's the Place near by.		
	Road Geometrics	It has 2 lanes undivided with on-street parking in both directions.		
	Comment			
Recommendation	Recommended Speed (mph)	Change in Speed	Comment	
	25	0		
Statement	Approved and Authorized for release by The City of Clayton: This survey conforms to Section 627 and 40802 of the California Vehicle Code and Section 2B.13 of the California MUTCD and recommends a speed limit appropriate to facilitate the safe and orderly movement of traffic. I approve this recommended speed limit.			
		Lynne Filson, P.E.	Traffic Engineer	8/13/2020
	Signature	Name	Title	Date



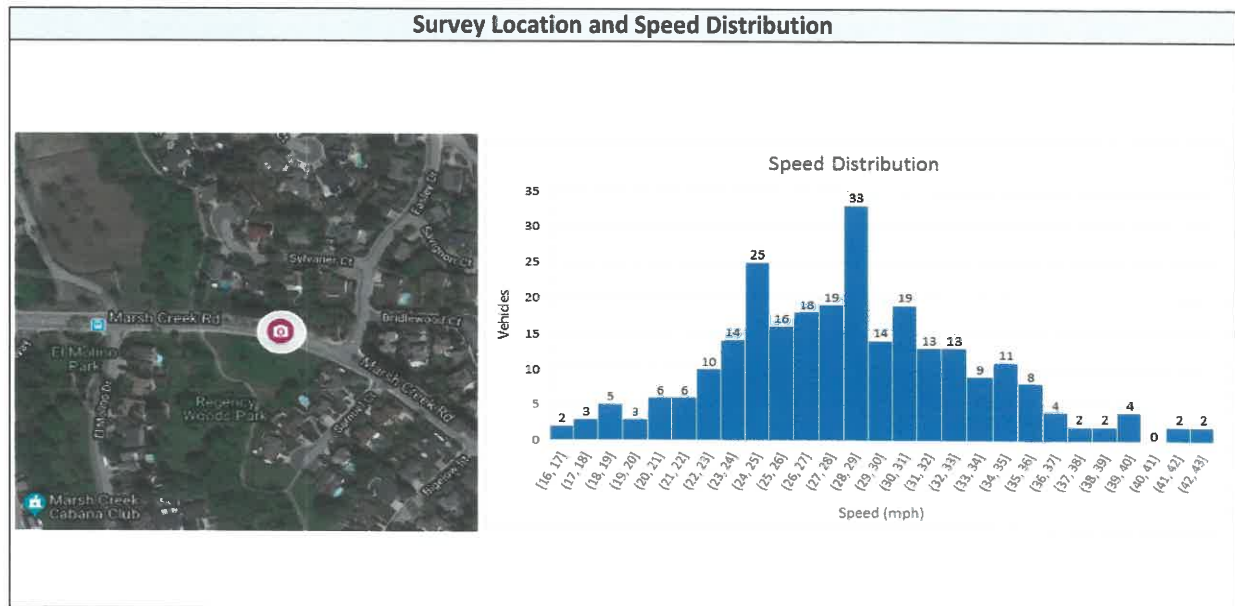
Data Source: W & S Solutions, 2020

City of Clayton				
2019 Engineering and Traffic Survey				
Segment Info	Location ID	Location Name		
	17	Easley Dr. between Center St. and Marsh Creek Rd.		
Facility Condition	Classification	Direction	Number of Lanes	Length (mi)
	Collector	SB/NB	2	0.74
Prevailing Speed Data	Date and Time Period: Begin		Date and Time Period: End	
	2019-12-17 at 08:05:27		2019-12-17 at 16:11:03	
	Total Survey Data	10 MPH Pace	Number in Pace	% in Pace
	210	21-31	133	63
	Average Speed (mph)	50% tile Speed	85% tile Speed	
	25	25	30	
	Posted Speed (mph)	Existing Speed Limit (mph)	Annual Average Daily Traffic	
25	N/A	823		
Collisions	Years	Collisions	Collision Rate (Acc/MVM)3	
	2015-2019	0	0.00	
Observations	Adjacent Land Use	The location is generally residential.		
	Road Geometrics	It has 2 lanes undivided with on-street parking in both directions.		
	Comment			
Recommendation	Recommended Speed (mph)	Change in Speed	Comment	
	25	#VALUE!		
Statement	Approved and Authorized for release by The City of Clayton: This survey conforms to Section 627 and 40802 of the California Vehicle Code and Section 2B.13 of the California MUTCD and recommends a speed limit appropriate to facilitate the safe and orderly movement of traffic. I approve this recommended speed limit.			
		Lynne Filson, P.E.	Traffic Engineer	8/13/2020
	Signature	Name	Title	Date



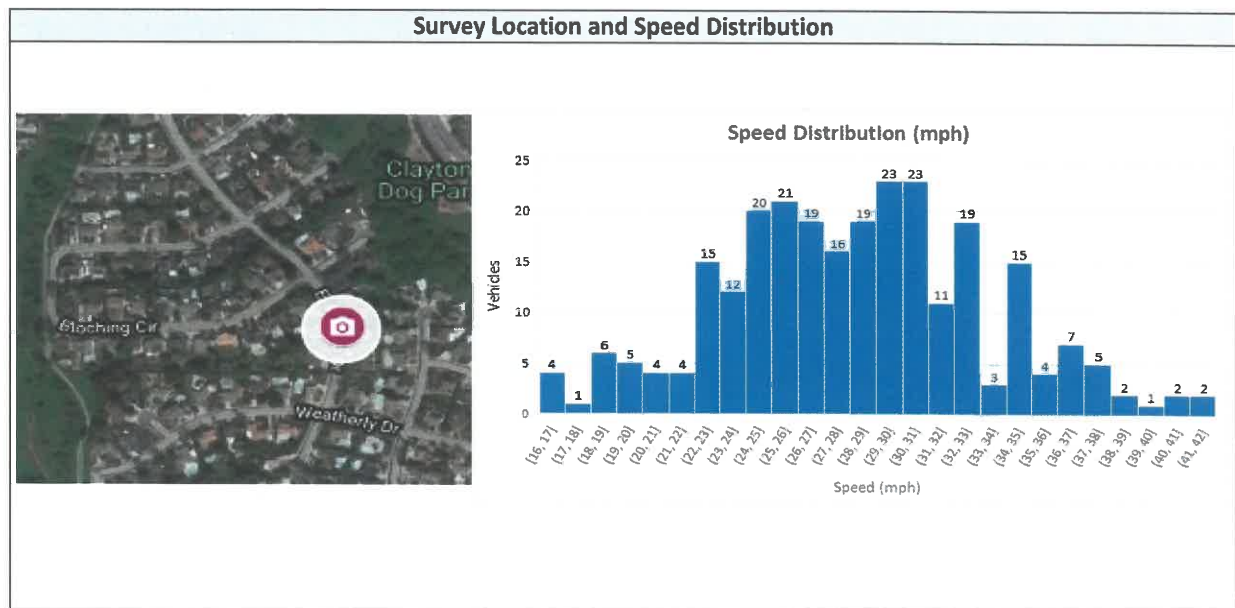
Data Source: W & S Solutions, 2020

City of Clayton				
2019 Engineering and Traffic Survey				
Segment Info	Location ID	Location Name		
	18	Marsh Creek Rd. between Clayton Road (West) and Clayton Rd. (East)		
Facility Condition	Classification	Direction	Number of Lanes	Length (mi)
	Collector	EB/WB	2	1.05
Prevailing Speed Data	Date and Time Period: Begin		Date and Time Period: End	
	2019-12-17 at 08: 05: 22		2019-12-17 at 15: 10: 03	
	Total Survey Data	10 MPH Pace	Number in Pace	% in Pace
	263	26-36	157	60
	Average Speed (mph)	50% tile Speed	85% tile Speed	
	29	29	34	
	Posted Speed (mph)	Existing Speed Limit (mph)	Annual Average Daily Traffic	
	35	35	2,576	
Collisions	Years	Collisions	Collision Rate (Acc/MVM)3	
	2015-2019	7	1.42	
Observations				
	Adjacent Land Use	The location is generally residential.		
	Road Geometrics	It has 2 lanes divided with a bike lane in both directions.		
	Comment	Results of engineering & traffic survey information support maintaining 35 mph speed limit.		
Recommendation	Recommended Speed (mph)	Change in Speed	Comment	
	35	0		
Statement	Approved and Authorized for release by The City of Clayton: This survey conforms to Section 627 and 40802 of the California Vehicle Code and Section 28.13 of the California MUTCD and recommends a speed limit appropriate to facilitate the safe and orderly movement of traffic. I approve this recommended speed limit.			
		Lynne Filson, P.E.	Traffic Engineer	8/13/2020
	Signature	Name	Title	Date



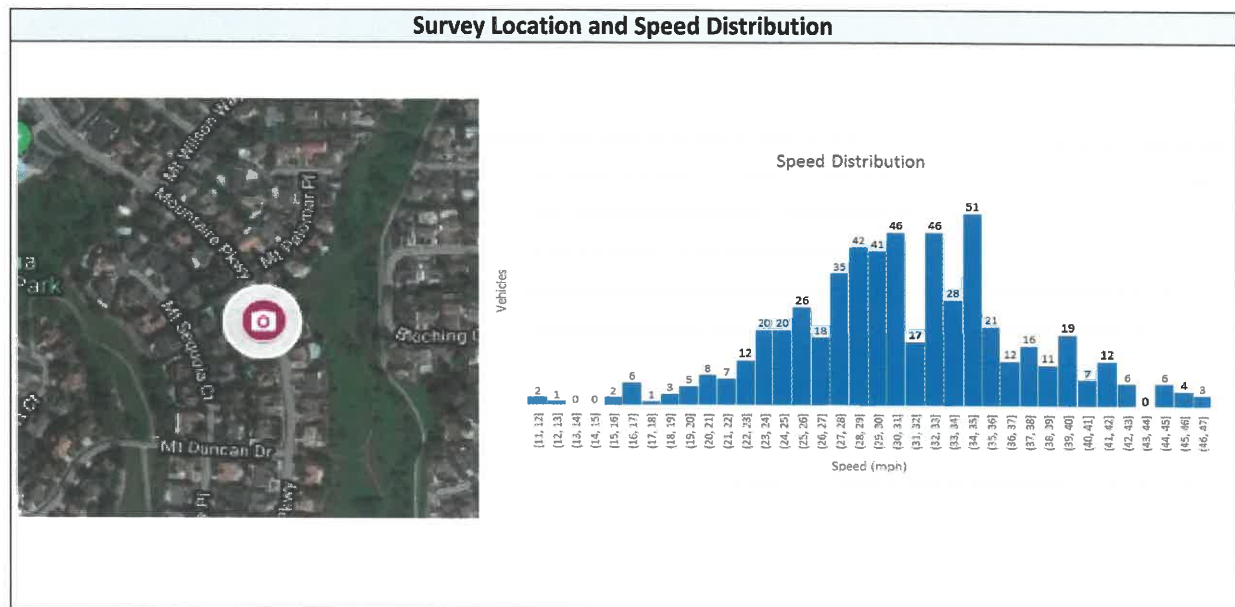
Data Source: W & S Solutions, 2020

City of Clayton				
2019 Engineering and Traffic Survey				
Segment Info	Location ID	Location Name		
	19	El Molino Dr. between Marsh Creek Rd. and Regency Fr.		
Facility Condition	Classification	Direction	Number of Lanes	Length (mi)
	Collector	SB/NB	2	0.82
Prevailing Speed Data	Date and Time Period: Begin		Date and Time Period: End	
	2019-12-17 at 12:08:03		2019-12-17 at 13:23:54	
	Total Survey Data	10 MPH Pace	Number in Pace	% in Pace
	263	16-36	152	58
	Average Speed (mph)	50% tile Speed	85% tile Speed	
	29	29	34	
	Posted Speed (mph)	Existing Speed Limit (mph)	Annual Average Daily Traffic	
	25	N/A	854	
Collisions	Years	Collisions	Collision Rate (Acc/MVM)3	
	2015-2019	1	0.78	
Observations	Adjacent Land Use	The location is generally residential.		
	Road Geometrics	It has 2 lanes undivided with on-street parking in both directions.		
	Comment			
Recommendation	Recommended Speed (mph)	Change in Speed	Comment	
	25	0		
Statement	Approved and Authorized for release by The City of Clayton: This survey conforms to Section 627 and 40802 of the California Vehicle Code and Section 2B.13 of the California MUTCD and recommends a speed limit appropriate to facilitate the safe and orderly movement of traffic. I approve this recommended speed limit.			
		Lynne Filson, P.E.	Traffic Engineer	8/13/2020
	Signature	Name	Title	Date



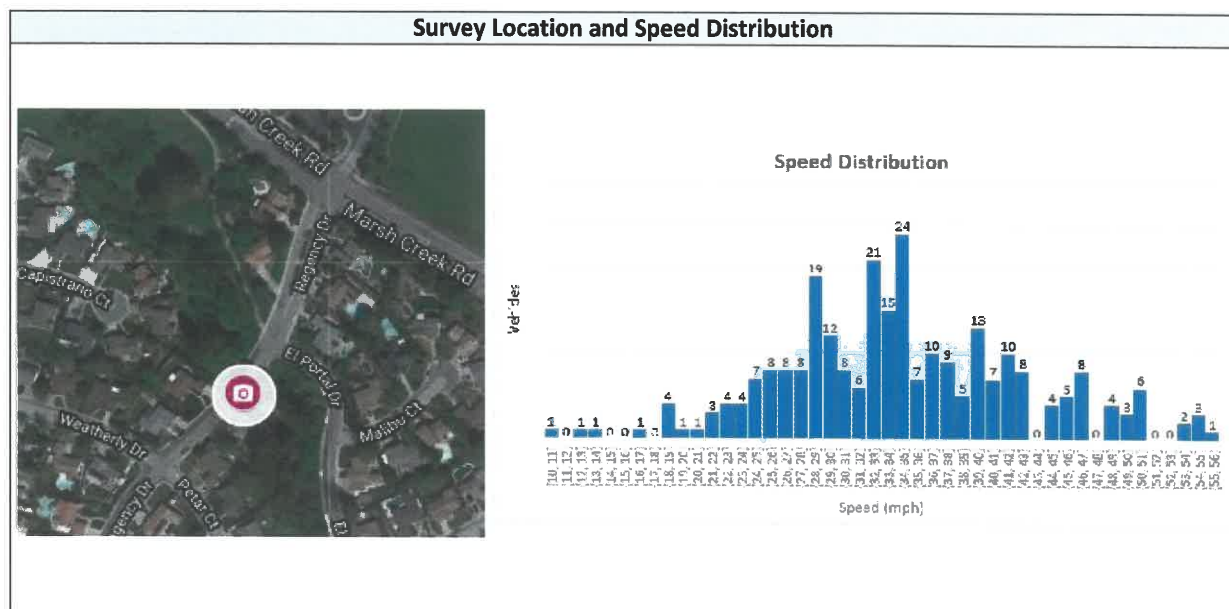
Data Source: W & S Solutions, 2020

City of Clayton				
2019 Engineering and Traffic Survey				
Segment Info	Location ID	Location Name		
	20	Mountaire Pkwy between Mountaire Circle (South) and Its Southerly Terminus		
Facility Condition	Classification	Direction	Number of Lanes	Length (mi)
	Collector	SB/NB	2	0.45
Prevailing Speed Data	Date and Time Period: Begin		Date and Time Period: End	
	2019-12-17 at 10: 37: 09		2019-12-17 at 11: 53: 00	
	Total Survey Data	10 MPH Pace	Number in Pace	% in Pace
	554	21-31	267	48
	Average Speed (mph)	50% tile Speed	85% tile Speed	
	31	31	38	
	Posted Speed (mph)	Existing Speed Limit (mph)	Annual Average Daily Traffic	
	N/A	25	2312	
Collisions	Years	Collisions	Collision Rate (Acc/MVM)3	
	2015-2019	2	1.05	
Observations				
	Adjacent Land Use	The location is generally residential.		
	Road Geometrics	It has 2 lanes undivided with on-street parking in both directions.		
	Comment			
Recommendation	Recommended Speed (mph)	Change in Speed	Comment	
	25	0		
Statement	Approved and Authorized for release by The City of Clayton: This survey conforms to Section 627 and 40802 of the California Vehicle Code and Section 2B.13 of the California MUTCD and recommends a speed limit appropriate to facilitate the safe and orderly movement of traffic. I approve this recommended speed limit.			
		Lynne Filson, P.E.	Traffic Engineer	8/13/2020
	Signature	Name	Title	Date

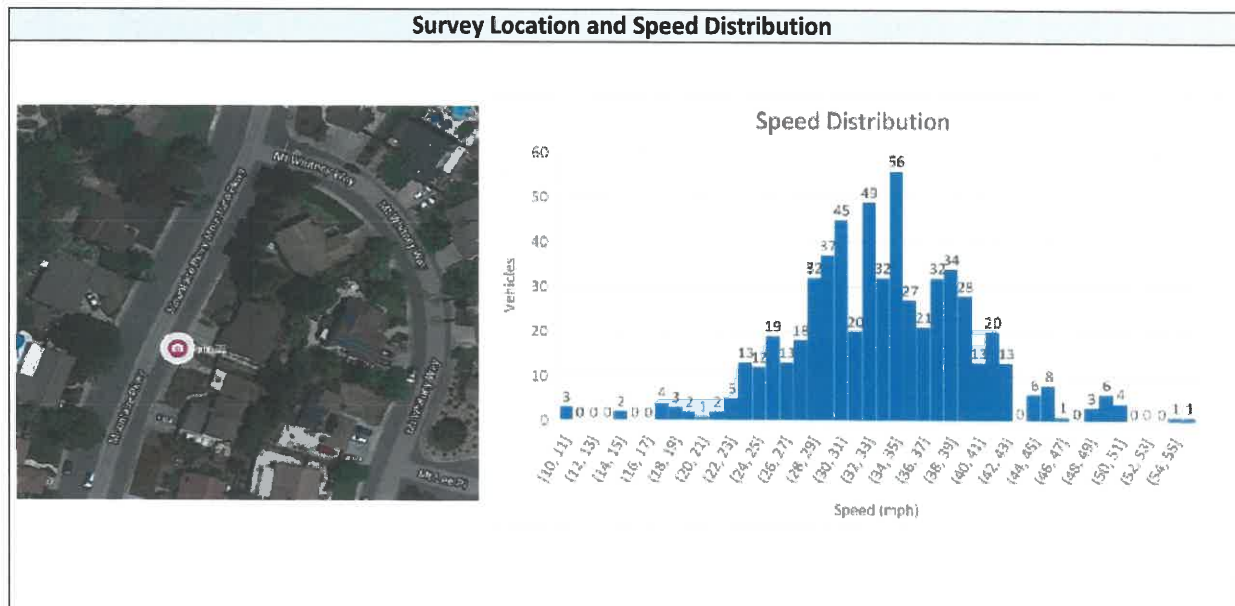


Data Source: W & S Solutions, 2020

City of Clayton				
2019 Engineering and Traffic Survey				
Segment Info	Location ID	Location Name		
	21	Regency Dr. between Marsh Creek Rd. and its Southerly Terminus		
Facility Condition	Classification	Direction	Number of Lanes	Length (mi)
	Collector	SB/NB	2	0.24
Prevailing Speed Data	Date and Time Period: Begin		Date and Time Period: End	
	2019-12-17 at 10: 52: 21		20-- at ::	
	Total Survey Data	10 MPH Pace	Number in Pace	% in Pace
	261	30-40	118	45
	Average Speed (mph)	50% tile Speed	85% tile Speed	
	35	34	43	
	Posted Speed (mph)	Existing Speed Limit (mph)	Annual Average Daily Traffic	
25	N/A	1693		
Collisions	Years	Collisions	Collision Rate (Acc/MVM)3	
	2015-2019	0	0.00	
Observations	Adjacent Land Use	The location is generally residential.		
	Road Geometrics	It has 2 lanes undivided with on-street parking in both directions.		
	Comment			
Recommendation	Recommended Speed (mph)	Change in Speed	Comment	
	25	0		
Statement	Approved and Authorized for release by The City of Clayton: This survey conforms to Section 627 and 40802 of the California Vehicle Code and Section 2B.13 of the California MUTCD and recommends a speed limit appropriate to facilitate the safe and orderly movement of traffic. I approve this recommended speed limit.			
		Lynne Filson, P.E.	Traffic Enginner	8/13/2020
	Signature	Name	Title	Date

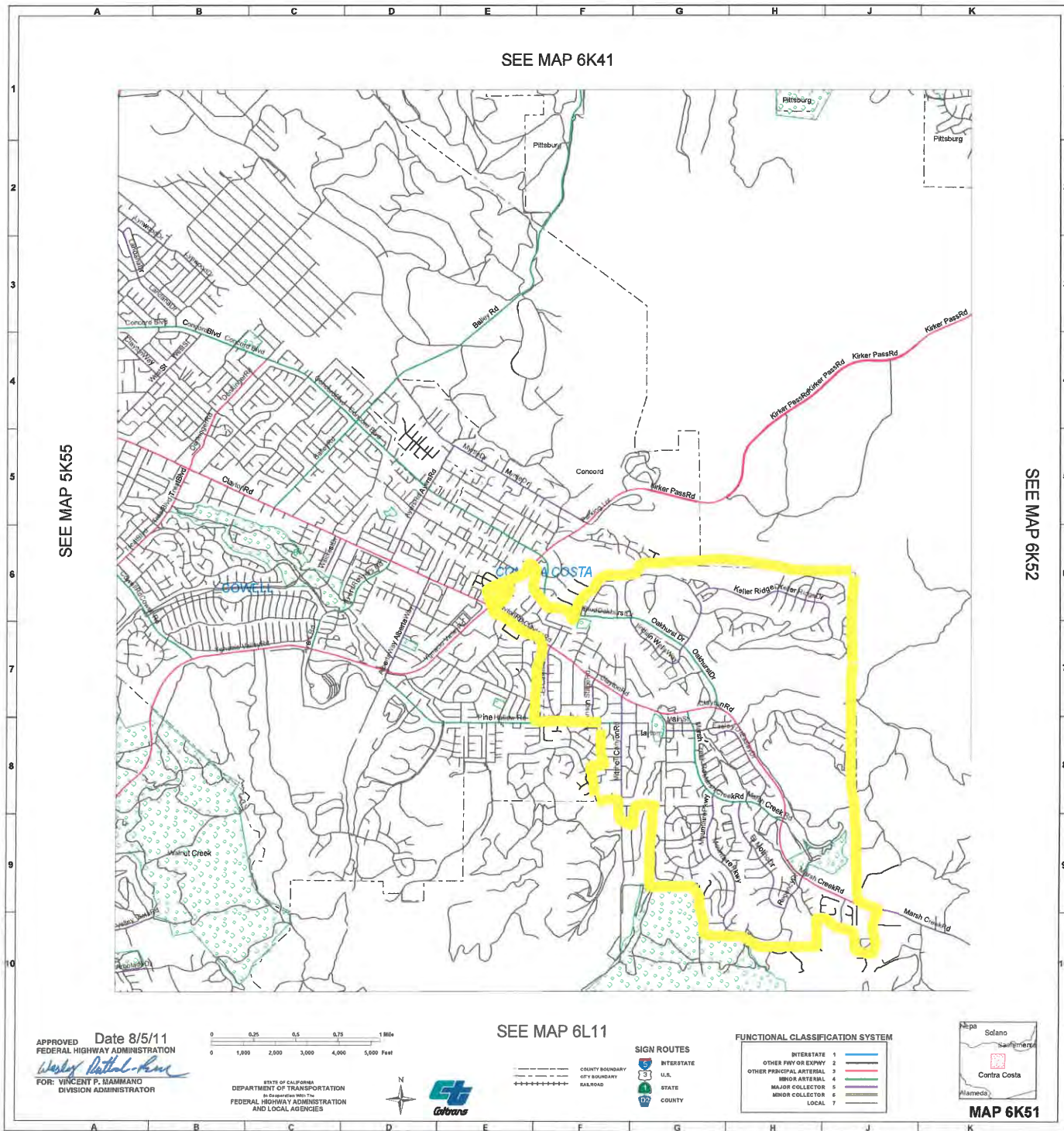


City of Clayton				
2019 Engineering and Traffic Survey				
Segment Info	Location ID	Location Name		
	22	Mountaire Pkwy between Clayton Road and Mountaire Circle (South)		
Facility Condition	Classification	Direction	Number of Lanes	Length (mi)
	Collector	SB/NB	4	0.45
Prevailing Speed Data	Date and Time Period: Begin		Date and Time Period: End	
	2020-03-17 at 09: 06: 00		2020-03-17 at 16: 10: 42	
	Total Survey Data	10 MPH Pace	Number in Pace	% in Pace
	591	30-40	344	58
	Average Speed (mph)	50% tile Speed	85% tile Speed	
	34	34	40	
	Posted Speed (mph)	Existing Speed Limit (mph)	Annual Average Daily Traffic	
	30	30	2382	
Collisions	Years	Collisions	Collision Rate (Acc/MVM)3	
	2015-2019	2	1.02	
Observations				
	Adjacent Land Use	The location is generally residential.		
	Road Geometrics	It has 4 lanes undivided with on-street parking in both directions.		
	Comment			
Recommendation	Recommended Speed (mph)	Change in Speed	Comment	
	35	5		
Statement	Approved and Authorized for release by The City of Clayton: This survey conforms to Section 627 and 40802 of the California Vehicle Code and Section 2B.13 of the California MUTCD and recommends a speed limit appropriate to facilitate the safe and orderly movement of traffic. I approve this recommended speed limit.			
		Lynne Filson, P.E.	Traffic Engineer	8/13/2020
	Signature	Name	Title	Date



Data Source: W & S Solutions, 2020

6 Appendix B: Functional Classification System in City of Clayton



VARIOUS CALIFORNIA VEHICLE CODE SECTION PERTAINING TO SPEED LIMITS

VEHICLE CODE - VEH

DIVISION 1. WORDS AND PHRASES DEFINED [100 - 681]

(Division 1 enacted by Stats. 1959, Ch. 3.)

235.

A "business district" is that portion of a highway and the property contiguous thereto (a) upon one side of which highway, for a distance of 600 feet, 50 percent or more of the contiguous property fronting thereon is occupied by buildings in use for business, or (b) upon both sides of which highway, collectively, for a distance of 300 feet, 50 percent or more of the contiguous property fronting thereon is so occupied. A business district may be longer than the distances specified in this section if the above ratio of buildings in use for business to the length of the highway exists.

(Enacted by Stats. 1959, Ch. 3.)

VEHICLE CODE - VEH

DIVISION 1. WORDS AND PHRASES DEFINED [100 - 681]

(Division 1 enacted by Stats. 1959, Ch. 3.)

515.

A "residence district" is that portion of a highway and the property contiguous thereto, other than a business district, (a) upon one side of which highway, within a distance of a quarter of a mile, the contiguous property fronting thereon is occupied by 13 or more separate dwelling houses or business structures, or (b) upon both sides of which highway, collectively, within a distance of a quarter of a mile, the contiguous property fronting thereon is occupied by 16 or more separate dwelling houses or business structures. A residence district may be longer than one-quarter of a mile if the above ratio of separate dwelling houses or business structures to the length of the highway exists.

(Enacted by Stats. 1959, Ch. 3.)

VEHICLE CODE - VEH

DIVISION 1. WORDS AND PHRASES DEFINED [100 - 681]

(Division 1 enacted by Stats. 1959, Ch. 3.)

627.

- (a) "Engineering and traffic survey," as used in this code, means a survey of highway and traffic conditions in accordance with methods determined by the Department of Transportation for use by state and local authorities.
- (b) An engineering and traffic survey shall include, among other requirements deemed necessary by the department, consideration of all of the following:
- (1) Prevailing speeds as determined by traffic engineering measurements.
 - (2) Accident records.
 - (3) Highway, traffic, and roadside conditions not readily apparent to the driver.

(c) When conducting an engineering and traffic survey, local authorities, in addition to the factors set forth in paragraphs (1) to (3), inclusive, of subdivision (b) may consider all of the following:

(1) Residential density, if any of the following conditions exist on the particular portion of highway and the property contiguous thereto, other than a business district:

(A) Upon one side of the highway, within a distance of a quarter of a mile, the contiguous property fronting thereon is occupied by 13 or more separate dwelling houses or business structures.

(B) Upon both sides of the highway, collectively, within a distance of a quarter of a mile, the contiguous property fronting thereon is occupied by 16 or more separate dwelling houses or business structures.

(C) The portion of highway is longer than one-quarter of a mile but has the ratio of separate dwelling houses or business structures to the length of the highway described in either subparagraph (A) or (B).

(2) Pedestrian and bicyclist safety.

(Amended by Stats. 2000, Ch. 45, Sec. 1. Effective January 1, 2001.)

VEHICLE CODE - VEH

DIVISION 11. RULES OF THE ROAD [21000 - 23336]

(Division 11 enacted by Stats. 1959, Ch. 3.)

CHAPTER 7. Speed Laws [22348 - 22413]

(Chapter 7 enacted by Stats. 1959, Ch. 3.)

ARTICLE 1. Generally [22348 - 22366]

(Heading of Article 1 amended by Stats. 1959, Ch. 11.)

22349.

(a) Except as provided in Section 22356, no person may drive a vehicle upon a highway at a speed greater than 65 miles per hour.

(b) Notwithstanding any other provision of law, no person may drive a vehicle upon a two-lane, undivided highway at a speed greater than 55 miles per hour unless that highway, or portion thereof, has been posted for a higher speed by the Department of Transportation or appropriate local agency upon the basis of an engineering and traffic survey. For purposes of this subdivision, the following apply:

(1) A two-lane, undivided highway is a highway with not more than one through lane of travel in each direction.

(2) Passing lanes may not be considered when determining the number of through lanes.

(c) It is the intent of the Legislature that there be reasonable signing on affected two-lane, undivided highways described in subdivision (b) in continuing the 55 miles-per-hour speed limit, including placing signs at county boundaries to the extent possible, and at other appropriate locations.

(Amended by Stats. 1999, Ch. 724, Sec. 41. Effective January 1, 2000.)

VEHICLE CODE - VEH

DIVISION 11. RULES OF THE ROAD [21000 - 23336]

(Division 11 enacted by Stats. 1959, Ch. 3.)

CHAPTER 7. Speed Laws [22348 - 22413]

(Chapter 7 enacted by Stats. 1959, Ch. 3.)

ARTICLE 1. Generally [22348 - 22366]

(Heading of Article 1 amended by Stats. 1959, Ch. 11.)

22350.

No person shall drive a vehicle upon a highway at a speed greater than is reasonable or prudent having due regard for weather, visibility, the traffic on, and the surface and width of, the highway, and in no event at a speed which endangers the safety of persons or property.

(Amended by Stats. 1963, Ch. 252.)

VEHICLE CODE - VEH

DIVISION 11. RULES OF THE ROAD [21000 - 23336]

(Division 11 enacted by Stats. 1959, Ch. 3.)

CHAPTER 7. Speed Laws [22348 - 22413]

(Chapter 7 enacted by Stats. 1959, Ch. 3.)

ARTICLE 1. Generally [22348 - 22366]

(Heading of Article 1 amended by Stats. 1959, Ch. 11.)

22351.

(a) The speed of any vehicle upon a highway not in excess of the limits specified in Section 22352 or established as authorized in this code is lawful unless clearly proved to be in violation of the basic speed law.

(b) The speed of any vehicle upon a highway in excess of the prima facie speed limits in Section 22352 or established as authorized in this code is prima facie unlawful unless the defendant establishes by competent evidence that the speed in excess of said limits did not constitute a violation of the basic speed law at the time, place and under the conditions then existing.

(Enacted by Stats. 1959, Ch. 3.)

VEHICLE CODE - VEH

DIVISION 11. RULES OF THE ROAD [21000 - 23336]

(Division 11 enacted by Stats. 1959, Ch. 3.)

CHAPTER 7. Speed Laws [22348 - 22413]

(Chapter 7 enacted by Stats. 1959, Ch. 3.)

ARTICLE 1. Generally [22348 - 22366]

(Heading of Article 1 amended by Stats. 1959, Ch. 11.)

22352.

The prima facie limits are as follows and shall be applicable unless changed as authorized in this code and, if so changed, only when signs have been erected giving notice thereof:

(a) Fifteen miles per hour:

(1) When traversing a railway grade crossing, if during the last 100 feet of the approach to the crossing the driver does not have a clear and unobstructed view of the crossing and of any traffic on the railway for a distance of 400 feet in both directions along the railway. This subdivision does not apply in the case of any railway grade crossing where a human flagman is on duty or a clearly visible

electrical or mechanical railway crossing signal device is installed but does not then indicate the immediate approach of a railway train or car.

(2) When traversing any intersection of highways if during the last 100 feet of the driver's approach to the intersection the driver does not have a clear and unobstructed view of the intersection and of any traffic upon all of the highways entering the intersection for a distance of 100 feet along all those highways, except at an intersection protected by stop signs or yield right-of-way signs or controlled by official traffic control signals.

(3) On any alley.

(b) Twenty-five miles per hour:

(1) On any highway other than a state highway, in any business or residence district unless a different speed is determined by local authority under procedures set forth in this code.

(2) When approaching or passing a school building or the grounds thereof, contiguous to a highway and posted with a standard "SCHOOL" warning sign, while children are going to or leaving the school either during school hours or during the noon recess period. The prima facie limit shall also apply when approaching or passing any school grounds which are not separated from the highway by a fence, gate, or other physical barrier while the grounds are in use by children and the highway is posted with a standard "SCHOOL" warning sign. For purposes of this subparagraph, standard "SCHOOL" warning signs may be placed at any distance up to 500 feet away from school grounds.

(3) When passing a senior center or other facility primarily used by senior citizens, contiguous to a street other than a state highway and posted with a standard "SENIOR" warning sign. A local authority may erect a sign pursuant to this paragraph when the local agency makes a determination that the proposed signing should be implemented. A local authority may request grant funding from the Active Transportation Program pursuant to Chapter 8 (commencing with Section 2380) of Division 3 of the Streets and Highways Code, or any other grant funding available to it, and use that grant funding to pay for the erection of those signs, or may utilize any other funds available to it to pay for the erection of those signs, including, but not limited to, donations from private sources.

(Amended by Stats. 2015, Ch. 12, Sec. 15. (AB 95) Effective June 24, 2015.)

VEHICLE CODE - VEH

DIVISION 11. RULES OF THE ROAD [21000 - 23336]

(Division 11 enacted by Stats. 1959, Ch. 3.)

CHAPTER 7. Speed Laws [22348 - 22413]

(Chapter 7 enacted by Stats. 1959, Ch. 3.)

ARTICLE 1. Generally [22348 - 22366]

(Heading of Article 1 amended by Stats. 1959, Ch. 11.)

22357.

(a) Whenever a local authority determines upon the basis of an engineering and traffic survey that a speed greater than 25 miles per hour would facilitate the orderly movement of vehicular traffic and would be reasonable and safe upon any street other than a state highway otherwise subject to a prima facie limit of 25

miles per hour, the local authority may by ordinance determine and declare a prima facie speed limit of 30, 35, 40, 45, 50, 55, or 60 miles per hour or a maximum speed limit of 65 miles per hour, whichever is found most appropriate to facilitate the orderly movement of traffic and is reasonable and safe. The declared prima facie or maximum speed limit shall be effective when appropriate signs giving notice thereof are erected upon the street and shall not thereafter be revised except upon the basis of an engineering and traffic survey. This section does not apply to any 25-mile-per-hour prima facie limit which is applicable when passing a school building or the grounds thereof or when passing a senior center or other facility primarily used by senior citizens.

(b) This section shall become operative on the date specified in subdivision (c) of Section 22366.

(Repealed (in Sec. 28) and added by Stats. 1995, Ch. 766, Sec. 29. Effective January 1, 1996. This section became operative, by its own provisions, on the date described in Section 22366.)

VEHICLE CODE - VEH

DIVISION 11. RULES OF THE ROAD [21000 - 23336]

(Division 11 enacted by Stats. 1959, Ch. 3.)

CHAPTER 7. Speed Laws [22348 - 22413]

(Chapter 7 enacted by Stats. 1959, Ch. 3.)

ARTICLE 1. Generally [22348 - 22366]

(Heading of Article 1 amended by Stats. 1959, Ch. 11.)

22352.

The prima facie limits are as follows and shall be applicable unless changed as authorized in this code and, if so changed, only when signs have been erected giving notice thereof:

(a) Fifteen miles per hour:

(1) When traversing a railway grade crossing, if during the last 100 feet of the approach to the crossing the driver does not have a clear and unobstructed view of the crossing and of any traffic on the railway for a distance of 400 feet in both directions along the railway. This subdivision does not apply in the case of any railway grade crossing where a human flagman is on duty or a clearly visible electrical or mechanical railway crossing signal device is installed but does not then indicate the immediate approach of a railway train or car.

(2) When traversing any intersection of highways if during the last 100 feet of the driver's approach to the intersection the driver does not have a clear and unobstructed view of the intersection and of any traffic upon all of the highways entering the intersection for a distance of 100 feet along all those highways, except at an intersection protected by stop signs or yield right-of-way signs or controlled by official traffic control signals.

(3) On any alley.

(b) Twenty-five miles per hour:

(1) On any highway other than a state highway, in any business or residence district unless a different speed is determined by local authority under procedures set forth in this code.

(2) When approaching or passing a school building or the grounds thereof, contiguous to a highway and posted with a standard "SCHOOL" warning sign,

while children are going to or leaving the school either during school hours or during the noon recess period. The prima facie limit shall also apply when approaching or passing any school grounds which are not separated from the highway by a fence, gate, or other physical barrier while the grounds are in use by children and the highway is posted with a standard "SCHOOL" warning sign. For purposes of this subparagraph, standard "SCHOOL" warning signs may be placed at any distance up to 500 feet away from school grounds.

(3) When passing a senior center or other facility primarily used by senior citizens, contiguous to a street other than a state highway and posted with a standard "SENIOR" warning sign. A local authority may erect a sign pursuant to this paragraph when the local agency makes a determination that the proposed signing should be implemented. A local authority may request grant funding from the Active Transportation Program pursuant to Chapter 8 (commencing with Section 2380) of Division 3 of the Streets and Highways Code, or any other grant funding available to it, and use that grant funding to pay for the erection of those signs, or may utilize any other funds available to it to pay for the erection of those signs, including, but not limited to, donations from private sources.

(Amended by Stats. 2015, Ch. 12, Sec. 15. (AB 95) Effective June 24, 2015.)

VEHICLE CODE - VEH

DIVISION 17. OFFENSES AND PROSECUTION [40000.1 - 41610]

(Division 17 enacted by Stats. 1959, Ch. 3.)

CHAPTER 3. Illegal Evidence [40800 - 40834]

(Chapter 3 enacted by Stats. 1959, Ch. 3.)

ARTICLE 1. Prosecutions Under Code [40800 - 40808]

(Article 1 enacted by Stats. 1959, Ch. 3.)

40802.

(a) A "speed trap" is either of the following:

(1) A particular section of a highway measured as to distance and with boundaries marked, designated, or otherwise determined in order that the speed of a vehicle may be calculated by securing the time it takes the vehicle to travel the known distance.

(2) A particular section of a highway with a prima facie speed limit that is provided by this code or by local ordinance under paragraph (1) of subdivision (b) of Section 22352, or established under Section 22354, 22357, 22358, or 22358.3, if that prima facie speed limit is not justified by an engineering and traffic survey conducted within five years prior to the date of the alleged violation, and enforcement of the speed limit involves the use of radar or any other electronic device that measures the speed of moving objects. This paragraph does not apply to a local street, road, or school zone.

(b) (1) For purposes of this section, a local street or road is one that is functionally classified as "local" on the "California Road System Maps," that are approved by the Federal Highway Administration and maintained by the Department of Transportation. When a street or road does not appear on the "California Road System Maps," it may be defined as a "local street or road" if it primarily

provides access to abutting residential property and meets the following three conditions:

- (A) Roadway width of not more than 40 feet.
- (B) Not more than one-half of a mile of uninterrupted length. Interruptions shall include official traffic control signals as defined in Section 445.
- (C) Not more than one traffic lane in each direction.

(2) For purposes of this section, "school zone" means that area approaching or passing a school building or the grounds thereof that is contiguous to a highway and on which is posted a standard "SCHOOL" warning sign, while children are going to or leaving the school either during school hours or during the noon recess period. "School zone" also includes the area approaching or passing any school grounds that are not separated from the highway by a fence, gate, or other physical barrier while the grounds are in use by children if that highway is posted with a standard "SCHOOL" warning sign.

(c) (1) When all of the following criteria are met, paragraph (2) of this subdivision shall be applicable and subdivision (a) shall not be applicable:

- (A) When radar is used, the arresting officer has successfully completed a radar operator course of not less than 24 hours on the use of police traffic radar, and the course was approved and certified by the Commission on Peace Officer Standards and Training.
- (B) When laser or any other electronic device is used to measure the speed of moving objects, the arresting officer has successfully completed the training required in subparagraph (A) and an additional training course of not less than two hours approved and certified by the Commission on Peace Officer Standards and Training.

(C) (i) The prosecution proved that the arresting officer complied with subparagraphs (A) and (B) and that an engineering and traffic survey has been conducted in accordance with subparagraph (B) of paragraph (2). The prosecution proved that, prior to the officer issuing the notice to appear, the arresting officer established that the radar, laser, or other electronic device conformed to the requirements of subparagraph (D).
 (ii) The prosecution proved the speed of the accused was unsafe for the conditions present at the time of alleged violation unless the citation was for a violation of Section 22349, 22356, or 22406.

(D) The radar, laser, or other electronic device used to measure the speed of the accused meets or exceeds the minimal operational standards of the National Highway Traffic Safety Administration, and has been calibrated within the three years prior to the date of the alleged violation by an independent certified laser or radar repair and testing or calibration facility.

(2) A "speed trap" is either of the following:

- (A) A particular section of a highway measured as to distance and with boundaries marked, designated, or otherwise determined in order that the speed of a vehicle may be calculated by securing the time it takes the vehicle to travel the known distance.
- (B) (i) A particular section of a highway or state highway with a prima facie speed limit that is provided by this code or by local ordinance under paragraph (1) of subdivision (b) of Section 22352, or established under Section 22354, 22357, 22358, or 22358.3, if that prima facie speed limit

is not justified by an engineering and traffic survey conducted within one of the following time periods, prior to the date of the alleged violation, and enforcement of the speed limit involves the use of radar or any other electronic device that measures the speed of moving objects:

(I) Except as specified in subclause (II), seven years.

(II) If an engineering and traffic survey was conducted more than seven years prior to the date of the alleged violation, and a registered engineer evaluates the section of the highway and determines that no significant changes in roadway or traffic conditions have occurred, including, but not limited to, changes in adjoining property or land use, roadway width, or traffic volume, 10 years.

(ii) This subparagraph does not apply to a local street, road, or school zone.

(Amended by Stats. 2017, Ch. 397, Sec. 9. (SB 810) Effective January 1, 2018.)

VEHICLE CODE - VEH

DIVISION 17. OFFENSES AND PROSECUTION [40000.1 - 41610]

(Division 17 enacted by Stats. 1959, Ch. 3.)

CHAPTER 3. Illegal Evidence [40800 - 40834]

(Chapter 3 enacted by Stats. 1959, Ch. 3.)

ARTICLE 1. Prosecutions Under Code [40800 - 40808]

(Article 1 enacted by Stats. 1959, Ch. 3.)

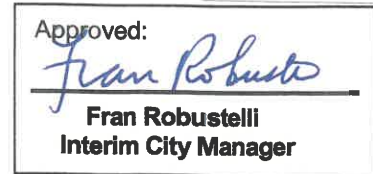
40803.

(a) No evidence as to the speed of a vehicle upon a highway shall be admitted in any court upon the trial of any person in any prosecution under this code upon a charge involving the speed of a vehicle when the evidence is based upon or obtained from or by the maintenance or use of a speedtrap.

(b) In any prosecution under this code of a charge involving the speed of a vehicle, where enforcement involves the use of radar or other electronic devices which measure the speed of moving objects, the prosecution shall establish, as part of its prima facie case, that the evidence or testimony presented is not based upon a speedtrap as defined in paragraph (2) of subdivision (a) of Section 40802.

(c) When a traffic and engineering survey is required pursuant to paragraph (2) of subdivision (a) of Section 40802, evidence that a traffic and engineering survey has been conducted within five years of the date of the alleged violation or evidence that the offense was committed on a local street or road as defined in paragraph (2) of subdivision (a) of Section 40802 shall constitute a prima facie case that the evidence or testimony is not based upon a speedtrap as defined in paragraph (2) of subdivision (a) of Section 40802.

(Amended by Stats. 1996, Ch. 124, Sec. 147. Effective January 1, 1997.)



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

THROUGH: Fran Robustelli, Interim City Manager

FROM: Matthew Feske, Community Development Director

DATE: August 18, 2020

SUBJECT: Consider a City Council Letter to the Association of Bay Area Government (ABAG), Housing Methodology Committee (HMC) in support of the Bay Area Plan 2050 Baseline Data Methodology to be used by ABAG to distribute the allocated State mandated Regional Housing Needs Assessment (RHNA) housing numbers.

RECOMMENDATION

It is recommended that the City Council take action on and, on behalf of the entire City Council, have the Mayor of the City of Clayton sign a letter to ABAG Housing Methodology Committee in support of the Bay Area Plan 2050 Baseline Data Methodology.

BACKGROUND

At the August 6, 2020 Contra Costa Mayors Conference Meeting an update to the RHNA process was provided. Upon discussion, it was decided to send a letter by Contra Costa Mayors Conference to ABAG Housing Methodology Committee expressing support for the Bay Area Plan 2050 Baseline Data Methodology as the baseline for ABAG to use in the methodology for determining the housing number for each jurisdiction.

The State of California Housing and Community Development (HCD) allocated ABAG 441,176 housing units. ABAG is responsible to come up with an approved methodology to disperse the 441,176 housing units to the local jurisdictions – cities and counties. Two baselines are being considered for the methodology of dispersing the allocated housing units: (1) Bay Area Plan 2050 Baseline Data Methodology; and (2) 219 Baseline Household.

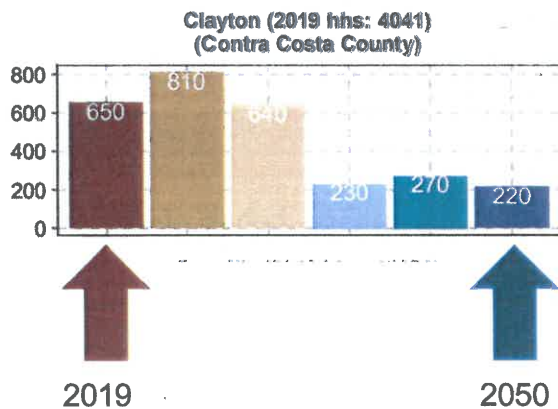
DISCUSSION

What is the difference between the 2019 Household Baseline and the Plan Bay Area 2050 Baseline Data Methodology? The primary difference is as follows:

1. 2019 Household Baseline uses existing data, specifically housing numbers, to determine where housing numbers should go to.
2. Bay Area Plan 2050 Baseline Data Methodology uses existing data to forecast the trends the jobs, public transportation, and ability to reduce greenhouse gas emissions to determine where housing numbers should go to.

The majority, if not all, the cities within Contra Costa County agree that the Bay Area Plan 2050 Baseline Data Methodology is the preferred baseline for ABAG to use. The reason is because the Bay Area Plan 2050 identifies the areas where the jobs and public transportation are located, thus a more opportune location for housing. It makes sense to have housing where the jobs and public transportation are located and forecasted to increase, rather than “punishing” the jurisdictions that have not been able to build housing.

The 2019 Baseline Household would unduly impose an unattainable housing number for the City of Clayton and would not help the region-wide efforts to encourage housing near jobs, reduce traffic congestion by have easy access to public transit options, and reduce greenhouse gas emission by reducing the number of vehicles on the roadways. The following provides an outlook



The 2019 Household Baseline projects 650 housing units for Clayton. The Bay Area Plan 2050 Baseline Data Methodology projects 220 housing units for Clayton. The reason for the difference in housing numbers is because the forecasted trends have job growth and public transportation not in the City of Clayton.

FISCAL IMPACTS

There is no fiscal impact to sending the letter. There is a potential fiscal impact should the 2019 Baseline Household be used as the baseline for the methodology for the disbursement of the housing units because the City would have to expend General Fund monies to find opportunities for housing development.

ATTACHMENTS

- A. Draft Letter from City of Clayton
- B. Letter from Contra Costa County Mayors Conference (August 7, 2020)
- C. Contra Costa County Mayors Conference RHNA Update (August 3, 2020)

DRAFT



COMMUNITY
DEVELOPMENT (925) 673-7340
ENGINEERING (925) 969-8181

6000 HERITAGE TRAIL • CLAYTON, CALIFORNIA 94517-1250
TELEPHONE (925) 673-7300 FAX (925) 672-4917

City Council
JULIE PIERCE, MAYOR
JEFF WAN, VICE MAYOR
TUIJA CATALANO, COUNCILMEMBER
JIM DIAZ, COUNCILMEMBER
CARL C.W. WOLFE, COUNCILMEMBER

August 18, 2020

Mayor Jesse Arreguin, Chair
Association of Bay Area Governments
375 Beale Street, Suite 700
San Francisco, CA 94105

RE: Support for the Plan Bay Area 2050 Baseline Data Methodology

Chair Arreguin,

The City of Clayton would like to thank the Housing Methodology Committee for their work evaluating the housing allocation methodologies for the next RHNA cycle (2023-2031).

The City of Clayton strongly supports the Plan Bay Area 2050 Baseline Data methodology. The Plan Bay Area 2050 Baseline Data methodology appropriately allocates housing to those areas which have a projected increase in jobs, are adequately served by public transit systems, and facilitate reduction of greenhouse gas emissions with reduced commute times.

The 2019 Baseline Household methodology would unduly burden the City of Clayton with an unrealistic number of housing units that would be detrimental to region-wide efforts and to the City of Clayton. The City of Clayton does not have, nor will it in the future have, a significant number of jobs or any public transit systems in close proximity requiring vehicular commuting to public transit systems and jobs. Thus, the use of the 2019 Baseline Household methodology for calculation of RHNA allocation for cities like Clayton is contrary to region-wide goals to reduce greenhouse gas emissions. The lack of jobs and transit services also does not entice or incentivize additional housing development in locations like Clayton making high housing allocations unrealistic to achieve. The City of Clayton's location requires residents to use private vehicles to commute to public transportation hubs and/or jobs; thus increasing congestion and greenhouse gas emissions. The City of Clayton is not an appropriate location for a significant number of housing because the location and resources are not conducive to furthering the region-wide efforts.

The City of Clayton appreciates your consideration of our perspective and respectfully asks for your support for the Plan Bay Area 2050 Baseline Data methodology.

Sincerely,

Julie Pierce, Mayor



August 7, 2020

Mayor Jesse Arreguin, Chair
Association of Bay Area Governments
Housing Methodology Committee
375 Beale Street, Suite 700
San Francisco, CA 94105

RE: Support for the **Plan Bay Area 2050** Baseline Data Methodology

Chair Arreguin,

The Contra Costa Mayors Conference, representing all 19 cities in Contra Costa county, wishes to convey our appreciation for the Housing Methodology Committee's work on evaluating housing allocation methodologies for the next RHNA cycle (2023-2031).

We recognize that it is a daunting task, not only because of the collective recognition to provide more housing that is affordable to a wide range of income levels but also because we can't forget that *where* we distribute the 441,176 housing unit assignment by California Department of Housing and Community Development (HCD) to the Bay Area is just as important to the overall quality of life for all residents in the Bay Area.

In light of these considerations, the Contra Costa Mayors Conference supports and endorses the use of **Plan Bay Area 2050** as the baseline data methodology because it is consistent with the decades-long region-wide effort to:

1. **Encourage housing development in proximity to jobs**, which would in turn;
2. **Reduce transit and transportation congestion**, helping to alleviate long region wide commutes; and
3. **Reduce greenhouse gas emissions**, consistent with both AB 32 and SB 375.

It is of great concern to Contra Costa communities that the alternative “2019 Baseline Household” method would *reverse* the decades-long region-wide effort to reduce traffic congestion and GHG emissions through a greater jobs-housing balance. We appreciate your consideration of our perspective and recommendation.

Sincerely,

/Signed hard copy to follow via U. S. mail. /

Gabriel Quinto, Conference Chair
Contra Costa Mayors Conference

Contra Costa Mayors Conference Membership

<i>City of Antioch</i>	<i>City of Oakley</i>
<i>City of Brentwood</i>	<i>City of Orinda</i>
<i>City of Clayton</i>	<i>City of Pinole</i>
<i>City of Concord</i>	<i>City of Pittsburg</i>
<i>Town of Danville</i>	<i>City of Pleasant Hill</i>
<i>City of El Cerrito</i>	<i>City of Richmond</i>
<i>City of Hercules</i>	<i>City of San Pablo</i>
<i>City of Lafayette</i>	<i>City of San Ramon</i>
<i>City of Martinez</i>	<i>City of Walnut Creek</i>
<i>Town of Moraga</i>	



ATTACHMENT C

DATE: August 3, 2020

TO: Gabe Quinto, Conference Chair
Gary Pokorny, Executive Director
Contra Costa Mayors' Conference

FROM: Eric Figueroa, Chair
Contra Costa Public Managers' Association

RE: Update: Regional Housing Needs Allocation (RHNA) Methodologies

The Contra Costa Public Managers' Association (PMA) would like to provide an update on recent RHNA process and its potential impacts to Contra Costa communities.

In June 2020, the California Department of Housing and Community Development (HCD) determined that the San Francisco Bay region must plan to accommodate 441,176 housing units over the upcoming 8-year housing element cycle (2022-2030). According to Association of Bay Area Governments (ABAG), this represents a 135% increase from the previous housing assignment.

ABAG's Housing Methodology Committee (Committee) - comprised of region's elected officials, jurisdictional staff, and community stakeholders - is charged with evaluating and making a recommendation on *how* these housing units would be allocated to the Bay Area's 101 cities and 9 counties. As a very high-level summary, the Committee is weighing options related to:

1. What should be used as the "baseline data" for allocating units? Two major methods are under consideration:
 - a. "2019 Baseline" Methodology
 - b. "2050 Plan Bay Area Blueprint" Methodology

The Contra Costa Public Managers' Association (PMA) is an organization comprised of public managers representing the nineteen cities and county of Contra Costa. The Contra Costa PMA works collaboratively to share information, discuss and find solutions on issues of regional significance.

CONTRA COSTA PMA MEMBERS

Antioch - R. Bernal
Brentwood - T. Ogden
Clayton - F. Robustelli (Interim)
Concord - V. Barone / K. Trepa
Danville - J. Calabrigo / T. Williams
El Cerrito - K. Pinkos / A. Orologas
Hercules - D. Biggs

Lafayette - N. Srivatsa
Martinez - E. Figueroa / M. Chandler
Moraga - C. Battenberg
Oakley - B. Montgomery
Orinda - S. Salomon
Pinole - A. Murray / H. De La Rosa
Pittsburg - G. Evans

Pleasant Hill - J. Catalano
Richmond - L. Snideman
San Pablo - M. Rodriguez / R. Schwartz
San Ramon - J. Gorton / S. Spedowsfski
Walnut Creek - D. Buckshi / T. Killgore
Contra Costa County - D. Twa

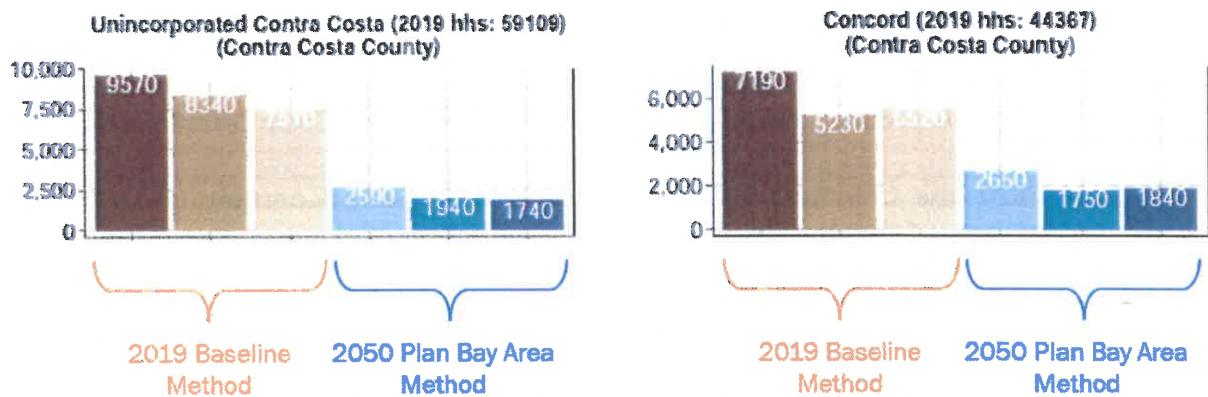
2. What “factors” should be used to refine the baseline data used?
3. What approach should be used to distribute units based on income levels, an income shift or bottom up approach?

DISCUSSION

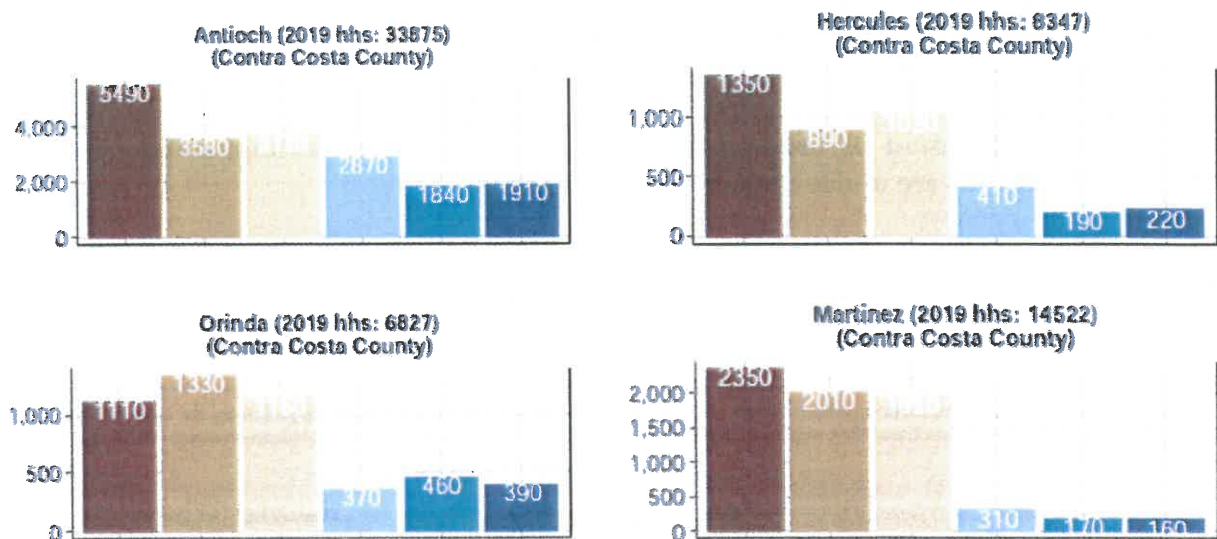
Methodology - Baseline Data

The selection of ‘baseline data’ methodology has the greatest significance to Contra Costa communities, as illustrated below and Exhibit A (attached):

Comparison of Methodologies – Sample of ‘Large’ Contra Costa Communities



Comparison of Methodologies – Sample of ‘Middle Sized’ Communities



The **"2019 Baseline" Methodology** would use the *location of existing households* (in year 2019) as the basis for allocating housing units. This methodology:

- Allocates more housing units into suburban communities
- Does not place housing units in proximity to jobs
- Does not address transit/transportation congestion, exacerbates long commutes
- Does not result in GHG emissions reductions
- Continues the narrative of social inequity

The **"2050 Plan Bay Area" Methodology** would use the recently released *Plan Bay Area's growth projections* as the basis for allocating the region's assigned housing units. This methodology would:

- Consistent with Plan Bay Area 2050 which – among other things – strives to reduce greenhouse gas emissions by placing units closer to job centers; therefore
- Allocates more housing units in south bay communities with mega job centers

The ABAG Housing Methodology Committee is scheduled to:

- **August 13, 2020:** Meet to finalize consideration of the preferred 'baseline data' methodology, refinement 'factors', and income allocation.
- **September 18, 2020:** Forward recommendation to ABAG Executive Board

RECOMMENDATION

The Contra Costa Public Managers Association recommends that the Contra Costa Mayors Conference consider two actions:

1. **Request that ABAG defer selection of a baseline methodology for 3-6 months.** This deferral is appropriate given that its cities and counties – currently focusing on the need to react and respond to the ongoing global pandemic while dealing with the resultant economic fallout - need additional time to consider the far-reaching implications of this decision.
2. **Consider issuing a letter of support for "2050 Plan Bay Area" Methodology,** which would reduce greenhouse gas emissions – as required by state law -- and strikes a more equitable jobs/housing balance for Contra Costa County and the majority of its cities.

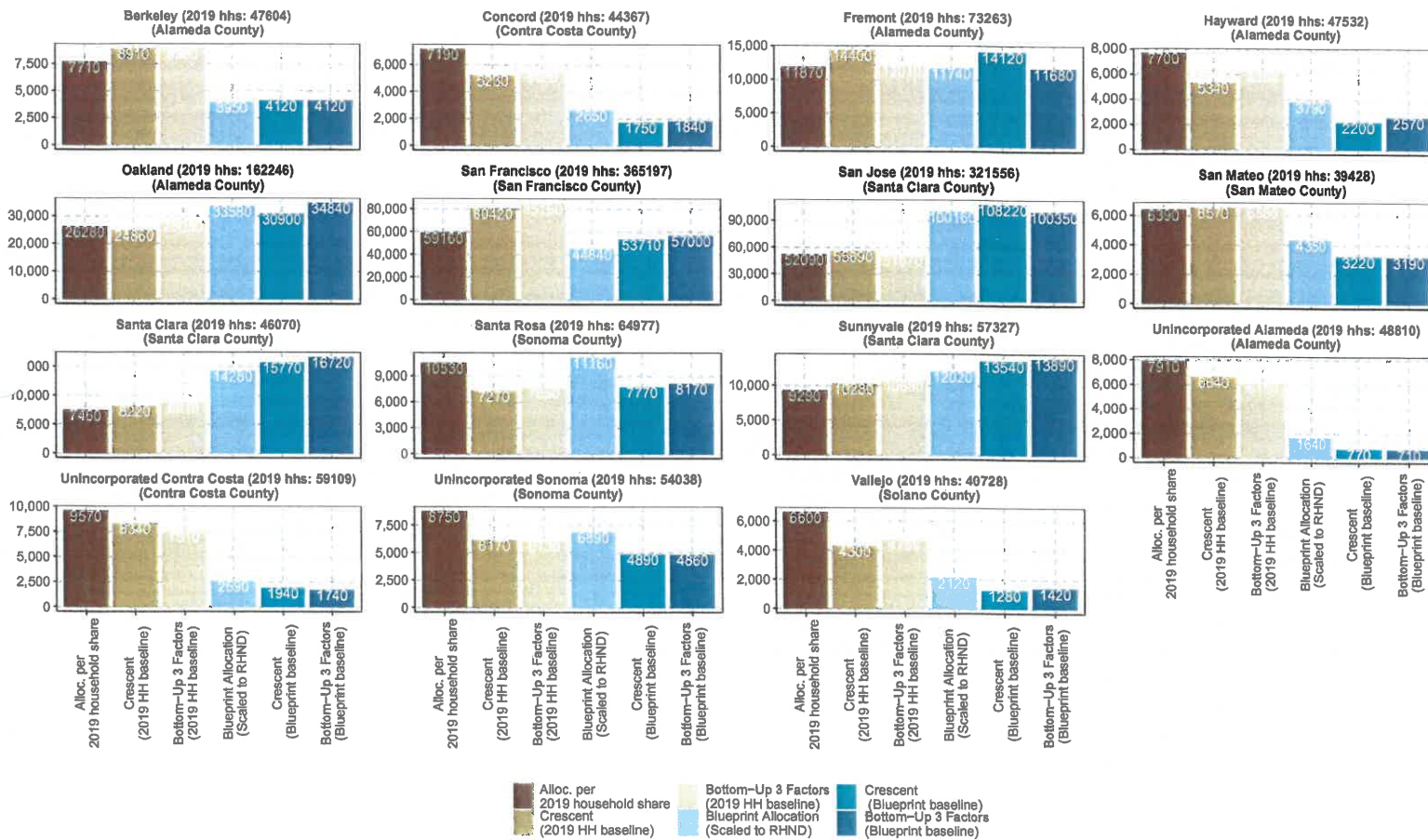
EXHIBIT A

**Attachment from ABAG Housing Methodology Committee Meeting
on July 9, 2020 (Item 6a Attachment A)**

*Plan Bay Area 2050 and RHNA Methodology Concepts
Jurisdiction Potential Allocations*

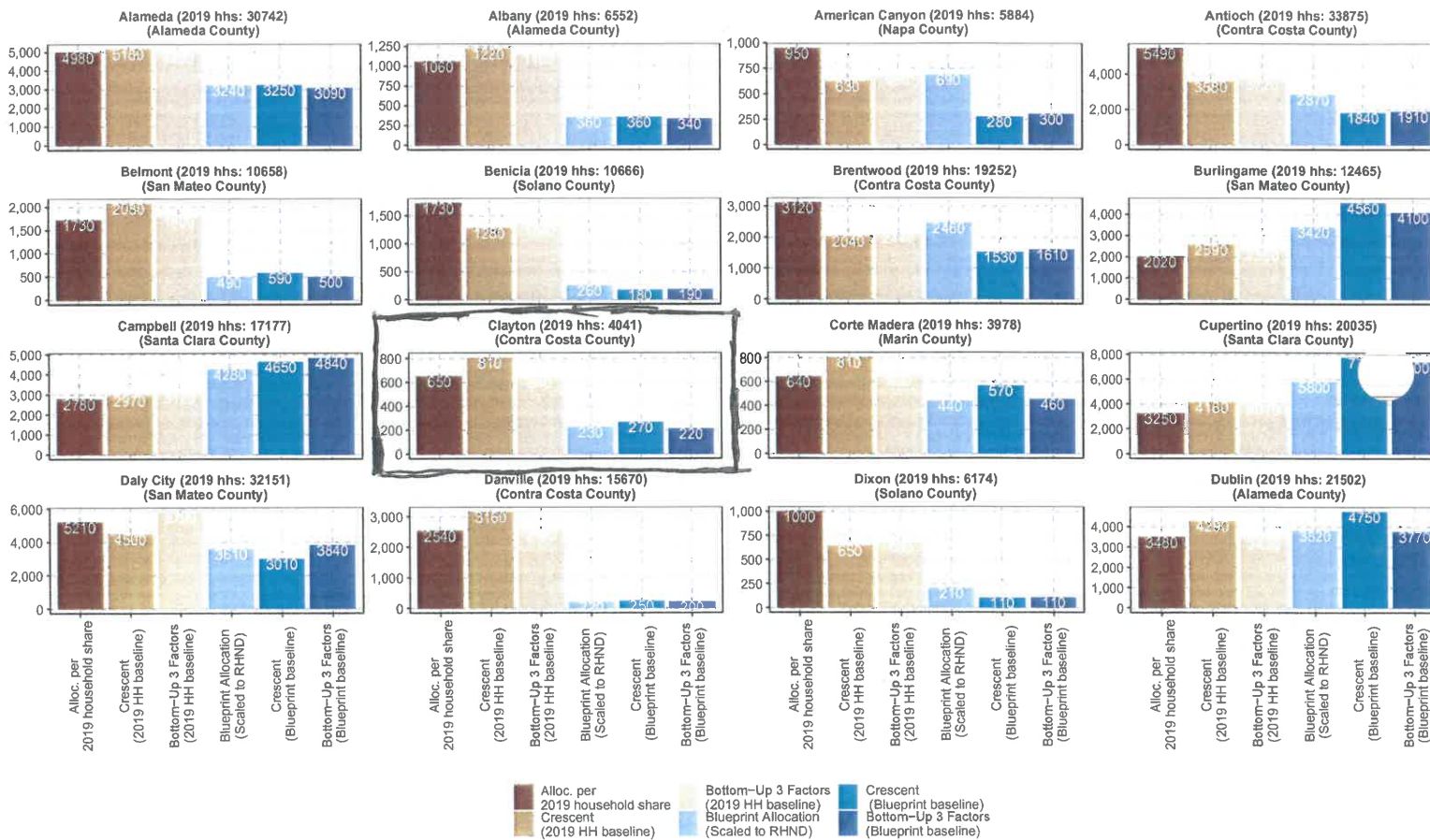
Jurisdiction potential allocations
Group of Cities: Largest 15 (by 2019 households)
Page 1

Allocation using 2019 household distribution and no factors; HMC concepts (Crescent Bsin HH19 and Bottom-up three-factor concept)



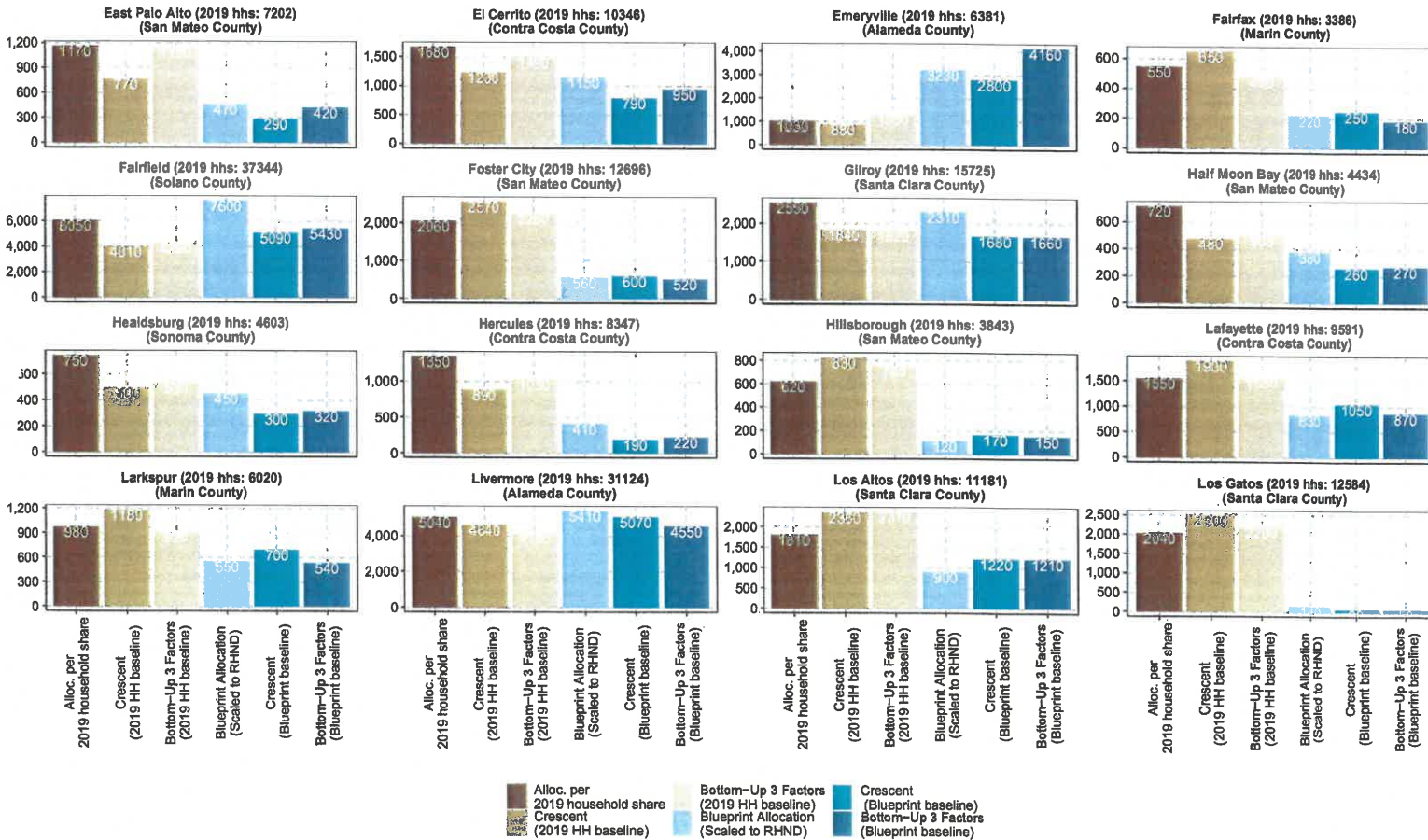
Jurisdiction potential allocations
Group of Cities: Middle Cities (by 2019 households)
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Allocation using 2019 household distribution and no factors; HMC concepts (Crescent Bsln HH19 and Bottom-up three-factor concept)



Jurisdiction potential allocations
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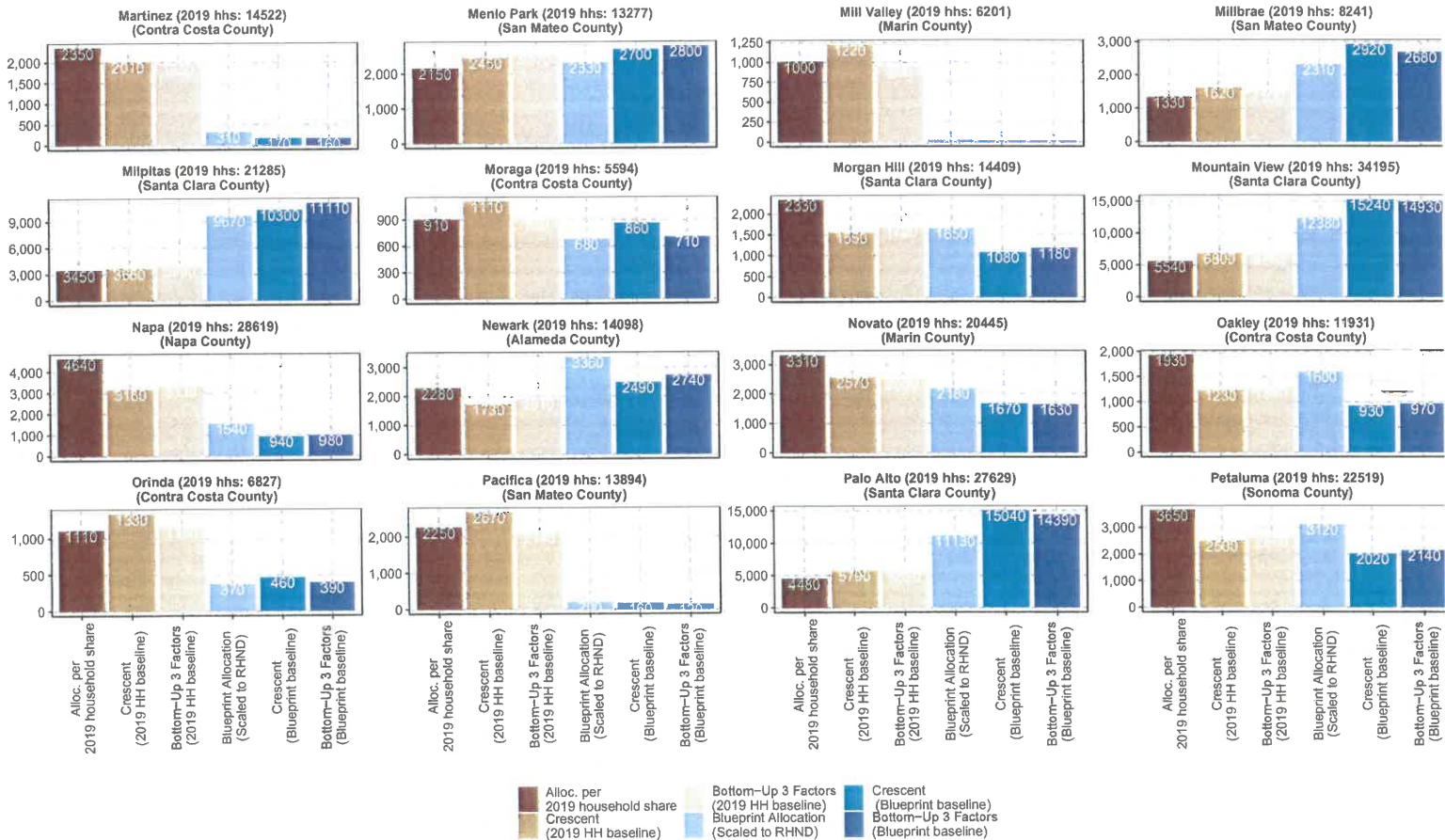
Allocation using 2019 household distribution and no factors; HMC concepts (Crescent Bsin HH19 and Bottom-up three-factor concept)





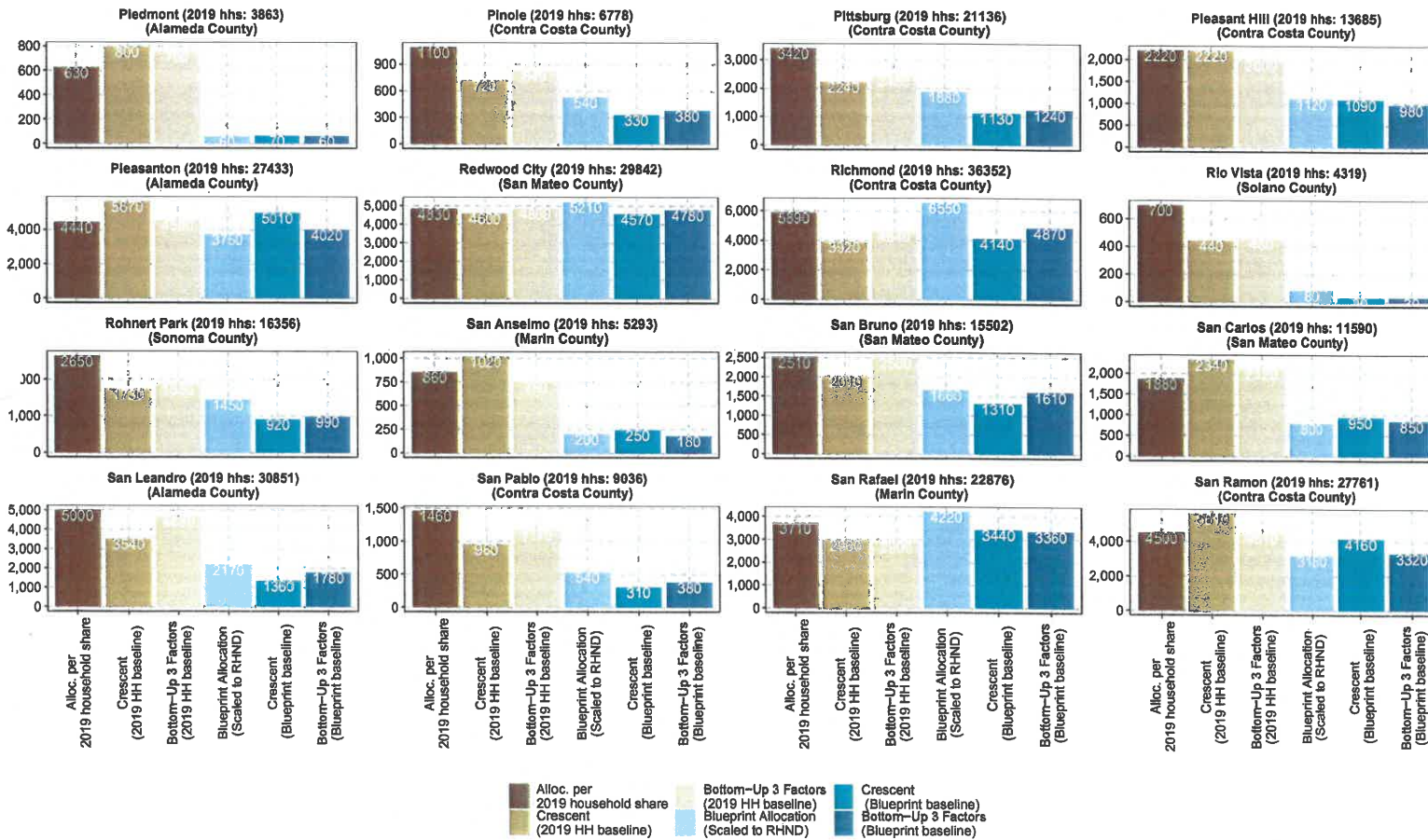
Jurisdiction potential allocations
Group of Cities: Middle Cities (by 2019 households)
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Allocation using 2019 household distribution and no factors; HMC concepts (Crescent Bsln HH19 and Bottom-up three-factor concept)



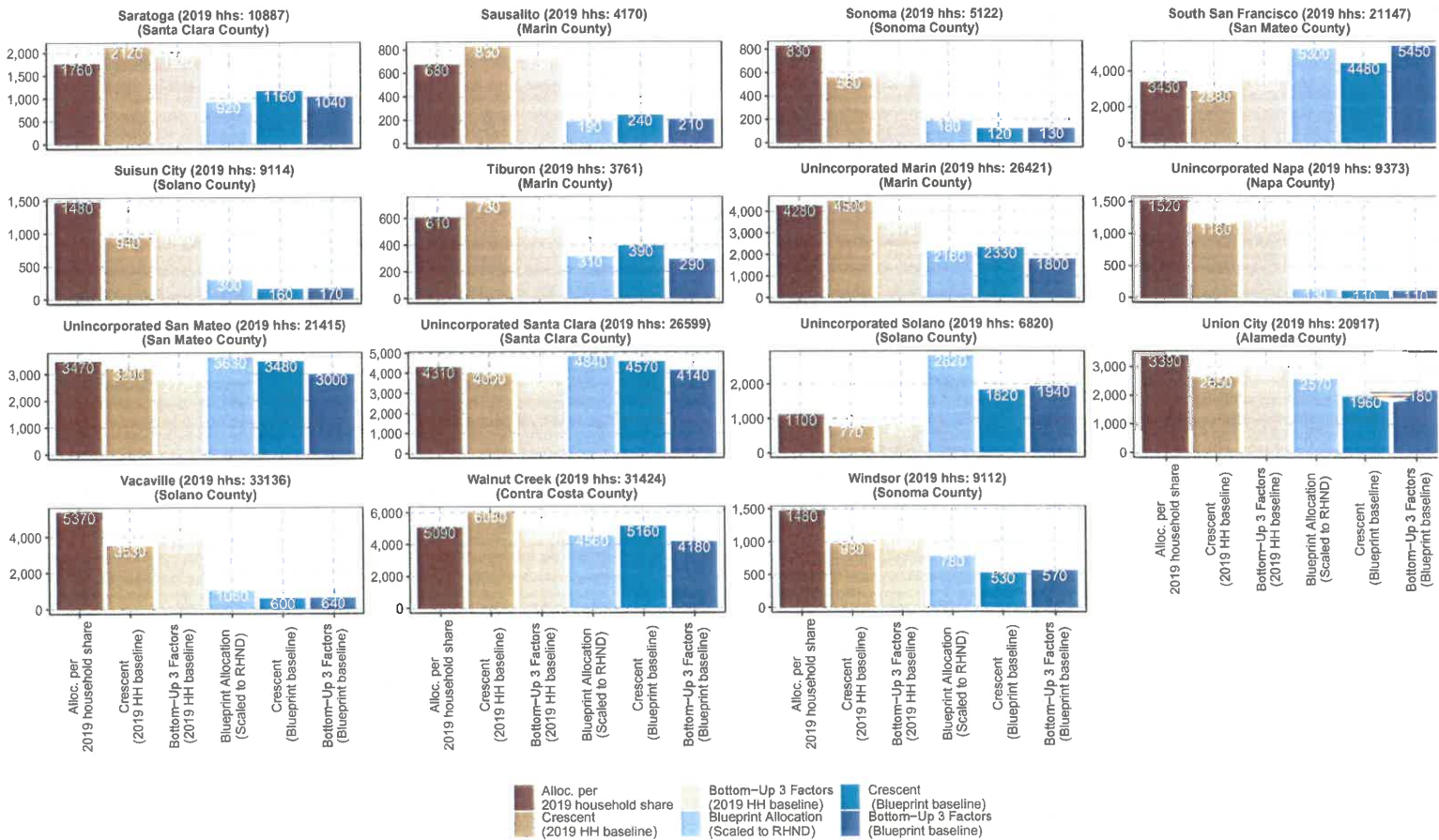
Jurisdiction potential allocations
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Allocation using 2019 household distribution and no factors; HMC concepts (Crescent Bsln HH19 and Bottom-up three-factor concept)



Jurisdiction potential allocations
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Allocation using 2019 household distribution and no factors; HMC concepts (Crescent Bsln HH19 and Bottom-up three-factor concept)



Jurisdiction potential allocations
Group of Cities: Smallest 15 (by 2019 households)
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Allocation using 2019 household distribution and no factors; HMC concepts (Crescent Bsln HH19 and Bottom-up three-factor concept)

