



AGENDA

REGULAR MEETING

* * *

CLAYTON CITY COUNCIL

* * *

TUESDAY, February 16, 2021

7:00 P.M.

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

This meeting is being held in accordance with the Brown Act as currently in effect under the State Emergency Services Act, the Governor's Emergency Declaration related to COVID-19 and the Governor's Executive Orders N-25-20 and N-29-20 that allow members of the City Council, City staff and the public to participate and conduct a meeting by teleconference, videoconference or both. In order to comply with public health orders, the requirement to provide a physical location for members of the public to participate in the meeting has been suspended.

Mayor: Carl Wolfe

Vice Mayor: Peter Cloven

Council Members

Jim Diaz

Holly Tillman

Jeff Wan

- 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 – February 16

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_bVID0Hu8Q_qaj8HU0uQ23A

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_bVID0Hu8Q_qaj8HU0uQ23A

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 ***
February 16, 2021

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

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 February 2, 2021. (City Clerk) ([View Here](#))
- (b) Approve the Financial Demands and Obligations of the City. (Finance) ([View Here](#))
- (c) Approve the denial of a liability claim filed against the City by Ms. Maryam Maheri and authorize the City Clerk to send the Notice of Rejection. (City Clerk) ([View Here](#))
- (d) An Ordinance Amending Chapter 17.78.040.D Floor Area of the *Clayton Municipal Code* and to Rezone the Diablo Meadows Residential Subdivision From R-15 to Planned Development and Amend the City Zoning Map. (Community Development Director) ([View Here](#))

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

5. **REPORTS**

- (a) Planning Commission – Report of February 9, 2021 meeting.
- (b) Trails and Landscaping Committee – Report of the February 8, 2021 meeting.
- (c) City Manager/Staff
- (d) City Council - Reports from Council liaisons to Regional Committees, Commissions and Boards.

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 assure an orderly meeting and an equal opportunity for everyone, each speaker is limited to 3 minutes, enforced at the Mayor's discretion. In accordance with State Law, no action may take place on any item not appearing on the posted agenda. The Council may respond to statements made or questions asked, or may at its discretion request Staff to report back at a future meeting concerning the matter.

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

7. PUBLIC HEARINGS – None.

8. ACTION ITEMS

- (a) Recognition of Cultural Heritage Months. (City Manager) ([View Here](#))
- (b) Order of the City Council Agenda re: Public Comment on Matters Not on the Agenda. (City Manager) ([View Here](#))

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

10. CLOSED SESSION – None.

11. ADJOURNMENT

The next regularly scheduled meeting of the City Council will be March 2, 2021.

#

MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL
TUESDAY, February 2, 2021

6:00 P.M.

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 6:00 p.m. by Mayor Wolfe on a virtual web meeting and telephonically (877) 853-5257. Councilmembers present: Mayor Wolfe, Vice Mayor Cloven, and Councilmembers Diaz, Tillman, and Wan. Councilmembers absent: None. Staff present: City Manager Reina Schwartz, Community Development Director Matthew Feske, and City Clerk/HR Manager Janet Calderon.

2. **PLANNING COMMISSION VACANCY**

- (a) Two candidates to be separately interviewed for one appointed office with the term to expire on June 30, 2021.

The City Council separately interviewed two (2) candidates who had applied for appointment to the City Planning Commission:

Amy Callaghan
Edward Miller

The Planning Commission candidates were each asked the same set of questions by the Council members.

- (b) City Council discussion and determination of citizen appointment to one opening on the Clayton Planning Commission for one vacated term of office from February 2, 2021 through June 30, 2021. (Mayor Wolfe)

Mayor Wolfe presented the report.

Following discussion by the City Council, Mayor Wolfe opened the item to public comments.

Howard Geller expressed either candidate would be a great addition to the Planning Commission.

Mayor Wolfe closed public comment.

It was moved by Councilmember Diaz, seconded by Councilmember Tillman, to approve Resolution No. 03-2021 appointing Mr. Edward Miller to the office on the Clayton Planning Commission, with a term of office to expire June 30, 2021. (Passed; 5-0).

- Short Recess -

* * * * *

7:00 P.M. REGULAR PUBLIC MEETING

3. **CALL TO ORDER THE CITY COUNCIL** – The meeting was called to order at 7:21 p.m. by Mayor Wolfe on a virtual web meeting and telephonically (877) 853-5257. Councilmembers present: Mayor Wolfe, Vice Mayor Cloven, and Councilmembers Diaz, Tillman, and Wan. Councilmembers absent: None. Staff present: City Manager Reina Schwartz, Community Development Director Matthew Feske, City Attorney Mala Subramanian and City Clerk/HR Manager Janet Calderon.

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

5. **CONSENT CALENDAR**

It was moved by Vice Mayor Cloven, seconded by Councilmember Diaz, to approve the Consent Calendar items as amended. (Passed 5-0).

- (a) Approved the minutes of the City Council's regular meeting of January 19, 2021. (City Clerk)
- (b) Approved the Financial Demands and Obligations of the City. (Finance)

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

7. **REPORTS**

- (a) Planning Commission – Chair A.J. Chippero stated that the Commission's meeting of January 26, 2021 included approval of the Rory Richmond Memorial Garden, and that the Commission also received information regarding the Housing Accountability Act. Mr. Chippero also thanked Amy and Edward for applying for the vacant seat on the Planning Commission; and looks forward to working with Edward beginning next week.

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

- (c) City Manager/Staff

City Manager Reina Schwartz announced the Trails and Landscaping Committee will be meeting next week.

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

Councilmember Wan attended the Budget/Audit Committee meeting and emailed and called constituents.

Councilmember Diaz met with the Kelok Community Group, met with Police Chief Warren, met with the Public Safety Committee, attended the East Bay League of Cities meeting, attended the Clayton Business and Community Association general membership meeting, and followed up with the City Manager and Police Chief.

Councilmember Tillman talked with a police officer from a neighboring city regarding ideas to address speeding issues on Kelok, attended the Clayton Library Foundation meeting, attended League of California Cities training, met with California League of Cities representative Sam Caygill, met several times with the City Manager, attended the Budget/Audit Committee meeting, met with the Public Safety Committee, attended the East Bay youth Speaks Webinar, attended the African American Caucus meet and greet, attended the Cal Cities East Bay Division meeting, met with Kelok Way residents, and visited the proposed development property for the Diablo Meadows project. Councilmember Tillman received an alert of a missing person during the Cal Cities East Bay Division meeting and thanked everyone who assisted in finding that person quickly. She also debriefed with Chief Warren regarding the missing person and public notification efforts.

Vice Mayor Cloven announced the upcoming meeting of the Trails and Landscaping meeting, attended League of California Cities training, attended the Best, Best and Krieger training, attended the Cal Cities East Bay Division meeting, attended the Clayton Business and Community Association meeting, and visited the proposed development property for the Diablo Meadows project.

Mayor Wolfe attended the Cal Cities Academy, met with Walnut Creek Mayor Wilk and Concord Mayor McGallian, met with the City Manager, met with Vice Mayor Cloven regarding the Do The Right Thing campaign, met with Laura Hoffmeister, attended the Clayton Business and Community Association general membership meeting, emailed constituents, and thanked Sergeant Enea who kept everyone informed of the missing person.

Councilmember Diaz added although Clayton has a small Police force, when an incident such as the missing person arises, mutual aid is just a phone call away.

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

Michael Lewis expressed support in the installation of speed bumps on Kelok Way. He also requested the City Council review *Clayton Municipal Code* section 17.95.020.

Jenny Yeh expressed her concerns of the City not having the financial resources available for the installation of speed bumps on Kelok. She further requested the City Council to consider changing the ordinance regarding cannabis.

Rosy Straka advised Kelok is not the only area experiencing speeding and running the stop signs; this problem is also occurring on Peacock Creek.

Mayor Wolfe closed public comment.

Mayor Wolfe advised the Action Item will be heard prior to the Public Hearing.

9. **ACTION ITEMS**

- (a) Comprehensive Annual Financial Report (CAFR). (Finance Director)

Finance Director Paul Rodrigues presented the report.

Bryce Rojas, Audit Partner and Katy Perry Audit Manager from Cropper Accountancy presented a Power Point Presentation.

Following questions by City Council, Mayor Wolfe opened the item to public comment; no public comment was offered.

It was moved by Councilmember Wan, seconded by Councilmember Diaz, to accept the City of Clayton's Annual Financial Report, including the unmodified option of the Independent Auditor's Report, issued by Cropper Accountancy Corporation for the fiscal year ended June 30, 2020. (Passed 5-0).

10. **PUBLIC HEARINGS**

- (a) Public Hearing to consider the eighteen residential-lot planned development project known as Diablo Meadows, which includes: Resolution No. ___ to approve an Initial Study/Mitigated Negative Declaration and adopt a Mitigation Monitoring and Reporting Program (ENV-01-2020); Introduction of Ordinance No. ____ a zoning amendment to rezone the entire site from R-15 to Planned Development (PD) and amend CMC 17.78.040.D Exemptions to PD floor are area ratios. (ZOA-02-2020); and Resolution No. ____ approving the Development Plan (DP-01-20); the Vesting Tentative Map (MAP-01-2020); and the Tree Removal Permit (TRP-09-2020). (Community Development Director)

Community Development Director Matthew Feske presented the report.

Trent Sanson, Vice President of Land Acquisition and Entitlements and Kerri Watt, Director of Entitlements from DeNova Homes presented a Power Point.

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

Denise Pursche expressed her concerns regarding potential parking issues.

Mayor Wolfe closed public comment.

It was moved by Councilmember Wan, seconded by Councilmember Tillman, to adopt Resolution No. 04-2021 to approve an Initial Study/Mitigated Negative Declaration and adopt a Mitigation Monitoring and Reporting Program (ENV-01-2020); Introduction of Ordinance No. 491 a zoning amendment to rezone the entire site from R-15 to Planned Development (PD) and amend CMC 17.78.040.D Exemptions to PD floor are area rations (ZOA-02-2020); and Resolution No. 05-2021 approving the Development Plan (DP-01-20); and Vesting Tentative Map (MAP-01-2020); and the Tree Removal Permit (TRP-09-2020). (Passed 5-0).

11. **COUNCIL ITEMS** – None.

12. **CLOSED SESSION** – None.

13. **ADJOURNMENT**– on call by Mayor Wolfe, the City Council adjourned its meeting at 9:08 p.m.

The next regularly scheduled meeting of the City Council will be February 16, 2021.

#

Respectfully submitted,

Janet Calderon, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL

Carl Wolfe, Mayor

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STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: JENNIFER GIANTVALLEY, ACCOUNTING TECHNICIAN

DATE: 02/16/2021

SUBJECT: FINANCIAL DEMANDS AND OBLIGATIONS OF THE CITY

RECOMMENDATION:

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

Attached Report	Purpose	Date	Amount
Open Invoice Report	Accounts Payable	2/9/2021	\$ 133,862.16
Cash Requirements Report	Payroll, Taxes	2/10/2021	\$ 85,543.61
	Total Required		<u>\$ 219,405.77</u>

Attachments:

1. Open Invoice Report, dated 02/09/21 (5 pages)
2. Cash Requirements report PPE 02/07/21 (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
Ace Sierra Tow								
Ace Sierra Tow	1/19/2021	1/19/2021	59897	Tire change PD vehicle	\$25.00	\$0.00		\$25.00
				<i>Totals for Ace Sierra Tow</i>	<i>\$25.00</i>	<i>\$0.00</i>		<i>\$25.00</i>
Alameda County Sheriff's Office								
Alameda County Sheriff's Office	2/8/2021	2/8/2021	031521	PD Training classes	\$1,022.00	\$0.00		\$1,022.00
				<i>Totals for Alameda County Sheriff's Office</i>	<i>\$1,022.00</i>	<i>\$0.00</i>		<i>\$1,022.00</i>
American Fidelity Assurance Company								
American Fidelity Assurance Company	2/5/2021	2/5/2021	2093159	FSA PPE 2/7/21	\$128.45	\$0.00		\$128.45
				<i>Totals for American Fidelity Assurance Company</i>	<i>\$128.45</i>	<i>\$0.00</i>		<i>\$128.45</i>
Authorize.net								
Authorize.net	1/1/2021	1/1/2021	January21	Online credit card gateway fee January 2021	\$32.90	\$0.00		\$32.90
				<i>Totals for Authorize.net</i>	<i>\$32.90</i>	<i>\$0.00</i>		<i>\$32.90</i>
Bay Area Barricade Serv.								
Bay Area Barricade Serv.	2/3/2021	2/3/2021	18927	Lettering for Peacock Creek sign	\$1,516.82	\$0.00		\$1,516.82
				<i>Totals for Bay Area Barricade Serv.</i>	<i>\$1,516.82</i>	<i>\$0.00</i>		<i>\$1,516.82</i>
Best Best & Kreiger LLP								
Best Best & Kreiger LLP	2/7/2021	2/7/2021	897253	Legal services January 2021	\$9,574.00	\$0.00		\$9,574.00
Best Best & Kreiger LLP	2/7/2021	2/7/2021	897254	Suppl. legal svcs January 2021	\$4,022.10	\$0.00		\$4,022.10
Best Best & Kreiger LLP	2/7/2021	2/7/2021	897255	Oak Creek Canyon legal svcs January 2021	\$5,992.00	\$0.00		\$5,992.00
Best Best & Kreiger LLP	2/7/2021	2/7/2021	897256	The Olivia legal svcs January 2021	\$168.00	\$0.00		\$168.00
Best Best & Kreiger LLP	2/7/2021	2/7/2021	897257	Suppl. legal svcs January 2021	\$309.98	\$0.00		\$309.98
Best Best & Kreiger LLP	2/7/2021	2/7/2021	897258	Suppl. legal svcs January 2021	\$266.40	\$0.00		\$266.40
Best Best & Kreiger LLP	2/7/2021	2/7/2021	897259	Suppl. legal svcs January 2021	\$3,236.84	\$0.00		\$3,236.84
				<i>Totals for Best Best & Kreiger LLP</i>	<i>\$23,569.32</i>	<i>\$0.00</i>		<i>\$23,569.32</i>
CalPERS Retirement								
CalPERS Retirement	2/7/2021	2/7/2021	020721	Retirement PPE 2/7/21	\$18,278.75	\$0.00		\$18,278.75
				<i>Totals for CalPERS Retirement</i>	<i>\$18,278.75</i>	<i>\$0.00</i>		<i>\$18,278.75</i>
Champion Spray Systems, Inc								
Champion Spray Systems, Inc	12/31/2020	12/31/2020	43817	Diaphragm dampener for Hypro pump	\$27.06	\$0.00		\$27.06
				<i>Totals for Champion Spray Systems, Inc</i>	<i>\$27.06</i>	<i>\$0.00</i>		<i>\$27.06</i>
Cintas Corporation								
Cintas Corporation	1/28/2021	1/28/2021	4074359352	PW uniforms through 1/28/21	\$58.88	\$0.00		\$58.88
				<i>Totals for Cintas Corporation</i>	<i>\$58.88</i>	<i>\$0.00</i>		<i>\$58.88</i>
City of Antioch								
City of Antioch	2/3/2021	2/3/2021	1742	Repair to PD veh 1742	\$263.83	\$0.00		\$263.83
City of Antioch	2/3/2021	2/3/2021	1735	Repair to PD veh 1735	\$200.00	\$0.00		\$200.00

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
City of Antioch	2/3/2021	2/3/2021	1744	Repair to PD veh 1744	\$799.19	\$0.00		\$799.19
				Totals for City of Antioch	\$1,263.02	\$0.00		\$1,263.02
Comcast Business								
Comcast Business	2/5/2021	2/5/2021	020521	Internet 2/10/21-3/9/21	\$386.09	\$0.00		\$386.09
				Totals for Comcast Business	\$386.09	\$0.00		\$386.09
Contra Costa County - Office of the Sheriff								
Contra Costa County - Office of the She	1/22/2021	1/22/2021	CALIDFY21	CAL-ID FY 2021	\$13,290.00	\$0.00		\$13,290.00
				Totals for Contra Costa County - Office of the Sherif.	\$13,290.00	\$0.00		\$13,290.00
Contra Costa County Library Administration								
Contra Costa County Library Administr	1/14/2021	1/14/2021	Q2CLA2021	Additional library hours Q2FY21	\$5,208.84	\$0.00		\$5,208.84
				Totals for Contra Costa County Library Administratior	\$5,208.84	\$0.00		\$5,208.84
CR Fireline, Inc								
CR Fireline, Inc	1/22/2021	1/22/2021	118504	Fire sprinkler inspection	\$200.00	\$0.00		\$200.00
CR Fireline, Inc	1/22/2021	1/22/2021	118505	Fire sprinkler inspection	\$175.00	\$0.00		\$175.00
CR Fireline, Inc	1/22/2021	1/22/2021	118503	Fire sprinkler inspection	\$200.00	\$0.00		\$200.00
				Totals for CR Fireline, Inc	\$575.00	\$0.00		\$575.00
Cropper Rowe, LLP								
Cropper Rowe, LLP	1/29/2021	1/29/2021	269	Final progress billing Fin Stmt FY 2020	\$2,054.00	\$0.00		\$2,054.00
				Totals for Cropper Rowe, LLP	\$2,054.00	\$0.00		\$2,054.00
CSI Forensic Supply								
CSI Forensic Supply	2/3/2021	2/3/2021	2892	NIK test	\$37.35	\$0.00		\$37.35
				Totals for CSI Forensic Supply	\$37.35	\$0.00		\$37.35
De Lage Landen Financial Services, Inc.								
De Lage Landen Financial Services, Inc.	1/26/2021	1/26/2021	71191121	Copier lease February 2021	\$1,108.10	\$0.00		\$1,108.10
				Totals for De Lage Landen Financial Services, Inc.	\$1,108.10	\$0.00		\$1,108.10
Environtech Enterprises								
Environtech Enterprises	2/2/2021	2/2/2021	A001-A2-21	Weed abatement January 2021	\$3,500.00	\$0.00		\$3,500.00
				Totals for Environtech Enterprises	\$3,500.00	\$0.00		\$3,500.00
Geoconsultants, Inc.								
Geoconsultants, Inc.	1/25/2021	1/25/2021	19132	Well monitoring January 2021	\$1,546.50	\$0.00		\$1,546.50
				Totals for Geoconsultants, Inc.	\$1,546.50	\$0.00		\$1,546.50
Globalstar LLC								
Globalstar LLC	1/16/2021	1/16/2021	10604725	Sat phone 1/16/21-2/15/21	\$112.63	\$0.00		\$112.63
				Totals for Globalstar LLC	\$112.63	\$0.00		\$112.63
Hammons Supply Company								

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Hammons Supply Company	1/27/2021	1/27/2021	115856	CH janitorial supplies	\$803.23	\$0.00		\$803.23
Hammons Supply Company	2/1/2021	2/1/2021	115889	The Grove janitorial supplies	\$526.06	\$0.00		\$526.06
Hammons Supply Company	2/1/2021	2/1/2021	115890	CCP janitorial supplies	\$73.18	\$0.00		\$73.18
Totals for Hammons Supply Company					\$1,402.47	\$0.00		\$1,402.47
Health Care Dental Trust								
Health Care Dental Trust	2/5/2021	2/5/2021	290631	Dental February 2021	\$1,928.63	\$0.00		\$1,928.63
Totals for Health Care Dental Trust					\$1,928.63	\$0.00		\$1,928.63
HercRentals, Inc								
HercRentals, Inc	2/2/2021	2/2/2021	31923370-001	Vacuum trailer rental-stormwater	\$627.11	\$0.00		\$627.11
Totals for HercRentals, Inc					\$627.11	\$0.00		\$627.11
ICMA Retirement Corporation								
ICMA Retirement Corporation	2/7/2021	2/7/2021	020721	457 plan contributions PPE 2/7/21	\$2,709.62	\$0.00		\$2,709.62
Totals for ICMA Retirement Corporation					\$2,709.62	\$0.00		\$2,709.62
League of CA cities								
League of CA cities	1/1/2021	1/1/2021	650601	Member dues 2021	\$6,170.00	\$0.00		\$6,170.00
Totals for League of CA cities					\$6,170.00	\$0.00		\$6,170.00
Joshua Legaspi								
Joshua Legaspi	2/4/2021	2/4/2021	CAP0376	Deposit refund	\$1,471.00	\$0.00		\$1,471.00
Totals for Joshua Legaspi					\$1,471.00	\$0.00		\$1,471.00
MII Training Innovations, LLC								
MII Training Innovations, LLC	2/3/2021	2/3/2021	4	PD Training 3/29/21-4/1/21	\$1,425.00	\$0.00		\$1,425.00
Totals for MII Training Innovations, LLC					\$1,425.00	\$0.00		\$1,425.00
MPA								
MPA	10/26/2020	10/26/2020	INV001445	EAP program Q1FY21	\$268.41	\$0.00		\$268.41
MPA	10/26/2020	10/26/2020	INV001460	EAP program Q2FY21	\$268.41	\$0.00		\$268.41
MPA	2/2/2021	2/2/2021	INV001614	EAP program Q3FY21	\$268.41	\$0.00		\$268.41
MPA	1/28/2021	1/28/2021	INV001599	Suppl vehicle premium Q1, Q2 FY 21	\$115.94	\$0.00		\$115.94
Totals for MPA.					\$921.17	\$0.00		\$921.17
MSR Mechanical, LLC								
MSR Mechanical, LLC	1/26/2021	1/26/2021	114904	Library HVAC maintenance	\$527.17	\$0.00		\$527.17
Totals for MSR Mechanical, LLC					\$527.17	\$0.00		\$527.17
Nationwide								
Nationwide	2/7/2021	2/7/2021	020721	457 plan contribution PPE 2/7/21	\$500.00	\$0.00		\$500.00
Totals for Nationwide					\$500.00	\$0.00		\$500.00
Nutrien Ag Solutions, Inc								

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
Nutrien Ag Solutions, Inc	1/27/2021	1/27/2021	44257532	Landscape chemicals	\$1,039.20	\$0.00		\$1,039.20
				<i>Totals for Nutrien Ag Solutions, Inc</i>	<i>\$1,039.20</i>	<i>\$0.00</i>		<i>\$1,039.20</i>
Pacific Office Automation								
Pacific Office Automation	2/1/2021	2/1/2021	213056	Copier lease pmt 47 of 60	\$106.58	\$0.00		\$106.58
Pacific Office Automation	1/25/2021	1/25/2021	212815	Copier usage 12/20/20-1/19/21	\$22.51	\$0.00		\$22.51
				<i>Totals for Pacific Office Automation</i>	<i>\$129.09</i>	<i>\$0.00</i>		<i>\$129.09</i>
Paychex								
Paychex	2/10/2021	2/10/2021	2021020801	Payroll fees PPE 2/7/21	\$258.22	\$0.00		\$258.22
				<i>Totals for Paychex.</i>	<i>\$258.22</i>	<i>\$0.00</i>		<i>\$258.22</i>
Paysafe Payment Processing								
Paysafe Payment Processing	1/31/2021	1/31/2021	January21	OTC bankcard fees January 2021	\$186.07	\$0.00		\$186.07
Paysafe Payment Processing	1/31/2021	1/31/2021	January 2021	Online bankcard fees January 2021	\$211.22	\$0.00		\$211.22
				<i>Totals for Paysafe Payment Processing</i>	<i>\$397.29</i>	<i>\$0.00</i>		<i>\$397.29</i>
Pond M Solutions								
Pond M Solutions	1/21/2021	1/21/2021	7040	Fountain maintenance November 2020	\$650.00	\$0.00		\$650.00
Pond M Solutions	1/21/2021	1/21/2021	7041	Fountain maintenance December 2020	\$650.00	\$0.00		\$650.00
Pond M Solutions	1/21/2021	1/21/2021	7042	Fountain maintenance January 2021	\$650.00	\$0.00		\$650.00
				<i>Totals for Pond M Solutions</i>	<i>\$1,950.00</i>	<i>\$0.00</i>		<i>\$1,950.00</i>
Professional Convergence Solutions, Inc								
Professional Convergence Solutions, Inc	12/9/2020	12/9/2020	PCS1209201	Phone reprogramming	\$185.00	\$0.00		\$185.00
Professional Convergence Solutions, Inc	11/9/2020	11/9/2020	PCS1109202	Phone extension moving	\$185.00	\$0.00		\$185.00
Professional Convergence Solutions, Inc	7/29/2020	7/29/2020	PCS0729201	Multiple phone changes	\$185.00	\$0.00		\$185.00
				<i>Totals for Professional Convergence Solutions, Inc</i>	<i>\$555.00</i>	<i>\$0.00</i>		<i>\$555.00</i>
Rex Lock & Safe, Inc.								
Rex Lock & Safe, Inc.	2/3/2021	2/3/2021	128779	Keys	\$19.03	\$0.00		\$19.03
				<i>Totals for Rex Lock & Safe, Inc.</i>	<i>\$19.03</i>	<i>\$0.00</i>		<i>\$19.03</i>
Schwaab, Inc								
Schwaab, Inc	1/7/2021	1/7/2021	5654191	Supplies	\$154.07	\$0.00		\$154.07
				<i>Totals for Schwaab, Inc</i>	<i>\$154.07</i>	<i>\$0.00</i>		<i>\$154.07</i>
Site One Landscape Supply, LLC								
Site One Landscape Supply, LLC	1/26/2021	1/26/2021	106022613-001	Grass seed	\$585.57	\$0.00		\$585.57
Site One Landscape Supply, LLC	1/25/2021	1/25/2021	105996240-001	Grass seed	\$487.98	\$0.00		\$487.98
Site One Landscape Supply, LLC	1/29/2021	1/29/2021	105937289-001	Irrigation parts	\$563.69	\$0.00		\$563.69
				<i>Totals for Site One Landscape Supply, LLC</i>	<i>\$1,637.24</i>	<i>\$0.00</i>		<i>\$1,637.24</i>
South Bay Regional Public Safety Training Consortium								
South Bay Regional Public Safety Train	1/26/2021	1/26/2021	134770INV	PD training	\$85.00	\$0.00		\$85.00

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
South Bay Regional Public Safety Train	1/26/2021	1/26/2021	134769INV	PD Training	\$85.00	\$0.00		\$85.00
				<i>Totals for South Bay Regional Public Safety Training Consortium</i>	<i>\$170.00</i>	<i>\$0.00</i>		<i>\$170.00</i>
Sprint Comm (PD)								
Sprint Comm (PD)	1/29/2021	1/29/2021	703335311-230	PD cell phones 12/26/20-1/25/21	\$718.22	\$0.00		\$718.22
				<i>Totals for Sprint Comm (PD)</i>	<i>\$718.22</i>	<i>\$0.00</i>		<i>\$718.22</i>
Staples Business Credit								
Staples Business Credit	1/25/2021	1/25/2021	1632927207	Office supplies	\$54.11	\$0.00		\$54.11
				<i>Totals for Staples Business Credit</i>	<i>\$54.11</i>	<i>\$0.00</i>		<i>\$54.11</i>
Stericycle Inc								
Stericycle Inc	2/1/2021	2/1/2021	3005413181	Medical waste disposal	\$65.00	\$0.00		\$65.00
				<i>Totals for Stericycle Inc</i>	<i>\$65.00</i>	<i>\$0.00</i>		<i>\$65.00</i>
Swan Pools								
Swan Pools	1/22/2021	1/22/2021	CAP0373	Deposit refund	\$1,471.00	\$0.00		\$1,471.00
				<i>Totals for Swan Pools</i>	<i>\$1,471.00</i>	<i>\$0.00</i>		<i>\$1,471.00</i>
Swenson's Mobile Fleet Repair								
Swenson's Mobile Fleet Repair	2/4/2021	2/4/2021	I002533	Service to PW '11 F250	\$614.21	\$0.00		\$614.21
				<i>Totals for Swenson's Mobile Fleet Repair</i>	<i>\$614.21</i>	<i>\$0.00</i>		<i>\$614.21</i>
Terracare Associates								
Terracare Associates	1/26/2021	1/26/2021	CD50121921	Landscape renovation-Eagle Peak/Oakhurst	\$1,680.00	\$0.00		\$1,680.00
Terracare Associates	12/31/2020	12/31/2020	CD50120989	Pruning/cleanup along Oakhurst Dr	\$19,200.00	\$0.00		\$19,200.00
				<i>Totals for Terracare Associates</i>	<i>\$20,880.00</i>	<i>\$0.00</i>		<i>\$20,880.00</i>
Warner Brothers Tree Service								
Warner Brothers Tree Service	1/27/2021	1/27/2021	15586	Tree work - Regency & Dog Park	\$5,700.00	\$0.00		\$5,700.00
Warner Brothers Tree Service	1/27/2021	1/27/2021	15585	Tree work Stranahan Trail	\$2,400.00	\$0.00		\$2,400.00
Warner Brothers Tree Service	1/5/2021	1/5/2021	15533	Tree work Stranahan Cir	\$2,250.00	\$0.00		\$2,250.00
Warner Brothers Tree Service	1/5/2021	1/5/2021	15534	Tree work Stranahan Cir	\$600.00	\$0.00		\$600.00
				<i>Totals for Warner Brothers Tree Service</i>	<i>\$10,950.00</i>	<i>\$0.00</i>		<i>\$10,950.00</i>
Workers.com								
Workers.com	1/29/2021	1/29/2021	129136	Seasonal workers week end 1/24/21	\$1,377.60	\$0.00		\$1,377.60
				<i>Totals for Workers.com</i>	<i>\$1,377.60</i>	<i>\$0.00</i>		<i>\$1,377.60</i>
GRAND TOTALS:					\$133,862.16	\$0.00		\$133,862.16

CASH REQUIREMENTS

CASH REQUIRED FOR NEGOTIABLE CHECKS &/OR ELECTRONIC FUNDS TRANSFERS (EFT) FOR CHECK DATE 02/10/21: \$85,543.61

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)	85,543.61
	CASH REQUIRED FOR NEGOTIABLE CHECKS &/OR EFT	85,543.61
	TOTAL REMAINING DEDUCTIONS / WITHHOLDINGS / LIABILITIES	15,837.04
	CASH REQUIRED FOR CHECK DATE 02/10/21	101,380.65

TRANSACTION DETAIL

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

<u>TRANS. DATE</u>	<u>BANK NAME</u>	<u>ACCOUNT NUMBER</u>	<u>PRODUCT</u>	<u>DESCRIPTION</u>		BANK DRAFT AMOUNTS & OTHER TOTALS
02/09/21	BANK OF AMERICA, NA	xxxxxx4799	Direct Deposit	Net Pay Allocations	65,813.08	
02/09/21	BANK OF AMERICA, NA	xxxxxx4799	Direct Deposit	Deductions with Direct Deposit	663.50	66,476.58
02/09/21	BANK OF AMERICA, NA	xxxxxx4799	Readychex®	Check Amounts	1,485.51	1,485.51
02/09/21	BANK OF AMERICA, NA	xxxxxx4799	Garnishment	Employee Deductions	75.00	75.00
				EFT FOR 02/09/21		68,037.09
02/10/21	BANK OF AMERICA, NA	xxxxxx4799	Taxpay®	Employee Withholdings		
				Social Security	145.70	
				Medicare	1,360.92	
				Fed Income Tax	9,786.94	
				CA Income Tax	3,876.82	
				Total Withholdings	15,170.38	
				Employer Liabilities		
				Social Security	145.70	
				Medicare	1,360.94	
				Fed Unemploy	150.82	
				CA Unemploy	653.55	
				CA Emp Train	25.13	
				Total Liabilities	2,336.14	17,506.52
				EFT FOR 02/10/21		17,506.52
				TOTAL EFT		85,543.61



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Janet Calderon, City Clerk

DATE: February 16, 2021

SUBJECT: Rejection of Liability Claim Filed by Maryam Maheri for the Alleged Property Damage.

RECOMMENDATION

Approve the denial of liability claim against the City filed by Maryam Maheri for alleged property damage reportedly occurring on October 25, 2020.

BACKGROUND

On November 10, 2020 the City received a liability claim filed by Ms. Maryam Maheri, related to alleged property damage. The City is self insured for general liability purpose and the Municipal Pooling Authority of Northern California administers the self-insured program. On November 12, 2020 this liability claim was transmitted to the Municipal Pooling Authority for processing and investigation.

Liability adjusters for the Municipal Pooling Authority reviewed the claim. Following its review the Municipal Pooling Authority has advised the City to deny the claim and issue a notice of rejection to the claimant.

FISCAL IMPACT

None.

Attachment: Copy of Claim (11 pages)

CLAIM PRESENTED TO THE CITY OF CLAYTON

Please read the instructions on the back before completing.

FORM 4.1

1. Claimant's Name: (Please Print)

marham maheri

Claimant's Address:

1152 Peacock Creek Dr Clayton CA

City, State, Zip:

clayton CA 94517

Day Phone: (510) 502-1455

Eve: (925) 818-8068

Reserved for Filing Stamp

RECEIVED

NOV 10 2020

City of Clayton
City Claim No.:

2. When did the damage or injury occur?

Month: october Day: 25th Year: 2020 Time: 11:30 a.m. or p.m. (p.m.)

Police Report No.: 2090475

3. At which location did the damage or injury occur?

5838 clayton RD clayton CA 94517

4. a. What happened and why is the City responsible?

The city tree fell over the fence and roof and broke all the fence and electric gate and part of the roof.

b. Name and position of responsible City Employee(s), if known:

5. What damage or injury occurred?

The city tree fell and broke all the fence and electric gate and part of the roof.

6. Claim amount (only if less than \$10,000):

If the amount exceeds \$10,000, please check the court for appropriate jurisdiction:

☒ Municipal Court (claims up to \$25,000) ☐ Superior Court (claims over \$25,000)

7. How did you arrive at the amount claimed? Please attach documentation.

I got 3 Estimate For The Roof and 3 For the Fence, but not all of them doing The sliding electronic gate except one of them, The other 2 company's Estimate excludes The sliding gate

8. I declare under penalty of perjury under the laws of the State of California that the following information is true and correct, and that this declaration was executed on 25 October 2020 at 5838 clayton RD CA 94517

maheri

clayton

Signature of Claimant or Representative

9. Official Notices and Correspondence

If represented by an insurance company or an attorney, please provide the information requested below:

Name and Capacity: (please print)

Address:

City, State, Zip:

Daytime Phone:

Evening:

PRESENTING A CLAIM TO THE CITY OF CLAYTON

- ⇒ PLEASE TYPE OR PRINT CLEARLY ALL OF THE INFORMATION REQUESTED ON THE CLAIM FORM.
⇒ YOU MUST COMPLETE EACH SECTION OR YOUR CLAIM MAY BE RETURNED TO YOU AS INSUFFICIENT.
⇒ THE FOLLOWING PROVIDES SPECIFIC INSTRUCTIONS FOR COMPLETING EACH SECTION OF THE CLAIM FORM.

1. **NAME AND MAILING ADDRESS OF CLAIMANT** – State the full name and mailing address of the person(s) claiming damage or injury. Please include a daytime and evening telephone number.
2. **WHEN DID THE DAMAGE OR INJURY OCCUR?** – State the exact month, date, year, and approximate time (if known) of the incident which caused the alleged damage/injury.

Under State law, claims relating to causes of action for personal injury, wrongful death, property damage, and crop damage must be presented to the City of Clayton no later than six months after the incident date. Please note that evidence of “**presentation**” includes a clear postmark date on an envelope, or a certification of personal service, or service by mail.

When filing a claim beyond the six-month period, you must explain the reason the claim was not filed within the six-month period. This explanation is called “**application for leave to present a late claim**”. In considering your claim, the City will first decide whether the late claim application should be granted or denied. (See Government Code Section 911.4 for the legally acceptable reasons a claim may be filed late.) Only if your late claim application is granted will the City then consider the merits of your claim.

Claims relating to any cause of action other than personal injury, wrongful death, property damage, and crop damage must be presented no later than one year after the incident date. (See Government Code Section 911.2).

3. **AT WHICH LOCATION DID THE DAMAGE OR INJURY OCCUR?** – Please include street address, city, county, intersection, etc. If possible, also include the Police Report number.
4. **WHAT HAPPENED AND WHY IS THE CITY RESPONSIBLE?** – Please explain the circumstances that led to the alleged damage or injury. State all facts which support your claim with the City and why you believe the City is responsible for the alleged damage or injury. If known, identify the name of the City Department(s) and/or City employee(s) that allegedly caused the damage or injury.
5. **WHAT DAMAGE OR INJURY OCCURRED?** – Provide in full a detailed description of the damage/injury that allegedly resulted from the incident. (What specific damage or injury do you claim resulted from the alleged actions?)
6. **CLAIM AMOUNT:** - State the specific total dollar amount you are claiming as result of the alleged damage/injury. If damage/injury is continuing or is anticipated in the future, indicate with a “+” following the dollar figure if \$10,000 or under. If the total dollar amount is unspecified or exceeds \$10,000, designate the appropriate court jurisdiction for the claim.
7. **HOW DID YOU ARRIVE AT THE AMOUNT CLAIMED?** – Provide a breakdown of how the total amount that you are claiming was computed. You may declare expenses incurred and/or future anticipated expenses. If you have supporting documentation (i.e., bills, payment receipts, cost estimates) please attach copies of them to your claim.
8. **SIGNATURE:** - The claim must be signed by the claimant or by the attorney/representative of the claimant. The City will not accept the claim without a property signature. Government Code Section 910.2 provides: “The claim shall be signed by the claimant or by some person on his/her behalf.”
9. **OFFICIAL NOTICES AND CORRESPONDENCE -** Provide the name and mailing address of the person to whom all official notices and other correspondence from the City should be sent, only if other than claimant. Please provide telephone numbers for the representative, if applicable.

- ⇒ SUBMIT COMPLETED AND RELATED DOCUMENTATION TO: The City Clerk of the City of Clayton. Personal service of claims can be accomplished during regular City business hours (9:00 a.m. to 5:00 p.m.), Monday through Friday (excluding City holidays).
- ⇒ If you wish to receive a stamped copy of your claim, return the form to the City Clerk with a cover letter along with a stamped, self addressed envelope informing the City of your request.
- ⇒ You will receive a letter from the Risk Management Office indicating your claim has been received and is being investigated. You will receive an explanation of the investigation results within 45 days in most instances.

If, after reading these instructions, you have questions or need additional information regarding the filing of a claim with the City Clerk of Clayton, please contact the City Clerk’s staff at (925) 673-7304.

THANK YOU!

Sf bay automatic gates

701 king row san jose 95112

4157679183

www.sfbay-automaticgates.com

Davidcoeper@gmail.com

ESTIMATE

EST0112

DATE

11/05/2020

TOTAL

USD \$31,134.60

TO

Marwiam

5838 Clayton Road Clayton California 94517

📞 15105021455

📠 19258188068

maryam.maheri@gmail.com

DESCRIPTION	RATE	QTY	AMOUNT
Single swinging gate Provide and install 16'x7' single swinging gate. Provide and install heavy duty hinges. Provide and install two steel powder coated posts. Same design as the customer choose. Powder coated finish. Backup battery system. Including all hardware and installation. 10 Years warranty for parts and labor.	\$7,765.10	1	\$7,765.10
Swinging gate operator Provide and install swinging gate operator. Provide and install safety sensor.	\$4,392.13	1	\$4,392.13

Provide and install long range receiver.

Provide and install 2 remote control.

Provide and install 4 digit code keypad.

Backup battery system.

Including all hardware and installation.

7 Years warranty for parts and labor.

Wood fence

\$16,730.64 1 \$16,730.64

Provide and install 135'x7' wood fence.

same design as the costumer choose.

Color as the customer choose.

Provide and install powder coated posts.

Including all hardware and installation.

8 Years warranty for parts and labor.

Pedestrian gate

\$2,246.73 1 \$2,246.73

Provide and install 4'x7' pedestrian gate.

Provide and install heavy duty hinges.

Provide and install keylock.

Provide and install two steel powder coated posts.

Including all hardware and installation.

7 Years warranty for parts and labor.

TOTAL USD \$31,134.60





Fresh Coat Restoration

New Builds & Restoration

- Decks
- Custom Iron
- Fences
- Staining
- Arbors
- Repairs

111 Arthur Road
Martinez, CA 94553
Telephone: 925.655.7528
Freshcoat.office@gmail.com
Freshcoatrestoration.com
Lic #962764

Job Name MARYAM MAHERIE

Date 11/03/2020

Job Location 5838 CLAYTON RD

Phone 925-818-8068

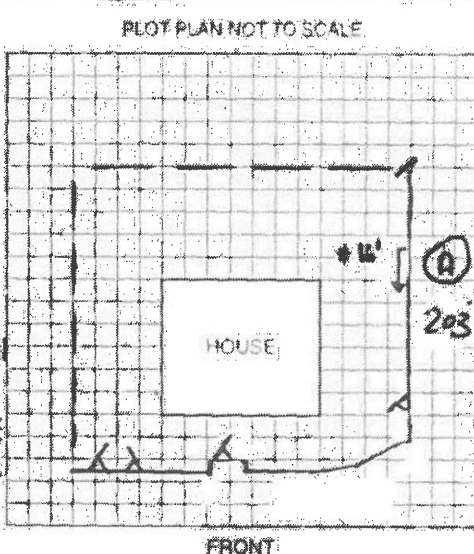
Job City CLAYTON

Zip Code 94517

Email MARYAM.MAHERIE@gmail.com

1. REMOVE EXISTING AS NEEDED REASON FOR REPLACEMENT FAILURE
2. INSTALL NEW PRESSURE TREATED POSTS IN 36" OF CONCRETE AT APPROX. 8' ON CENTER: ☐ 4x4 ☒ 4x6 ☐ 6x6
3. INSTALL KICKBOARD ☒ YES ☐ NO SIZE 2x8 PT INSTALL BULKHEAD ☐ YES ☒ NO SIZE 2x8
4. INSTALL ☒ NEW 2x4 REDWOOD RAILS ☒ CON COMMON ☐ CON HEART
5. INSTALL ☒ NEW 1x8 REDWOOD FENCE BOARDS ☒ CON COMMON ☐ CON HEART ☐ CLEAR (SIDE)
6. INSTALL ☒ NEW 1x4 TRIM ☒ CON COMMON ☐ CON HEART / POST TRIM ☒ YES ☐ NO
7. INSTALL 4 ☒ NEW FIAT sliding GATES: GATE POST SIZE: ☒ 4x4 ☒ 4x6 ☐ 6x6 ☒ METAL POST
8. FENCE TOP TO: ☒ RUN LEVEL ☒ CONTOUR ☒ STEP WITH THE SLOPE OF THE GROUND
9. OPTION: SEAL AND PROTECT FENCE FOR AN ADDITIONAL 5.00 LN. FT. ONE SIDE OF FENCE / 8.00 LN. FT. BOTH SIDES OF FENCE

REMOVE AND REPLACE
APX 203' OF PICTURE FRAME
BOARD ON BOARD w/ 2x8
DOUG FIR PT KICKBOARDS
AND 4x6 DOUG FIR PT
POSTS SET 36" DEEP IN
MAX STRENGTH CROWNED
CONCRETE APX 7' HIGH
w/ (2) SINGLE GATES FOR W/ILL
FABRICATE (1) 16' SLIDING
GATE w/ 2x2 STEEL FRAME
4x4 STEEL POSTS, V TRACK
3 HEAVY DUTY ROLLERS



(1) DOUBLE SWING
15' RV GATE, w/ 2x2
STEEL FRAME & STEEL POSTS
APX 7' HIGH
24,898
OPTION 8' HIGH
w/ 6x6 PT POSTS & 2x6
RAILS
28,755

FENCING TOTAL	PRICE T
SAP (NOT INCLUDED)	SEE #9
FINAL TOTAL	\$

PLEASE NOTE THE FOLLOWING:

1. All vegetation to be removed from fence prior to start (24")
2. Fresh Coat Restoration is not responsible for hauling and removing existing dirt.
3. Some cities and counties require a permit for fence over 6' in height. It is the responsibility of the customer to obtain the permit should one be required. Fresh Coat Restoration is not responsible for the height of the fence if a permit is needed, but not obtained.

PAYMENT IS DUE UPON COMPLETION FROM CONTRACTED CUSTOMER & SHARED NEIGHBOR.

3.5% convenience fee will be charged with all card transactions

SUBMITTED BY: COPEY MYLE HAN 925 964 5277

THIS PROPOSAL MAY BE WITHDRAWN IF NOT ACCEPTED WITHIN 30 DAYS.

PLEASE READ BOTH FRONT AND BACK OF CONTRACT BEFORE SIGNING

ACCEPTANCE OF PROPOSAL: By signing, you agree to the above prices, specifications and conditions put forth on the front and back of this proposal. You are authorizing Fresh Coat Restoration to do the work specified. Payment will be made as outlined above. Once signed, this proposal becomes a legal binding contract.

Acceptance (Signature) _____

Date _____

Acceptance (Signature) _____

Date _____

USING FCR MILL DIRECT THICK CUT REDWOOD, 16' TOP RAILS, HOU NAILS, 1x4 TRIM & 1x1 POST TRIM



A&J FENCING



Lic.# 874803-B & G13

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A Division of California Lumber Company, Inc.

- QUALITY CUSTOM DECKS AND FENCES -

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Concord, CA 94520
Tel: (925) 939-2105
Fax: (925) 939-2108
www.AandJFencing.com

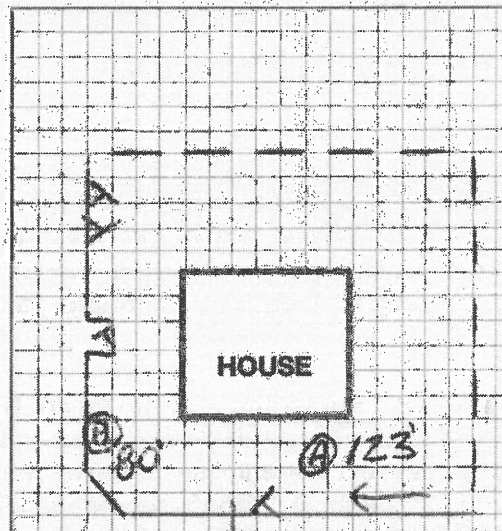
PROPOSAL

JOB NAME MARYAM MAHERI DATE 11/6/2020 JOB LOCATION 5838 CLAYTON ROAD
JOB CITY CLAYTON PHONE # (510) 502/1455 CUSTOMER EMAIL maryam.maheri SOURCE GOOGLE

- 1 REMOVE EXISTING AS NEEDED LN. FT. OF FENCE HAUL OFF PROPERTY BY CONTRACTOR
- 2 INSTALL NEW PRESSURE TREATED POSTS IN 30" OF CONCRETE AT APPROX. 8' ON CENTER ☐ 4X4 ☐ 4X6 ☒ 6X6
- 3 INSTALL KICKBOARD ☒ YES ☐ NO SIZE 2X8 PT INSTALL BULKHEAD ☐ YES ☒ NO SIZE -
- 4 INSTALL ☒ NEW 2X6 REDWOOD RAILS ☒ CON COMMON ☐ CON HEART
- 5 INSTALL ☒ NEW 1X8 REDWOOD FENCE BOARDS ☒ CON COMMON ☐ CON HEART ☐ CLEAR
- 6 INSTALL ☒ NEW 1X4, 2X4 TRIM ☒ CON COMMON ☐ CON HEART POST TRIM ☒ YES ☐ NO
- 7 INSTALL ☒ NEW RAW, 2X GATES GATE POST SIZE ☐ 4X4 ☐ 4X6 ☒ 6X6 ☒ 5X5 → METAL POST
- 8 FENCE TOP TO: ☒ RUN LEVEL ☒ CONTOUR ☒ STEP WITH THE SLOPE OF THE GROUND
- 9 OPTION: SEAL AND PROTECT FENCE FOR AN ADDITIONAL \$ 5 LN. FT. ONE SIDE OF FENCE \$ 0 LN. FT. BOTH SIDES OF FENCE

① REMOVE AND REPLACE
APX (123') STYLE PICTURE
FRAME BOARD ON BOARD
FINISH HEIGHT 8' APX.
6X6 DOUGLAS FIR PT POST 30"
CROWNED CONCRETE, 2X6 RAILS,
2X4 KEEPERS, 1X4 TRIM
(10') SLIDING GATE 8' FINISH
② SAME AS ① APX (80')
WITH (14') RU STEEL FRAME
SLIDING GATE

PLOT PLAN NOT TO SCALE



FRONT

① \$19,820
② \$9950

FENCING TOTAL \$ SEE ABOVE
EXTRA COST FOR S&P OPTION:
S&P SEE #9 \$
FINAL TOTAL \$

WAIVER OF RESPONSIBILITY: A & J FENCING HOLDS NO LIABILITY FOR LANDSCAPING, DRAIN, SPRINKLER, ELECTRICAL, NATURAL GAS, TELEPHONE, PROPERTY LINES, CRACKS OR SPLITTING OF WOOD MATERIALS, UNLESS CRACKS ARE MORE THAN 1" WIDE. BY SIGNING THE ACCEPTANCE PORTION YOU HAVE READ AND UNDERSTAND ALL THE ABOVE TERMS AND CONDITIONS. ALL OF THE ABOVE WORK TO BE COMPLETED IN A WORKMANLIKE MANNER.

NOTE: SOME CITIES AND COUNTIES REQUIRE A PERMIT FOR FENCES OVER 6' IN HEIGHT. IT IS THE RESPONSIBILITY OF THE CUSTOMER TO OBTAIN THE PERMIT SHOULD ONE BE REQUIRED. A & J FENCING IS NOT RESPONSIBLE FOR THE HEIGHT OF THE FENCE IF A PERMIT IS NEEDED BUT NOT OBTAINED.

A & J FENCING IS NOT RESPONSIBLE FOR HAULING AND REMOVING EXISTING DIRT.

INITIAL: _____

INITIAL: _____

INITIAL: _____

PAYMENT IS DUE UPON COMPLETION FROM CONTRACTED CUSTOMER & SHARED NEIGHBOR.

SPECIAL ORDERS REQUIRE A 10% DEPOSIT. A 3.5% CONVENIENCE FEE WILL BE CHARGED WITH ALL CREDIT CARD TRANSACTIONS.

SUBMITTED BY: SEAN GENTILE (415) 874/9050

THIS PROPOSAL MAY BE WITHDRAWN IF NOT ACCEPTED WITHIN 30 DAYS

STOP! PLEASE READ FRONT AND BACK OF CONTRACT BEFORE SIGNING

Acceptance of Proposal: By signing you agree to the above prices, specifications and conditions put forth on the front and back of this proposal. You are authorizing A&J Fencing to do the work specified.

Payment will be made as outlined above. Once signed this proposal becomes a legal binding contract.

Signature: _____ Signature: _____

Date of Acceptance: _____

General Terms and Conditions

Access: Customer will provide access through own property or through an adjacent property for contractor's normal construction equipment, material and employees to do the work at no cost to A&J Fencing. A&J Fencing will not be responsible for property damage or other material which is in the path of the access provided by the customer, either above or below the ground, including but not limited to landscaping, irrigation, drains, sewer, telephone, gas, cable lines or electrical lines. A&J Fencing will need access to electrical outlets on property and any adjacent properties to commence work. Customer agrees that job site will be in condition to work on the start date.

Your Responsibilities: You agree to pay A&J Fencing for installing according to the terms and conditions of this agreement. If your service address is subjected to any easements, covenants, or legal encumbrances that could affect installation, you agree to let A&J Fencing know about them before installation. You agree to facilitate the location of underground utility lines. You agree that A&J Fencing holds no liability for property lines, easements, landscaping, landscaping lighting, sprinklers, drains/ water lines, driveways, walks, curbs, concrete, sewer, natural gas, cable lines or telephone lines. You agree to ensure that work areas are free of preexisting hazards, i.e: unsafe physical conditions or environmental hazards and building/ zoning code violations. You agree to allow A&J Fencing access to work areas during working hours. You agree to provide power and water to work areas. You agree not to allow unattended minors at your service address while A&J Fencing is present. You agree to control pets and keep them away from work areas. A&J Fencing is not responsible for any expenses incurred, or liabilities arising from the loss of power or utilities at or surrounding the work area. You agree that if you, or anyone else, interferes with or delays installation, you will be subjected to transportation/ storage and labor charges at the cost of \$50.00/hr or \$250 per day. You agree that all and any clean-up, moving of personal property or furniture or other work necessary to commence construction will be your responsibility. You agree to detach and reattach anything on your fence, i.e: ornaments, vines, lattice, etc. You agree that any claims against A&J Fencing under this agreement should be made to A&J Fencing within fifteen (15) calendar days of the date you first became aware of a problem. A&J Fencing will attempt resolution of any claim within thirty (30) calendar days of receiving your notice. You agree that this contract is with you the homeowner only. We will not enter into addition contracts on the same address, nor be responsible for collecting money from neighbors.

Change Orders: A&J Fencing at your request may arrange to perform additional work subject to a change order, subject to additional charges then what was originally agreed upon. Any unforeseen debris underground that delays progress of work, can and will result in a change order.

Liens: Note to Owner: Under the Mechanics Lien Law, any contractor, subcontractor, laborer, material man or any other person who helps to improve your property and is not paid for his labor, service or material, has a right to enforce his claim against your property. Contractors are required by law to be licensed and regulated by the Contractors State License Board. Any questions concerning a contractor may be referred to the registrar board; CSLB PO Box 26000, Sacramento, CA 95826. 1(800)321-CSLB (2752) www.cslb.ca.gov

Warranty: A&J Fencing warrants the workmanship of the installation of gates for on (1) year from completion date, labor inclusive. A&J Fencing warrants pressure treated posts and kickboards, found upon examination to be rotted, for seven (7) years, to the original purchaser, labor excluded. This warranty does not cover damage caused by abuse, misuse, neglect, improper care/ cleaning, or excessive watering. A&J Fencing will and does not assign any manufacturer warranties to customers or any materials which are or become defective and customer agrees to look solely to the manufacturer for any claims that the materials are defective. Customer acknowledges that wood, by its nature, has knots, will crack, discolor, expand and/ or shrink, bow and twist and agrees that A&J Fencing is not responsible for or obligated to correct these conditions. In addition, customer acknowledges that due to lumber dimension and customer ground conditions which may require the fence to slope, fence height measurements on contract descriptions are not exact and can differ by several inches depending on various conditions stated above. It is also understood that wood is a natural product and material will vary in color, texture and dimensions. All lumber will sometimes have marks on them from the mill and this is not a defect.

Cancellation: YOU MAY CANCEL THIS AGREEMENT WITHOUT PENALTY OR OBLIGATION BY DELIVERING WRITTEN NOTICE TO A&J FENCING BY MIDNIGHT ON THE THIRD BUSINESS DAY AFTER SIGNING.

Special Order Cancellation such as Ornamental Iron, Composite decking, or special order wood is no refundable to us. If possible A&J Fencing will return merchandise with a restocking fee of up to 35% of purchase price that you will be responsible for. In the event that the merchandise cannot be returned, you will be responsible of the entire purchase price. For all Redwood Fencing projects restocking fees will be assessed as needed.

Payment: You agree to pay A&J Fencing according to the terms and conditions of this agreement. Payment is due upon completion of work or as stated on your contract. We gladly accept Visa, MasterCard, Discover, Cash, and Personal Check.

***Fence heights are approximate and vary slightly based on lumber dimensions.**

Contractor's License No. 583533

MORTENSEN ROOFING AND GUTTERS, INC.

4010 Folsom Court
Concord, CA 94520

Phone (925) 685-4613

Fax (925) 798-5093

mortensenroofing@att.net

PROPOSAL AND CONTRACT

NAME: Fatemeh Gazerani
ADDRESS: 1152 Peacock Creek Drive Clayton CA 94517
JOB ADDRESS: 5838 Clayton Road Clayton CA 94517
DATE: 10/30/2020

The undersigned agrees to furnish and provide necessary labor, materials, tools, implements, and appliances to do, perform and complete in good workmanlike manner the following:

1. Remove shingles in front to replace damaged 1x6 (12 feet), 1x8 V Rustic (16 feet), 1x10 V Rustic (16 feet) of roof deck. Re-install new roof shingles over affected areas.
2. Remove damaged 50 foot piece of seamless gutter and 18 foot piece of seamless gutter in front. Replace approximately 20 feet of damage 2x8 (Spruce fascia). Install new matching gutter in front. Install one new downspout.
3. Remove resulting debris from premises.
Three thousand two hundred fifty dollars (\$3,250.00)

Respectfully submitted,

By 

JOHN MORTENSEN

PAGE 2 OF PROPOSAL AND CONTRACT FOR:

NAME: Fatemeh Gazerani
ADDRESS: 1152 Peacock Creek Drive Clayton CA 94517
JOB ADDRESS: 5838 Clayton Road Clayton CA 94517
DATE: 10/30/2020

TO ACCEPT PROPOSAL PLEASE SIGN THIS PAGE AND RETURN

1. Remove shingles in front to replace damaged 1x6 (12 feet), 1x8 V Rustic (16 feet), 1x10 V Rustic (16 feet) of roof deck. Re-install new roof shingles over affected areas.
2. Remove damaged 50 foot piece of seamless gutter and 18 foot piece of seamless gutter in front. Replace approximately 20 feet of damage 2x8 (Spruce fascia). Install new matching gutter in front. Install one new downspout.
3. Remove resulting debris from premises.
Three thousand two hundred fifty dollars (\$3,250.00)

Any alterations or deviation from the above, involving extra cost of material or labor, will be executed only on written orders for same and will become an extra charge over the sum mentioned above.

In the event that it becomes necessary to institute suit or to employ an attorney to collect any payment or payments due the

undersigned for labor or materials furnished under this agreement or any modification thereof, then you shall be liable to the undersigned for court costs and attorney's fees; said attorney's fees shall be in an amount equal to one-third of the amount for which recovery is prayed. Any amount not paid when due shall bear interest at the rate of 18% per year from the date due until paid.

Terms of payment shall be as follows: UPON COMPLETION; WE DO NOT ACCEPT CREDIT CARDS

This proposal is void if not accepted within 10 WORKING DAYS.

ACCEPTANCE

You are hereby authorized to furnish all materials and labor required to complete the work mentioned in the above proposal for which I agree to pay the amount mentioned in said proposal and in accordance with the terms thereof.

ACCEPTED AND AUTHORIZED BY

SIGNED

Dated , 2020

Notice to Owner: You have the right to cancel contract within three (3) days of signing. You may contact the Contractors State License Board to find out if this contractor has a valid license. The board has offices throughout California. Please check the government pages of phone book for the office nearest you or call 1-800-321-CSLB for more information.

**Contractor's License No. 583533
Office-(925) 685-4613 Fax -- (925) 798-5093**

**4010 Folsom Court
Concord, CA 94520**

mortensenroofing@att.net

ELLIOTT & SON ROOFING CO.

936 Detroit Ave., #K, Concord, CA 94518

elliottoffice@sbcglobal.net

Since 1926

(925) 676-5085 ph / (925) 676-5377 fx

License No. 528046

Requested By: Maryam Maheri
5838 Clayton Road
Clayton, CA 94517

Date: 11/5/2020
Phone: 925-818-8068

Bldg. Use: 1 Story Residential

Roof Type: Comp

Pursuant to your request, I submit the following:

1. On eave where tree damaged gutters, fascia board, roof sheeting, soffit boards and shingles remove shingles and underlayment from roof area.
Remove gutter sections and fascia boards.
Remove soffit boards and roof sheeting.
Install new primed 1"x10" Vrustic and new primed 1"x8" Vrustic soffit boards.
Install new primed 2"x8" fascia board.
Install new 1"x8" roof sheeting.
Install new 5 1/2" fascia style seamless prepainted white aluminum gutters.
Install new double layer of 30lb underlayment at roof deck tying into existing.
Install new starter strip.
Install new shingles tying into existing to match as close as possible.

Remove all job debris.

Price for the above: **\$3,140.00**

Price is valid for 30 days from date of proposal.

Terms: Payable upon completion.

There is a **2** year workmanship guarantee on work performed by this company only. If a leak should occur during the guarantee period we will repair it free of charge, however, we will not be responsible for interior water stains, etc.

This proposal is an opinion only, not a guarantee. Neither Elliott and Son Roofing Company nor the person submitting the proposal are responsible for the condition of the roof or structural integrity of home/roof/deck.

Submitted by: _____
Charles T. Downs, Sr.

Accepted by: _____

Date: _____

Cornell Roofing Co., Inc.

3291 Monument Way Concord, Ca. 94518

Phone (925) 682-3473 Fax (925) 682-5865

License # 486563

November 3, 2020

Maryam Maneri
5838 Clayton Rd
Clayton, Ca 94517

Re: Roof Repair

Dear: Maryam

Perform the following roof repair at the address listed above.

- 1) In front where roof is damaged from the tree, replace 2 bottom boards approx. 18' long.
- 2) Replace 1 fascia board approx. 18' long.
- 3) Replace 16' of sheeting board.
- 4) Install new shingles & paper where damaged area is located approx. 50sq feet.
- 5) Color of shingles to be Slate, (Color may vary from original).
- 6) Replace 62' of gutter & 1 new downspout. (color of gutter is white).
- 7) Clean up and haul away all workman's debris.

**THIS WORK WARRANTS NO GUARANTEE AGAINST
FURTHER LEAKAGE**

PRICE \$ 2,250.00

X _____
AUTHORIZATION:

X _____
Date:
Phone:

Clint D. White
President
Cornell Roofing Co., Inc.

Contractors Invoice

WORK PERFORMED AT:

TO: *Maryam Maheri*

5838 Clayton Rd Clayton CA

CA 94517

US Accurate

925-690-7429

DATE *11/02/2020*

YOUR WORK ORDER NO.

12162020

OUR BID NO.

12160

DESCRIPTION OF WORK PERFORMED

Removing the broken fence and dumping *\$350.00*

temporary posts and plywoods installation to *\$850.00*

Protect Property.

All required materials to cover 50' l.f fence *\$560.00*

\$1760.00

US Accurate Construction

lic# 1034340

Fred S. S. [Signature]
11/02/2020

All Material is guaranteed to be as specified, and the above work was performed in accordance with the drawings and specifications provided for the above work and was completed in a substantial workmanlike manner for the agreed sum of *\$1760.00*

one thousand seven hundred sixty Dollars (\$ *1760*).

This is a ☐ Partial ☒ Full invoice due and payable by:

11 Month

02 Day

2020 Year

in accordance with our ☒ Agreement ☐ Proposal

No. *12160*

Dated

11 Month

02 Day

2020 Year



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: Reina Schwartz, City Manager

BY: Matthew Feske, Community Development Director

DATE: February 16, 2021

SUBJECT: AN ORDINANCE AMENDING CHAPTER 17.78.040.D FLOOR AREA OF THE CLAYTON MUNICIPAL CODE AND TO REZONE THE DIABLO MEADOWS RESIDENTIAL SUBDIVISION FROM R-15 TO PLANNED DEVELOPMENT AND AMEND THE CITY ZONING MAP

RECOMMENDATION

It is recommended that the City Council conduct a Second Reading and Adoption of an Ordinance Amending Chapter 17.78.040.D Floor Area of the Clayton Municipal Code and to Rezone the Diablo Meadows Residential Subdivision from R-15 to Planned Development and Amend the City Zoning Map.

BACKGROUND

The Diablo Meadows Project is an 8.68-acre project site consists of vacant land located west of Mitchell Canyon Road and north/west of Herriman Court and surrounded by existing single-family residential neighborhoods and a quarry site to the south. The applicant proposes to subdivide the existing property into 18 residential lots and 5 parcels for drainage, private roadway, and open space.

The Planning Commission heard and recommended approval the Diablo Meadows project at a noticed public hearing December 8, 2020.

As a part of the required project approvals for Diablo Meadows, on February 2, 2021, the City Council (among other actions) introduced and conducted a First Reading of an Ordinance making amendments to Clayton Municipal Code as shown below.

Amendment to Clayton Municipal Code Section 17.78.040.D as follows:

D. Designated Planned Developments. Residences in the Chaparral Springs (Tracts 7303 and 7066), Dana Ridge (Tract 4504), Diablo Ridge (Tract 7766 (exclusive of detached residences on Condor Way and Keller Ridge Drive) and Tract 7767), Marsh Creek Park Villas (Tract 4240), Stranahan (Tract 7887), **and Diablo Meadows (Tract 9536) Planned Developments.** (Any additions or accessory buildings in these Planned Developments will continue to be subject to the site plan review requirements and the development standards originally approved for the respective Planned Development.)

The Ordinance also amends the City's Zoning Map to rezone the Property from R-15 to Planned Development (PD).

ATTACHMENTS

A. Ordinance No. _____

A
ORDINANCE NO.

**AN ORDINANCE AMENDING CHAPTER 17.78.040.D FLOOR AREA OF
THE CLAYTON MUNICIPAL CODE AND TO REZONE THE DIABLO
MEADOWS RESIDENTIAL SUBDIVISION FROM R-15 TO PLANNED
DEVELOPMENT AND AMEND THE CITY ZONING MAP**

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

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

WHEREAS the City received an application from DeNova Homes, Inc. requesting review and consideration of an Environmental Review (ENV-01-20); Zoning Map & Municipal Code Amendment (ZOA-02-20); Vesting Tentative Subdivision Map (MAP-01-20); Development Plan Permit (DP-01-20); and Tree Removal Permit (TRP-09-20) for the subdivision and development of eighteen single-family residences, 5 parcels, and private road on approximately 8.6-acres ("Project"). The Diablo Meadows Residential Subdivision project site is located on the West of Mitchell Canyon Road and north/west of Herriman Court, APN's: 121-090-011-2 and 121-090-016-1 ("Property"); and

WHEREAS the Project application requests to rezone the Property from R-15 to Planned Development (PD) and amend the zoning map for the City of Clayton and

WHEREAS the Project application also requests to amend the Clayton Municipal Code section 17.78.040.D Exemptions); and

WHEREAS the City determined that the Project is subject to the California Environmental Quality Act (CEQA); and

WHEREAS the City prepared an Initial Study/Mitigated Negative Declaration ("IS/MND") and Mitigation Monitoring and Reporting Program (MMRP) to evaluate the potential environmental impacts of the Project, in accordance with Section 15063 of Title 14 of the California Code of Regulations, the California Environmental Quality Act ("CEQA") Guidelines; and

WHEREAS a draft IS/MND were duly noticed and circulated for a 20-day review period, with the public review comment period commencing on September 15, 2020 and ending October 5, 2020; and

WHEREAS the Planning Commission held a duly noticed public hearing on December 8, 2020, as required by law to consider all the information presented by staff, information presented by the Applicant, and public testimony presented in writing and at the meeting.

A

WHEREAS, on December 8, 2020, the Planning Commission of the City of Clayton recommended that the City Council adopt this Ordinance amending the City of Clayton Zoning Map and Municipal Code as described.

WHEREAS, on February 2, 2021, the City Council held a duly noticed public hearing, accepting testimony from the applicant and the public, and discussed the Project and staff's recommended approval of the of the planning entitlements and rezone for the Project; and

WHEREAS, on February 2, 2021, the City Council adopted Resolution No. 04-2021 determining that the project will not create substantial environmental impacts, as noted in the Initial Study and Mitigated Negative Declaration and adopted the Initial Study and Mitigated Negative Declaration and approved the Mitigation Monitoring and Reporting Program;

WHEREAS, the proposed zoning amendments are consistent with the General Plan goals, policies and implementation programs as the Project is consistent with the City's General Plan because the project density of 3.9 DU/AC is between the General Plan Medium Density range of 3.1 – 5.0 DU/AC. The request to rezone the entire site from R-15 to Planned Development (PD) is required to encompass the residential cluster development, private open space, and bioretention basins; and

WHEREAS, public necessity, conveniences and general welfare require the adoption of the proposed amendment for conformance with the Official Zoning Map and compliance with the Growth Management Program of the Contra Costa Transportation Authority.

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

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

SECTION 2. **Amendment to Clayton Municipal Code Section 17.78.040.D.** Clayton Municipal Code Section 17.78.040.D is hereby amended to read in its entirety as follows:

D. Designated Planned Developments. Residences in the Chaparral Springs (Tracts 7303 and 7066), Dana Ridge (Tract 4504), Diablo Ridge (Tract 7766 (exclusive of detached residences on Condor Way and Keller Ridge Drive) and Tract 7767), Marsh Creek Park Villas (Tract 4240), Stranahan (Tract 7887), **and Diablo Meadows (Tract 9536)** Planned Developments. (Any additions or accessory buildings in these Planned Developments will continue to be subject to the site plan review requirements and the development standards originally approved for the respective Planned Development.)

SECTION 3. Amendment to the Zoning Map.

The Property is rezoned from R-15 to Planned Development (PD) and the Clayton zoning map is hereby amended to reflect the rezoning.

SECTION 4. CEQA. The City Council hereby determines the Initial Study/Mitigated Negative Declaration ("IS/MND"), and Mitigation Monitoring and Reporting Program (MMRP) evaluated the potential environmental impacts of the Project, is in accordance with Section 15063 of Title 14 of the California Code of Regulations, the California Environmental Quality Act ("CEQA") Guidelines and was approved and adopted as provided for in Resolution No. 04-2021;

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

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

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

The foregoing Ordinance was introduced and first read at a regular noticed public meeting of the City Council of the City of Clayton held on February 2, 2021.

Passed, adopted, and ordered posted by the City Council of the City of Clayton at a regular public meeting held on February 16, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

A

Carl Wolfe, Mayor

ATTEST:

Janet Calderon, City Clerk

APPROVED AS TO FORM

APPROVED BY ADMINISTRATION

Malathy Subramanian, City Attorney

Reina J. Schwartz, City Manager



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: Reina J. Schwartz, City Manager

DATE: February 16, 2021

SUBJECT: Recognition of Cultural Heritage Months

RECOMMENDATION

Staff recommends the City Council receive information, discuss and provide direction to staff regarding potential Cultural Heritage recognitions.

BACKGROUND

At the City Council meeting on January 5, 2021, Councilmember Tillman requested that staff bring back a discussion of potential recognition of a series of Cultural Heritage months.

DISCUSSION

Across the country many jurisdictions recognize and celebrate the heritage of different cultures through various mechanisms. These mechanisms may include Proclamations, festivals or other means of highlighting the diversity of a community, region, state or the country.

For discussion purposes, Attachment 1 to this report is a list created by the national Library of Congress of Cultural Heritage Month celebrations. Those items with a check mark have previously been recognized via Proclamation in the City of Clayton.

Also attached for information is a list of other similar topics/events previously recognized by the City of Clayton.

FISCAL IMPACTS

Unknown at this time if there would be any fiscal impacts.

ATTACHMENTS

Attachment 1: List of Cultural Heritage Month Celebrations (Library of Congress)
Attachment 2: City of Clayton: Previous Recognitions

Cultural Heritage Month Celebrations

- [African American History Month](#) (February) ✓
National African American History Month in February celebrates the contributions that African Americans have made to American history in their struggles for freedom and equality and deepens our understanding of our Nation's history.
- [Irish-American Heritage Month](#) (March)
Irish-American Heritage Month is a month to celebrate the contributions which Irish-Americans have made to the United States.
- [Women's History Month](#) (March)
Women's History Month honors and celebrates the struggles and achievements of American women throughout the history of the United States.
- [Law Day](#) (May 1)
Law Day is a national day to celebrate the rule of law and its contributions to the freedoms Americans enjoy.
- [Asian Pacific Heritage Month](#) (May)
Asian/Pacific American Heritage Month is a month to celebrate the contributions Asian/Pacific Americans have made to American history, society and culture.
- [Jewish American Heritage Month](#) (May)
Jewish American Heritage Month is a month to celebrate the contributions Jewish Americans have made to America since they first arrived in New Amsterdam in 1654.
- [Lesbian, Gay, Bisexual, Transgender and Queer Pride Month](#) (June) ✓
Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQI+) Pride Month commemorates the events of June 1969 and works to achieve equal justice and equal opportunity for LGBTQ Americans.
- [National Hispanic Heritage Month](#) (September 15 - October 15) ✓
National Hispanic Heritage Month celebrates and recognizes the contributions Hispanic Americans have made to American society and culture and to honor five of our Central American neighbors who celebrate their Independence days in September.
- [Constitution Day and Citizenship Day](#) (September 17) ✓
Constitution Day and Citizenship Day is observed each year on September 17 to commemorate the signing of the Constitution on September 17, 1787 and "recognize all who, by coming of age or by naturalization, have become citizens." Clayton has previously recognized as Constitution Week (September 17-23).
- [National Disability Employment Awareness Month](#) (October) ✓
National Disability Employment Awareness Month celebrates the accomplishments in the workplace of persons with disabilities and reaffirms the commitment to ensuring equal employment opportunities to all citizens.

- [American Indian Heritage Month](#) (November) ✓
National American Indian Heritage Month celebrates and recognizes the accomplishments of the peoples who were the original inhabitants, explorers and settlers of the United States.
- [Human Rights Day](#) (December 10)
Human Rights Day is observed each year to commemorate the adoption of the Universal Declaration of Human Rights (UDHR) by the United Nations General Assembly on December 10, 1948.

✓ indicates previously recognized in the City of Clayton.

City of Clayton: Previous Recognitions

- Loyalty Day (May 1) ✓
Loyalty Day is on May 1 each year. It is a special day for people to reaffirm their loyalty to the United States and to recognize the heritage of American freedom. It also falls on the same day as Law Day in the USA.
- Military or Veterans Appreciation Month (May) ✓
Takes place every year throughout the entire month of May. Every year, the president issues an annual proclamation reminding Americans to celebrate this patriotic month that pays tribute to those who have sacrificed so much for our freedom. Clayton has recognized as Veterans Appreciation Month.
- California State Admissions Day – (September 9) ✓
In 1849, leaders from around the future state of California drafted California's first constitution, which was approved on November 13 that year by a vote of 12,064 to 811. In January, 1850, the State Legislature began its first two-year session. On September 9, 1850, California became the 31st entry into the Union.
- National Immigrants Day - October 28 ✓
The United States of America is known as the world's melting pot, and every year on **October 28** National Immigrants Day gives us a reason to reflect on just how unique that distinction is among the world's 195 sovereign nations. We have done in the past
- National Family Week ✓
in the United States takes place the week of American Thanksgiving. It was first proclaimed by Richard Nixon in 1972 pursuant to a resolution introduced in Congress by Representative John Myers (R-IN) upon the suggestion of a constituent, Sam Wiley. Clayton has previously recognized as Clayton Family Week.



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: Reina J. Schwartz, City Manager

DATE: February 16, 2021

SUBJECT: Order of the City Council Agenda re: Public Comment on Matters Not on the Agenda

RECOMMENDATION

Staff recommends the City Council discuss and provide direction to staff.

BACKGROUND

At the City Council meeting on December 15, 2020, Councilmember Jeff Wan requested that the City Council have a future discussion on whether Public Comment on Matters Not on the Agenda should occur earlier in the City Council Agenda order, specifically before the Consent Calendar and Council Reports and Recognitions.

The full Order of Business for the City Council Agenda is laid out in the Clayton Municipal Code Section 2.04.070 which is attached to this report for reference. The order of the Agenda may be changed:

- On an ad hoc basis as needed for special circumstances
- Via Resolution of the City Council; or
- By amending the Municipal Code via Ordinance.

If there is a desire to revise the standard order of the Agenda on an ongoing basis, staff recommends that it be accomplished via Resolution rather than Ordinance for administrative efficiency.

Some cities in Contra Costa County do have Public Comment on Matters Not on the Agenda earlier in the order of business. In some cases, there is a time limit (15-30 minutes) on that Public Comment with the balance of any public comment on matters not on the Agenda to be taken up again at the end of the meeting. This could balance out the time commitment of

those who are attending for a specifically agendized item and those that are wanting to comment on matters not on the Agenda.

FISCAL IMPACTS

At this time there is no fiscal impact from the proposed discussion or change in order of the Agenda.

ATTACHMENT

Attachment 1: Clayton Municipal Code Section 2.04.070 – Order of Business

2.04.070 - Order of Business.

All meetings of the council shall be open to the public. Promptly at the hour set by law on the day of each regular meeting, the members of the council, the mayor, the city clerk and the city manager shall take their regular stations in the council chambers. The city attorney, police chief, city engineer, planning director, city treasurer, and such other members of the staff shall also be present at such times as their attendance is required by the mayor or city manager. The business of the council shall be taken up for consideration and disposition in the following order, except that the presiding officer may, with the council's consent, change this order of business when desirable for convenience as in the case of special visitors:

A. Regular City Council Agenda

1. Meeting called to order
2. Study Session (if needed)
3. Closed Session (if needed)
 - a. Litigation Session
 - b. Personnel Session
4. Consent calendar as follows:

"NOTICE TO THE PUBLIC"

All matters listed under Item 5, Consent Calendar, are considered to be routine by the City Council and will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is required, that item will be removed from the consent calendar and will be considered separately. Vote may be by roll call.

- a. Approval of minutes
 - b. Approval of warrants
 - c. Payments on public works projects
 - d. Authorization for call for bids
 - e. Approval of final tract maps and acceptance of dedications.
 - f. Claims against the City
 - g. Award of bids
 - h. Adoption of Ordinances that have been introduced at previous council meetings as an action item
 - i. Resolutions
 - j. Such other routine items as the Council may add by resolution to the consent calendar procedure
5. Agenda Review
 6. Council/Staff Comments
 7. Recess
 8. Reconvene
 9. Roll Call
 10. Pledge to the Flag
 11. Ceremonial Matters

12. Public Comment Period
 13. Reports
 - a. Planning Commission
 - b. Community Services Commission
 - c. Staff
 - d. Council
 - e. Other
 14. Public Hearings
 15. Action Items
 16. Council/Staff Comments
 17. Adjourn
- B. Redevelopment Agency Agenda
1. Call to Order
 2. Consent Calendar
 3. Public Hearings
 4. Action Items
 5. Adjourn
- C. Geological Hazard Abatement District
1. Call to Order
 2. Consent Calendar
 3. Public Hearings
 4. Action Items
 5. Adjourn

The foregoing order of business may be formally changed from time to time by duly adopted resolution of the City Council.

(Res. 65-92; Ord. 21 § 6, 1964; Ord. 134 § 2, 1974; Ord. 150 § 1, 1975; Ord. 189 § 2, 1978; Ord. 232 § 1, 1986; Ord. 340, § 2, 1998)