



# **AGENDA**

## **REGULAR MEETING**

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## **CLAYTON CITY COUNCIL**

\* \* \*

**TUESDAY, February 21, 2023**

**7:00 P.M.**

### **\*\*\* NOTICE \*\*\***

*Members of the public will be able to participate either in-person at  
Hoyer Hall, Clayton Community Library  
6125 Clayton Road, Clayton, CA 94517  
or  
remotely via Zoom.*

**Mayor:** Jeff Wan  
**Vice Mayor:** Jim Diaz

#### **Council Members**

Peter Cloven  
Holly Tillman  
Kim Trupiano

- A complete packet of information containing staff reports and exhibits related to each public item is available for public review on the City's website at [www.claytonca.gov](http://www.claytonca.gov)
- Agendas are posted at: 1) City Hall, 6000 Heritage Trail; 2) Library, 6125 Clayton Road; 3) Ohm's Bulletin Board, 1028 Diablo Street, Clayton; and 4) City Website at [www.claytonca.gov](http://www.claytonca.gov)
- Any writings or documents provided to a majority of the City Council after distribution of the Agenda Packet and regarding any public item on this Agenda is available for review on the City's website at [www.claytonca.gov](http://www.claytonca.gov)
- If you have a physical impairment that requires special accommodation 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 21

Tonight's meeting will be available to the public both in-person and remotely via Zoom. As a courtesy, and technology permitting, members of the public may continue to provide live remote oral comment via the Zoom video conferencing platform. However, the City cannot guarantee that the public's access to teleconferencing technology will be uninterrupted, and technical difficulties may occur from time to time.

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\\_suxMeIgbQNWPgZlqaBNXFw](https://us02web.zoom.us/webinar/register/WN_suxMeIgbQNWPgZlqaBNXFw)

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

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

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

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

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

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### 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\\_suxMeIgbQNWPgZlqaBNXFw](https://us02web.zoom.us/webinar/register/WN_suxMeIgbQNWPgZlqaBNXFw)

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 21, 2023**

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

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

3. **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.*

4. **CONSENT CALENDAR**

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

- (a) Approve the minutes of the City Council's regular meeting of February 7, 2023. (City Clerk) ([View here](#))
- (b) Approve the Financial Demands and Obligations of the City. (Finance) ([View here](#))
- (c) Adopt an Ordinance Amending Section 3.08.010 of the Clayton Municipal Code, Entitled "Signatures --- Authority Designated". (Interim City Manager) ([View here](#))
- (d) Adopt a Resolution of the City Council Terminating the Local Emergency in the City of Clayton Regarding Coronavirus (COVID-19). (City Attorney) ([View here](#))
- (e) Approve Parcel Map (MS 01-22) at 500 Douglas Road via resolution and find this subdivision project as CEQA Exempt under Class 3 and Class 15. (City Engineer) ([View here](#))

5. **RECOGNITIONS AND PRESENTATIONS**

- (a) Administration of the Oath of Allegiance by the Police Chief to the City's new Police Sergeant, Torrey Jarvis.

**6. REPORTS**

- (a) City Manager/Staff

**7. PUBLIC HEARINGS – None.**

**8. ACTION ITEMS**

- (a) Continue Use of Hybrid Meetings for City Council, Planning Commission and Budget and Audit Committee Meetings. (City Attorney) ([View here](#))
- (b) Endeavor Hall Non-Profit Rental Rate Discussion. (Interim City Manager) ([View here](#))
- (c) Set March 13, 2023 for City Council Special Meeting: City Council Goal Setting. (Interim City Manager) ([View here](#))

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

**10. COUNCIL REPORTS**

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

**11. CLOSED SESSION – None.**

**12. ADJOURNMENT**

The next regularly scheduled meeting of the City Council will be March 7, 2023.

# # # # #

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

**TUESDAY, February 7, 2023**

1. **CALL TO ORDER THE CITY COUNCIL** – The meeting was called to order at 7:00 p.m. by Mayor Wan held via a hybrid meeting format live in-person and Zoom videoconference and broadcast from Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, California. Councilmembers present: Mayor Wan, Vice Mayor Diaz, and Councilmembers Cloven, Tillman, and Trupiano. Councilmembers absent: None. Staff present: Interim City Manager Ron Bernal, City Attorney Mala Subramanian, Interim Finance Director Nitsh Sharma, Police Chief Richard McEachin, and City Clerk Janet Calderon.
2. **PLEDGE OF ALLEGIANCE** – led by Mayor Wan.
3. **PUBLIC COMMENT ON NON - AGENDA ITEMS** – None.
4. **CONSENT CALENDAR**  
  
**It was moved by Councilmember Tillman, seconded by Councilmember Trupiano, to approve the Consent Calendar items 4(a) – 4(c), as submitted. (Passed 5-0).**
  - (a) Approved the minutes of the City Council's regular meeting of December 20, 2022 and City Council's special meeting of January 10, 2023. (City Clerk)
  - (b) Approved the Financial Demands and Obligations of the City. (Finance)
  - (c) Adopted Resolution No. 9-2023 of the City Council of the City of Clayton Allowing for Video and Teleconference Meetings as Needed during the COVID-19 State of Emergency Under AB 361. (City Manager)
5. **RECOGNITIONS AND PRESENTATIONS**
  - (a) Information Only – No Action Requested.
    - Black and African American History Month.
6. **REPORTS**
  - (a) Interim City Manager Ron Bernal advised 18 applications were received for the City Manager recruitment, the City's new Finance Director Angeline Loeffler will be starting next week, and an item to rescind Clayton's Emergency Declaration will be at the next regular City Council meeting of February 21, 2023.

## 8. **ACTION ITEMS**

- (a) Audited Annual Financial Report of the City of Clayton for the Fiscal Year Ended June 30, 2022. (Interim Finance Director)

Interim City Finance Director Nitish Sharma presented the report. Bryce Rojas, CPA Cropper Rowe, LLC presented the PowerPoint.

Following questions by the City Council, Mayor Wan opened the public comment; no comments were offered.

**It was moved by Councilmember Cloven, seconded by Councilmember Tillman, to Accept the Audited Financial Report of the City of Clayton for the Fiscal Year Ended June 30, 2022. (Passed; 5-0)**

- (b) Adopt a Resolution Adding One Police Sergeant Position and Reducing One Police Officer Position. (Police Chief)

Police Chief Rich McEachin presented the report.

Following questions and comments by the City Council, Mayor Wan opened the public comment; no comments were offered.

**It was moved by Councilmember Cloven, seconded by Councilmember Tillman, to Adopt Resolution No. 10-2023 Approving the Addition of One Police Sergeant Position and Elimination of One Police Officer Position. (Passed; 5-0)**

- (c) Waive First Reading and Introduce an Ordinance Amending Clayton Municipal Code 3.08.010 Signatures – Authority Designated. (City Manager)

Interim City Manager Ron Bernal presented the report.

Following questions and comments by the City Council, Mayor Wan opened the public comment; no comments were offered.

The City Council modified the wording of the ordinance to require all checks to have two authorized signatures and to add the Mayor to the list of individuals authorized to sign.

**It was moved by Councilmember Cloven, seconded by Vice Mayor Diaz, to Waive First Reading and Introduce an Ordinance Amending Clayton Municipal Code 3.08.010 Signatures – Authority Designated. (Passed; 5-0)**

## 9. **COUNCIL ITEMS**

Councilmember Tillman requested a future agenda item to include consideration to establish a Community Facilities District to fund additional Police Officers and

consideration to extend the Trails and Landscaping Committee (Landscape Maintenance District) Parcel Tax.

Councilmember Trupiano requested a future agenda item to include the City Council Goal Setting Session.

**9. COUNCIL REPORTS**

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

Councilmember Cloven attended the Clayton Business and Community Association Art and Wine Committee meeting, and announced Clayton Cleans Up taking place on April 22, 2023.

Councilmember Tillman attended the Trails and Landscaping Committee meeting, attended the Cal Cities Community Services Policy Committee meeting, attended the Clayton Pride Parade Committee meeting; noting the parade will be taking place on June 4, 2023, and met with City staff.

Councilmember Trupiano attended the League of California Cities New Councilmember Academy, met with Senator Glazer and Alexia Lopez District Representative, attended the East Bay Leadership Council meeting, attended the Concerts in The Grove Committee meeting; noting the series will begin on May 13, 2023, attended the Contra Costa County Mayors' Conference, and met with the City Engineer.

Vice Mayor Diaz attended the County Connection Board and Administrative Committee meetings, met with former Clayton Police Chiefs Dan Lawrence and Elise Warren, attended the Clayton Business and Community Association Art and Wine Committee and BBQ Cook-off meetings; noting the Art and Wine will be taking place on April 29 and 30, 2023, and the BBQ Cook-off will be taking place on August 26 and 27, 2023, and attended the Concerts in The Grove Committee meeting.

Mayor Wan attended the Contra Costa County Mayors' Conference, the Budget/Audit Committee meeting, and the Garbage/Recycling Consultant meeting.

- 11. CLOSED SESSION – None.**

- 12. ADJOURNMENT–** on call by Mayor Wan, the City Council adjourned its meeting at 8:31 p.m.

The next regularly scheduled meeting of the City Council will be February 21, 2023.

**# # # # #**

Respectfully submitted,

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Janet Calderon, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL

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Jeff Wan, Mayor

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# STAFF REPORT

**TO:** HONORABLE MAYOR AND COUNCILMEMBERS

**FROM:** JENNIFER GIANTVALLEY, ACCOUNTING TECHNICIAN

**DATE:** 2/21/2023

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

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**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	Amount
Obligations	Accounts Payable	\$ 173,930.26
Payroll Reconciliation Summary	Payroll, Taxes	\$ 104,417.99
	<b>Total Required</b>	<b>\$ 278,348.25</b>

**Attachments:**

1. Obligation report for 2/21/23 (1 page)
2. Payroll Reconciliation Summary report PPE 2/5/23 (2 pages)

## City of Clayton Obligations for 2/21/23

Vendor name	Invoice date	Invoice number	Invoice description	Amount	Payment method
Authorize.net	01/31/2023	January23	Online bankcard gateway fee January 2023	\$32.05	Bank draft
CalPERS Retirement	02/05/2023	020523	Retirement PPE 2/5/23	\$18,716.76	Bank draft
Mission Square Retirement	02/05/2023	020523	457 Plan contributions PPE 2/5/23	\$1,263.46	Bank draft
Nationwide	02/05/2023	020523	457 Plan contribution PPE 2/5/23	\$500.00	Bank draft
Paylocity Corporation	01/20/2023	INV1246831	Payroll fees January 2023	\$483.50	Bank draft
Paysafe Payment Processing	01/31/2023	January2023	OTC Bankcard fees January 2023	\$156.54	Bank draft
Paysafe Payment Processing	01/31/2023	January2023	Online bankcard fees January 2023	\$145.91	Bank draft
Advanced Elevator Solutions, Inc	02/01/2023	51426	Elevator Service January 2023	\$128.00	Check
All City Management Services, Inc.	01/25/2023	82971	School crossing guard svcs 1/8/23-1/21/23	\$2,368.44	Check
All-Guard Systems, Inc.	01/05/2023	S117479	CH Service call	\$536.25	Check
AT&T (HH Internet)	01/21/2023	322941575 0223	Hoyer Hall Internet 2/22/23-3/21/23	\$187.25	Check
Bay Area Barricade Serv.	01/19/2023	37990	Flooding & Slide Ahead signs	\$159.14	Check
Bay Area News Group	01/31/2023	1365182	Legal Ad for January 2023	\$662.20	Check
Best Best & Kreiger LLP	02/08/2023	957092-957095	Legal svcs January 2023	\$13,688.62	Check
CA Department of Justice	02/03/2023	635858	Fingerprinting January 2023	\$96.00	Check
CA Soc of Muni Finance Officers	01/01/2023	2023	CSMFO Membership Renewal 2023	\$125.00	Check
CCWD	02/03/2023	020323	Water 12/7/22-2/3/23	\$7,465.24	Check
Cintas (First Aid)	02/02/2023	5143595012	Restock first aid cabinet	\$10.01	Check
Comcast Business	02/05/2023	020523	Internet 2/10/23-3/9/23	\$231.21	Check
Comcast Business (PD)	02/01/2023	164346198	PD Internet January 2023	\$988.68	Check
Contra Costa County - Office of the Sheriff	01/17/2023	CLPD-2212	Toxicology December 2022	\$580.00	Check
Contra Costa Tractor Mobile Svc	09/30/2022	018681	Service to U80B NH tractor	\$510.00	Check
CR Fireline, Inc	01/18/2023	122932	Library - reset fire alarm panel	\$575.00	Check
CR Fireline, Inc	01/26/2023	122965	CH - reset fire alarm panel	\$675.00	Check
Digital Services	02/02/2023	12189	IT services 1/8/23-2/2/23, backup data line	\$2,519.27	Check
Dillon Electric Inc	02/13/2023	4804	Street light repairs 1/8/23	\$384.00	Check
Dillon Electric Inc	02/13/2023	4805	Street light repairs 2/8/23	\$442.00	Check
Folsom Lake Ford	01/16/2023	FL2064	PD vehicle 1FM5K8AB7NGC37321	\$42,990.01	Check
J&R Floor Services	02/10/2023	Miwok/Ahwanee	Repair sidewalks	\$2,250.00	Check
J&R Floor Services	02/10/2023	Morris/Main	Repair sidewalks	\$1,712.00	Check
JAM Services	02/14/2023	165434	Streelight pole	\$4,159.65	Check
Kennedy & Associates	02/04/2023	22-271	Consultant svcs The Olivia January 2023	\$233.00	Check
LarryLogic Productions	02/08/2023	2086	City council meeting production 2/7/23	\$480.00	Check
LEHR	02/03/2023	SI83519	Outfit PD vehicle 1748	\$24,506.51	Check
LSA Associates Inc	02/09/2023	186755	Consultant svcs January 2023	\$786.25	Check
Mission Square Retirement	01/27/2023	20221231-109-320171A	Annual plan fee Q3 FY23	\$125.00	Check
Moore Iacofano Golstman, Inc	02/08/2023	79324	Housing Element svcs January 2023	\$4,387.50	Check
MPA	02/02/2023	918-31087	Life/LTD February 2023	\$1,720.28	Check
MSR Mechanical, LLC	02/06/2023	SVC007259	Library VAV inspection	\$3,403.00	Check
NBS Govt. Finance Group	12/19/2022	202212-2899	Disclosure reporting 2007 Bonds	\$2,207.66	Check
Occupational Health Centers of California	01/30/2023	78138256	PD Pre-employment exam	\$352.00	Check
Precision Civil Engineering (PCE)	02/14/2023	27776	21-359 Pre-approved ADU Plans	\$6,200.00	Check
Rural Pig Management, Inc	02/01/2023	CC020123	Pig control February 2023	\$3,000.00	Check
SCA of CA, LLC	01/31/2023	105094CS	Street sweeping January 2023	\$4,500.00	Check
Staples Business Credit	01/25/2023	1646718657	Office supplies	\$272.83	Check
Sterling Infosystems, Inc	01/31/2023	9291534	New employee record search January 2023	\$282.00	Check
T Mobile	02/01/2023	981497076 01/23	PD cell phones January 2023	\$523.09	Check
Texas Life Insurance Company	02/13/2023	SM0F1B20230212001	Supplemental insurance	\$42.25	Check
Theis Engineering & Associates	02/05/2023	CLA2301 A-G	Engineering svcs January 2023	\$8,355.25	Check
Waraner Brothers Tree Service	01/09/2023	16253	Emergency Storm Work 1/4/23	\$3,700.00	Check
Waraner Brothers Tree Service	01/09/2023	16254	Emergency Storm Work 1/5/23	\$3,600.00	Check
Western Exterminator	01/31/2023	191492C	Pest control January 2023	\$512.45	Check
				<b><u>\$173,930.26</u></b>	

## Payroll Summary

City of Clayton

Check Dates: 02/03/2023 to 02/10/2023

Processes: 2023020301 - 2023021001

Pay Periods: 01/23/2023 to 02/05/2023

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## Payroll Totals

Payroll Checks	Check Type	Count	Net Check	Dir Dep Amount	Net Amount	
	Regular	34	0.00	76,210.58	76,210.58	
	Regular	1	110.82	0.00	110.82	
	<b>Totals</b>	<b>35</b>	<b>110.82</b>	<b>76,210.58</b>	<b>76,321.40</b>	→ <b>76,321.40</b>

Payroll Checks	Check Type	Agency Type	Count	Net Check	Dir Dep Amount	Net Amount	
	Agency	EFSDU	1	0.00	358.15	358.15	
	Agency	Regular	1	0.00	663.50	663.50	
	<b>Totals</b>		<b>2</b>	<b>0.00</b>	<b>1,021.65</b>	<b>1,021.65</b>	→ <b>1,021.65</b>

	<b>Total Net Payroll Liability</b>			<b>110.82</b>	<b>77,232.23</b>	<b>77,343.05</b>	→ <b>77,343.05</b>
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## Tax Liability

CA and Related Taxes	Tax Id	Rate	Frequency	Wage	Cap Wages	EE Amount	ER Amount	
CA SDI - Employee	EXEMPT		Semi-Weekly	111,967.72	111,967.72			
California SITW	698-1382-2		Semi-Weekly	110,454.26	110,454.26	6,034.06		
<b>Totals</b>						<b>6,034.06</b>	<b>0.00</b>	→ <b>6,034.06</b>

CASUI and Related Taxes	Tax Id	Rate	Frequency	Wage	Cap Wages	EE Amount	ER Amount	
CA Edu & Training	698-1382-2	0.001000	Quarterly	111,967.72	24,911.26		24.91	
California SUI	698-1382-2	0.020000	Quarterly	111,967.72	24,911.26		498.23	
<b>Totals</b>						<b>0.00</b>	<b>523.14</b>	→ <b>523.14</b>

FITW and Related Taxes	Tax Id	Rate	Frequency	Wage	Cap Wages	EE Amount	ER Amount	
Federal Income Tax	94-1568979		Semi-Weekly	110,454.26	110,454.26	16,904.85		
Medicare	94-1568979		Semi-Weekly	111,967.72	111,967.72	1,623.56		
Medicare - Employer	94-1568979		Semi-Weekly	111,967.72	111,967.72		1,623.53	
OASDI	94-1568979		Semi-Weekly	2,950.00	2,950.00	182.90		
OASDI - Employer	94-1568979		Semi-Weekly	2,950.00	2,950.00		182.90	
<b>Totals</b>						<b>18,711.31</b>	<b>1,806.43</b>	→ <b>20,517.74</b>

	<b>Total Tax Liability</b>					<b>24,745.37</b>	<b>2,329.57</b>	→ <b>27,074.94</b>
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	<b>Total Payroll Liability</b>					<b>104,417.99</b>	→ <b>104,417.99</b>
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## Transfers

Type	Date	Source Account	Amount
Dir Dep	2/2/2023		76,210.58
Tax	2/2/2023		27,074.94



Paylocity Corporation  
(888) 873-8205

User: JGiantvalley

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## Payroll Summary

City of Clayton

Check Dates: 02/03/2023 to 02/10/2023

Processes: 2023020301 - 2023021001

Pay Periods: 01/23/2023 to 02/05/2023

Page 2 of 2

Trust	2/9/2023	110.82	
Trust Agency	2/9/2023	1,021.65	
<b>Totals Transfers</b>		<b>104,417.99</b>	<b>→ 104,417.99</b>

## Tax Deposits

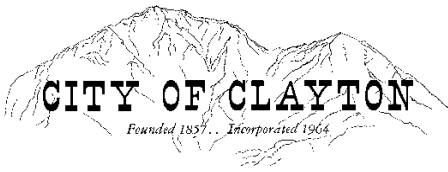
Required Tax Deposits	Tax	Due On	Amount
( Deposit made by Service Bureau )	California SITW	2/8/2023	2,532.36
( Deposit made by Service Bureau )	Federal Income Tax	2/8/2023	8,399.39
( Deposit made by Service Bureau )	California SITW	2/15/2023	3,501.70
( Deposit made by Service Bureau )	Federal Income Tax	2/15/2023	12,118.35
( Deposit made by Service Bureau )	California SUI	5/1/2023	523.14
	<b>Total Tax Deposits</b>		<b>27,074.94</b>



Paylocity Corporation  
(888) 873-8205

User: JGiantvalley

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# AGENDA REPORT

**TO:** HONORABLE MAYOR AND COUNCIL MEMBERS

**FROM:** Ron Bernal, Interim City Manager

**DATE:** February 21, 2023

**SUBJECT:** Adopt an Ordinance Amending Section 3.08.010 of the Clayton Municipal Code, Entitled "Signatures --- Authority Designated"

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## **RECOMMENDATION**

Adopt an Ordinance amending Section 3.08.010 of the Clayton Municipal Code, Entitled "Signatures --- Authority Designated".

## **DISCUSSION**

On February 7, 2023, the City Council waived first reading and introduced an Ordinance amending Clayton Municipal Code Chapter 3.08.010 entitled "Signatures --- Authority Designated." At that meeting, the City Council introduced the Ordinance with the following revisions:

1. Added the Mayor as one of the four persons authorized to draw or sign city warrants or checks;
2. Required two of four authorized persons to execute warrants or checks; and
3. Changed the reference to city officials to persons.

All of the revisions have been made to the attached Ordinance. The City Council may now adopt the Ordinance.

## **FISCAL IMPACT**

There is no direct financial costs or savings associated with the Ordinance.

## **ATTACHMENT**

Ordinance Amending Chapter 3.08.010 of the Clayton Municipal Code, Entitled "Signatures --- Authority Designated".

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SECTION 3.08.010 OF THE CLAYTON  
MUNICIPAL CODE, ENTITLED “SIGNATURES-AUTHORITY  
DESIGNATED”

THE CITY COUNCIL  
City of Clayton, California

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

WHEREAS, Clayton Municipal Code section 3.08.010 authorizes the mayor, mayor pro tempore, city treasurer, and city clerk to draw or sign city warrants or checks upon city funds to pay legal demands against the city; and

WHEREAS, the City Council desires to formally amend section 3.08.010 to instead permit the city manager, city clerk, and police chief to draw or sign warrants or checks upon city funds for the payment of legal demands against the city; and

WHEREAS, the City Council further desires to amend section 3.08.010 to specify the number of authorized signatures required to execute warrants or checks of specific dollar amounts.

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

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

**Section 2.**     **Amendment to Clayton Municipal Code Section 3.08.010.**

Section 3.08.010 of the Clayton Municipal Code is hereby amended to read as follows:

**“3.08.010 – Signatures — Authority Designated.**

The mayor, city manager, city clerk, and police chief are authorized to draw or sign city warrants or checks upon city funds for the payment of legal demands against the city. The signatures of any two (2) of the four (4) above-described persons shall be required for the due execution of such warrants or checks. The aforementioned four (4) persons are authorized to execute signature cards at the official depository. During any period of time when the positions of city manager, city clerk, and/or police chief are held by the same person, no one person shall be empowered to draw or sign city warrants or checks upon city funds.”

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

the invalid provisions, clause, or application, and to this end such provisions and clauses of the Ordinance are declared to be severable.

**Section 4. 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 5. 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.

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

The foregoing Ordinance was introduced at a regular public meeting of the City Council of the City of Clayton held on February 7, 2023.

Passed, adopted, and ordered posted by the City Council of the City of Clayton at a regular public meeting thereof held on February 21, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

---

Jeff Wan, Mayor

ATTEST

---

Janet Calderon, City Clerk

APPROVED AS TO FORM

APPROVED BY ADMINISTRATION

---

Malathy Subramanian, City Attorney

---

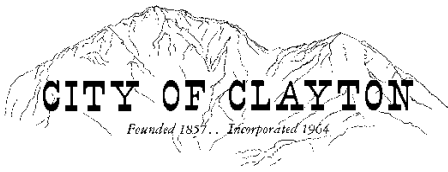
Rowland Bernal, Jr., Interim City Manager

I hereby certify that the foregoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Clayton held on February 7, 2023 and was duly adopted, passed, and ordered posted at a regular meeting of the City Council held on February 21, 2023.

---

Janet Calderon, City Clerk





# AGENDA REPORT

**TO: HONORABLE MAYOR AND COUNCIL MEMBERS**

**FROM: CITY ATTORNEY**

**DATE: February 21, 2023**

**SUBJECT: ADOPT A RESOLUTION NO. OF THE CITY COUNCIL TERMINATING THE LOCAL EMERGENCY IN THE CITY OF CLAYTON REGARDING CORONAVIRUS (COVID-19)**

## **RECOMMENDATION**

Adopt Resolution of the City Council Terminating the Local Emergency in the City of Clayton Regarding Coronavirus (COVID-19).

## **BACKGROUND**

The California Emergency Services Act, Government Code sections 8558(c) and 8630 authorize the proclamation of a local emergency when conditions of disaster or extreme peril to the safety of persons and property within the territorial limits of a city exist. Pursuant to Government Code section 8630 such an emergency may be proclaimed by the governing body or by an official designated by ordinance adopted by the governing body.

Clayton Municipal Code section 2.08.060 provides that the Director of Emergency Services, who is the City Manager, may request the City Council to proclaim the existence of a local emergency when the City Council is in session. In March of 2020, the Director of Emergency Services determined that there were circumstances of extreme peril to public safety of persons and property in the City caused by coronavirus ("COVID-19"). Therefore, on March 17, 2020, the Council adopted Resolution 06-2020 proclaiming a local emergency by virtue of the extreme peril due to COVID-19. The local emergency has been in effect since March 17, 2020.

The Governor of the State of California proclaimed a state of emergency for COVID-19, which is set to expire on February 28, 2023. The County declared a local emergency for COVID-19, which is also set to expire on February 28, 2023.

The local emergency was declared to recognize the impact of COVID-19 on the City, provide flexibility to the City in its response efforts, and allow the City to pursue potential funding opportunities related to emergency response. The City's response to the COVID-19 pandemic has stabilized, and a declared local emergency is no longer necessary. The attached Resolution terminates the local emergency in the City of Clayton regarding COVID-19 effective February 28, 2023 consistent with the State and County.

**FISCAL IMPACT**

None.

**Attachment:**

Resolution of the Clayton City Council Terminating the Local Emergency in the City of Clayton Regarding Coronavirus (COVID-19)

**RESOLUTION NO. XX-2023**  
**RESOLUTION OF THE CLAYTON CITY COUNCIL**  
**TERMINATING THE LOCAL EMERGENCY IN THE CITY OF CLAYTON REGARDING**  
**CORONAVIRUS (COVID-19)**

**WHEREAS**, the California Emergency Services Act, Government Code sections 8558(c) and 8630 authorize the proclamation of a local emergency when conditions of disaster or extreme peril to the safety of persons and property within the territorial limits of a city exist; and

**WHEREAS**, pursuant to Government Code section 8630 such an emergency may be proclaimed by the governing body or by an official designated by ordinance adopted by the governing body; and

**WHEREAS**, on March 17, 2020, the City Council adopted Resolution No. 06-2020 to proclaim a local emergency by virtue of the extreme peril to the safety of persons and property in the City caused by coronavirus ("COVID-19"); and

**WHEREAS**, the Governor of the State of California has Proclaimed a State of Emergency for COVID-19, which is set to expire on February 28, 2023; and

**WHEREAS**, Contra Costa County declared a local emergency for COVID-19, which is set to expire on February 28, 2023; and

**WHEREAS**, the City declared a local emergency to recognize the impact of COVID-19 on the City, provide flexibility to the City in its response efforts, and allow the City to pursue potential funding opportunities related to emergency response; and

**WHEREAS**, the City's response to the COVID-19 pandemic has stabilized, and a declared local emergency is no longer necessary.

**BE IT RESOLVED** that, effective February 28, 2023, the local emergency related to COVID-19 is hereby terminated.

**PASSED AND ADOPTED** by the Clayton City Council, State of California, on this 21st day of February 2023, by the following vote.

AYES:

NOES:

ABSENT:

ABSTAIN:

**THE CITY COUNCIL OF CLAYTON, CA**

\_\_\_\_\_  
Jeff Wan, Mayor

**ATTEST:**

---

Janet Calderon, City Clerk



# AGENDA REPORT

**TO:** HONORABLE MAYOR AND COUNCILMEMBERS

**FROM:** Larry Theis, City Engineer

**DATE:** February 21, 2023

**SUBJECT:** Approve Parcel Map (MS 01-22) at 500 Douglas Road via resolution and find this subdivision project as CEQA Exempt under Class 3 and Class 15

---

## **RECOMMENDATION**

Staff recommends that the City Council adopt the resolution (Attachment 1) that approves Parcel Map (MS 01-22) located at 500 Douglas Road and deem this project as categorically exempt from California Environmental Quality Act (CEQA) (Public Resources Code section 21000 *et seq.*) pursuant to section 15303 (Class 3, New Construction or Conversion of Small Structures) and section 15315 (Class 15, Minor Land Divisions) of the state CEQA Guidelines (California Code of Regulations section 15000 *et seq.*).

## **BACKGROUND**

On August 28, 2018, the Clayton Planning Commission approved the tentative parcel map to subdivide an existing 1.47-acre lot into three parcels at 500 Douglas Road (APN 119-560-012). The proposed southernmost parcel would contain the existing single-family residence and the proposed two northernmost parcels would be created as two additional single family residential lots. The applicant and their engineer/surveyor submitted the parcel map (Attachment 2), and staff has reviewed and found it to be technically correct and in conformance with the requirements of the Subdivision Map Act and the Clayton Municipal Code. Planning and Engineering have confirmed that the applicable conditions of approval in the Notice of Decision dated August 30, 2018, have been substantially satisfied in order to recommend approval of the parcel map.

## **ENVIRONMENTAL**

This action of subdividing private land by approving the proposed parcel map is categorically exempt from CEQA pursuant to section 15303 (Class 3, New Construction or Conversion of Small Structures) and section 15315 (Class 15, Minor Land Divisions) of the state CEQA Guidelines (California Code of Regulations section 15000 *et seq.*).

## **FISCAL IMPACT**

There is no direct fiscal impact to the City.

Attachments: 1. Resolution [2 pp.]  
2. Parcel Map [4 pp.]

**RESOLUTION NO. ##-2023**

**A RESOLUTION APPROVING THE PARCEL MAP MS 01-22 FOR THE DOUGLAS ROAD PLANNED DEVELOPMENT (3 LOTS) AND DETERMINING THE PROJECT IS CATEGORICALLY EXEMPT FROM CEQA PURSUANT TO SECTIONS 15303 AND 15315**

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

**WHEREAS**, on August 28 ,2018 the Clayton Planning Commission approved the tentative parcel map to subdivide an existing 1.47-acre lot into three parcels at 500 Douglas Road (APN 119-560-012), with the proposed southernmost parcel would contain the existing single-family residence and the proposed two northernmost parcels would be created as two additional single family residential lots; and

**WHEREAS**, under the California Environmental Quality Act (CEQA) this proposed subdivision project is deemed categorically exempt from CEQA (Public Resources Code section 21000 *et seq.*) pursuant to section 15303 (Class 3, New Construction or Conversion of Small Structures) and section 15315 (Class 15, Minor Land Divisions) of the state CEQA Guidelines (California Code of Regulations section 15000 *et seq.*); and

**WHEREAS**, the City Staff has reviewed the proposed parcel map (MS 01-22) and finds it to be technically correct, and that applicable conditions of approval in the Notice of Decision dated August 30, 2018, have been substantially satisfied to recommend the approval of the parcel map by the City Council; and

**WHEREAS**, the developer and future property owners acknowledge there are remaining conditions of approval that still need to be satisfied in accordance with the Notice of Decision prior to the sale of lots, obtaining grading, construction, and building permits, and sign off for occupancy; and

**NOW THEREFORE, BE IT RESOLVED** that the City Council of the City of Clayton, California does hereby approve the Parcel Map (MS 01-22) located at 500 Douglas Road for recordation at the County Clerk Recorder and does not accept any offers of dedication at this time.

**PASSED, APPROVED AND ADOPTED** by the City Council of Clayton, California, at a regular public meeting thereof held on the 21<sup>st</sup> day of February 2023, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

THE CITY COUNCIL OF CLAYTON, CA

---

Jeff Wan, Mayor

ATTEST:

---

Janet Calderon, City Clerk

OWNER'S STATEMENT

THE UNDERSIGNED, BEING THE PARTY HAVING A RECORD TITLE INTEREST IN THE LAND DELINEATED AND EMBRACED WITHIN THE HEAVY BLACK LINES UPON THIS MAP, DOES HEREBY CONSENT TO THE MAKING AND FILING OF THE SAME.

THE UNDERSIGNED DOES HEREBY DEDICATE TO THE PUBLIC FOREVER AN EASEMENT FOR INGRESS AND EGRESS OF EMERGENCY VEHICLES OVER, UPON, AND ACROSS THOSE STRIPS OF LAND DESIGNATED ON THIS MAP AS "EVAE" (EMERGENCY VEHICLE ACCESS EASEMENT) .

THE REAL PROPERTY DESCRIBED BELOW IS OFFERED FOR DEDICATION AS AN EASEMENT FOR PUBLIC PURPOSES: THE AREAS DESIGNATED AS "PUBLIC UTILITY EASEMENTS" OR "PUE" ARE FOR PUBLIC UTILITY PURPOSES INCLUDING POLES, WIRES, CONDUITS, STORM DRAINS, FLOOD AND SURFACE WATER DRAINAGE, GAS LINES, ELECTRIC, TELEPHONE AND CABLE TELEVISION UTILITIES, INCLUDING THE RIGHTS OF INGRESS, EGRESS, CONSTRUCTION, RECONSTRUCTION. ACCESS FOR MAINTENANCE OF WORKS, IMPROVEMENTS, AND STRUCTURES, AND THE CLEARING OF OBSTRUCTIONS AND VEGETATION.

THE UNDERSIGNED DOES HEREBY RESERVE A PRIVATE EASEMENT FOR INGRESS, EGRESS AND UTILITIES IN FAVOR OF PARCEL A, B AND C IN THOSE AREAS DESIGNATED AS "PRIVATE ACCESS AND UTILITY EASEMENT" OR "PAUE", FOR PEDESTRIAN AND VEHICULAR ACCESS ALONG WITH UTILITY PURPOSES INCLUDING POLES, WIRES, CONDUITS, STORM DRAINS, FLOOD AND SURFACE WATER DRAINAGE, GAS LINES, ELECTRIC, TELEPHONE AND CABLE TELEVISION UTILITIES, INCLUDING THE RIGHTS OF INGRESS, EGRESS, CONSTRUCTION, RECONSTRUCTION.MAINTENANCE OF ALL IMPROVEMENTS WITHIN SAID EASEMENT TO BE PERFORMED BY THE OWNERS OF SAID PARCELS AS OUTLINED IN A JOINT USE AGREEMENT TO BE RECORDED BY SEPARATE DOCUMENT.

THIS MAP SHOWS ALL EASEMENTS ON THE PREMISES OR OF RECORD.

ERIK S. FJELBO AND LINDA M. FJELBO, HUSBAND AND WIFE, AS COMMUNITY PROPERTY WITH RIGHT OF SURVIVORSHIP

ERIK S. FJELBO

LINDA M. FJELBO

OWNER'S ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA )  
COUNTY OF CONTRA COSTA ) SS

ON \_\_\_\_\_, 20\_\_\_\_, BEFORE ME, \_\_\_\_\_, A  
PERSONALLY APPEARED \_\_\_\_\_  
WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE  
PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT  
AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN  
HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR  
SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON  
BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL

SIGNATURE NOTARY:\_\_\_\_\_

NAME (PRINTED OR TYPED):\_\_\_\_\_

MY COMMISSION EXPIRES:\_\_\_\_\_

COUNTY OF NOTARY:\_\_\_\_\_

PRINCIPAL PLACE OF BUSINESS:\_\_\_\_\_

PARCEL MAP

"MS 01-22"

BEING A PORTION OF THE SOUTHWEST 1/4 OF  
THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP  
1 NORTH, RANGE 1 WEST MDBM  
CONTRA COSTA COUNTY

CITY OF CLAYTON  
CONTRA COSTA COUNTY, CALIFORNIA  
AND CONTAINING 1.456 ACRES



817 Arnold Drive, Ste. 50  
Martinez, CA 94553  
Ph: (925) 476-8499  
www.apexce.net

JANUARY, 2023

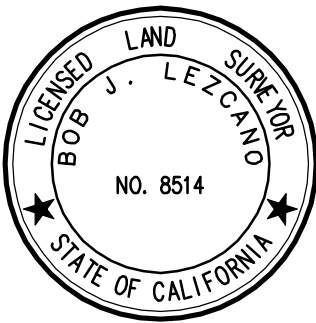
SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF ERIC FJELLBO IN AUGUST, 2022.

I HEREBY STATE THAT THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED OR WILL BE SET IN POSITIONS INDICATED BEFORE DECEMBER 30, 2023 AND THAT THE MONUMENTS WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED. THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP. THE SUBDIVISION CONTAINS 1.456 ACRES MORE OR LESS, AND LIES WITHIN THE CITY OF CLAYTON, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA.

DATE:\_\_\_\_\_

BOB J. LEZCANO,  
LS 8514



COUNTY RECORDER'S STATEMENT

FILED THIS \_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AT \_\_\_\_\_M. IN BOOK \_\_\_\_\_ OF MAPS,  
AT PAGE \_\_\_\_\_, AT THE REQUEST OF OLD REPUBLIC TITLE COMPANY.

KRISTIN B. CONNELLY  
COUNTY RECORDER  
COUNTY OF CONTRA COSTA  
STATE OF CALIFORNIA

BY:\_\_\_\_\_  
DEPUTY COUNTY RECORDER



PARCEL MAP

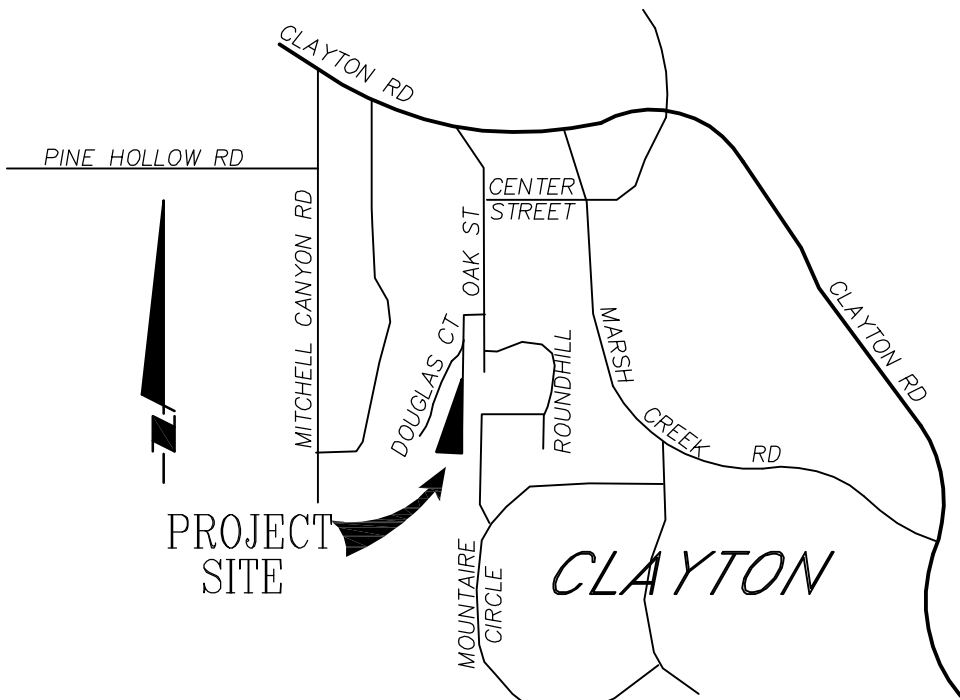
"MS 01-22"

BEING A PORTION OF THE SOUTHWEST 1/4 OF  
THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP  
1 NORTH, RANGE 1 WEST MDBM  
CONTRA COSTA COUNTY

CITY OF CLAYTON  
CONTRA COSTA COUNTY, CALIFORNIA  
AND CONTAINING 1.456 ACRES



JANUARY, 2023



VICINITY MAP  
NOT TO SCALE

CITY ENGINEER'S STATEMENT

I, LAWRENCE THEIS, CITY ENGINEER OF THE CITY OF CLAYTON, HEREBY STATE THAT I HAVE EXAMINED THIS MAP ENTITLED, "PARCEL MAP, MS 01-22", THAT SAID SUBDIVISION AS SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP, IF REQUIRED, AND ANY APPROVED ALTERATIONS THEREOF; THAT ALL THE PROVISIONS OF CHAPTER 2 OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES GOVERNING THE FILING OF SUBDIVISION MAPS APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP, IF REQUIRED, HAVE BEEN COMPLIED WITH.

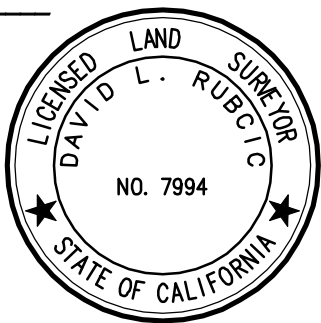
DATED: \_\_\_\_\_  
LAWRENCE THEIS, CITY ENGINEER  
REGISTRATION NO. RCE 67662



CITY SURVEYOR'S STATEMENT

I, DAVID RUBCIC, ACTING CITY SURVEYOR FOR THE CITY OF CLAYTON HEREBY STATE THAT I HAVE EXAMINED THIS MAP ENTITLED "PARCEL MAP, MS 01-22" AND I AM SATISFIED THAT THE MAP IS TECHNICALLY CORRECT.

DATED: \_\_\_\_\_  
DAVID RUBCIC  
REGISTRATION NO. LS 7994  
ACTING CITY SURVEYOR  
CITY OF CLAYTON



SOILS REPORT STATEMENT

ENGEO INCORPORATED PREPARED A GEOTECHNICAL EXPLORATION REPORT FOR SITE (PARCEL MAP MS 01-22-DOUGLAS COURT) PROJECT NO. 6552.4.001.01, DATED NOVEMBER 17, 2004.

DATED: \_\_\_\_\_  
ENGEO INCORPORATED  
THEODORE P BAYHAM  
GE 2480, EXP. 09/30/2024

CITY CLERK'S STATEMENT

I, THE UNDERSIGNED CALDERON, CITY CLERK AND EX-OFFICIO CLERK OF THE COUNCIL OF THE CITY OF CLAYTON, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DO HEREBY STATE THAT THIS MAP, CONSISTING OF FOUR (4) SHEETS AND ENTITLED, "MS 01-22" WAS PRESENTED TO SAID COUNCIL AS PROVIDED BY LAW AT THE REGULAR MEETING HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AND THAT SAID COUNCIL DID THERE UPON APPROVE SAID MAP AND DID NOT ACCEPT ON BEHALF OF THE PUBLIC, SUBJECT TO ANY IMPROVEMENTS, ANY EASEMENTS SHOWN THEREON AS DEDICATED FOR PUBLIC USE IN CONFORMITY WITH THE TERMS OF THE OFFER OF DEDICATION AND OF THE SUBDIVISION MAP ACT SECTION 66477.5 (C).

I HEREBY FURTHER STATE THAT PURSUANT TO SECTION 66477.5 OF THE CALIFORNIA GOVERNMENT CODE, THE LOCAL AGENCY SHALL RECONVEY THE PROPERTY TO THE SUBDIVIDER IF THE LOCAL AGENCY MAKES A FINDING THAT THE SAME PUBLIC PURPOSE OF WHICH THE PROPERTY WAS DEDICATED DOES NOT EXIST OR ANY PORTION THEREOF IS NOT NEEDED FOR PUBLIC UTILITY, AS SPECIFIED IN SUBDIVISION (C) OF THE SECTION

THE NAMES OF THE SUBDIVIDERS DEDICATING SAID PROPERTY IN FEE FOR PUBLIC PURPOSES ARE SHOWN ON THE STATEMENT OF OWNERS

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
JANET BROWN  
CITY CLERK AND EX-OFFICIO CLERK OF THE  
COUNCIL OF THE CITY OF CLAYTON,  
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA

CLERK OF THE BOARD OF SUPERVISOR'S STATEMENT

I STATE AS CHECKED BELOW THAT:

\_\_\_\_\_  
A TAX BOND ASSURING THE PAYMENT OF ALL TAXES WHICH ARE NOW A LIEN BUT NOT YET PAYABLE HAS BEEN RECEIVED AND FILED WITH THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA.

\_\_\_\_\_  
ALL TAXES DUE HAVE BEEN PAID, AS CERTIFIED BY THE COUNTY REDEMPTION OFFICER.

DATE: \_\_\_\_\_  
BY: \_\_\_\_\_  
DEPUTY CLERK  
MONICA NINO  
CLERK OF THE BOARD OF  
SUPERVISORS AND ADMINISTRATOR OF  
CONTRA COSTA COUNTY,  
STATE OF CALIFORNIA

PLANNING COMMISSION STATEMENT

I HEREBY CERTIFY THAT THE PLANNING COMMISSION OF THE CITY OF CLAYTON, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, HAS APPROVED THE TENTATIVE MAP OF THIS SUBDIVISION UPON WHICH THIS FINAL MAP IS BASED

\_\_\_\_\_  
DANA AYERS, AICP  
COMMUNITY DEVELOPMENT DIRECTOR  
CITY OF CLAYTON  
DATE

PARCEL MAP  
"MS 10-22"

BEING A PORTION OF THE SOUTHWEST 1/4 OF  
THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 1  
NORTH, RANGE 1 WEST MDBM  
CONTRA COSTA COUNTY  
CITY OF CLAYTON  
CONTRA COSTA COUNTY, CALIFORNIA  
AND CONTAINING 1.456 ACRES



JANUARY, 2023 SCALE: 1"=60'  
( IN FEET )  
1 INCH = 60 FT.

REFERENCES

- (1) SUB 5267 (210 M 20)
- (2) SUB 4451 (177 M 16)
- (3) SUB 4654 (179 M 46)
- (4) SUB 4504 (162 M 21)
- (5) RS 2887 (129 LSM 30)

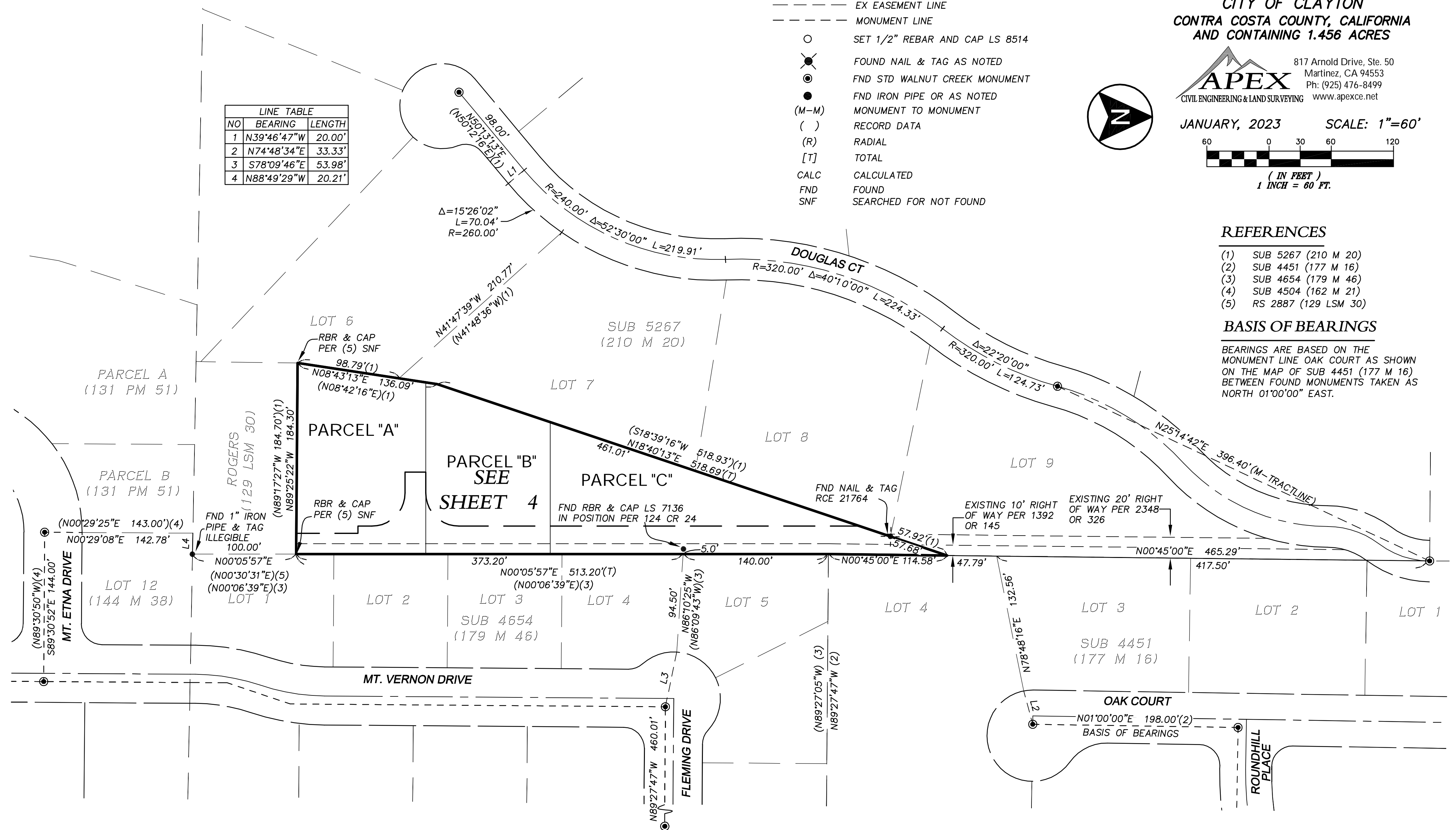
BASIS OF BEARINGS

BEARINGS ARE BASED ON THE  
MONUMENT LINE OAK COURT AS SHOWN  
ON THE MAP OF SUB 4451 (177 M 16)  
BETWEEN FOUND MONUMENTS TAKEN AS  
NORTH 01°00'00" EAST.

LEGEND

- SUBDIVISION BOUNDARY LINE
- EXISTING RIGHT OF WAY LINE
- ADJACENT LOT LINE
- CENTERLINE
- NEW ACCESS EASEMENT
- EX EASEMENT LINE
- MONUMENT LINE
- SET 1/2" REBAR AND CAP LS 8514
- FOUND NAIL & TAG AS NOTED
- FND STD WALNUT CREEK MONUMENT
- FND IRON PIPE OR AS NOTED
- (M-M) MONUMENT TO MONUMENT
- ( ) RECORD DATA
- (R) RADIAL
- [T] TOTAL
- CALC CALCULATED
- FND FOUND
- SNF SEARCHED FOR NOT FOUND

LINE TABLE		
NO	BEARING	LENGTH
1	N39°46'47"W	20.00'
2	N74°48'34"E	33.33'
3	S78°09'46"E	53.98'
4	N88°49'29"W	20.21'

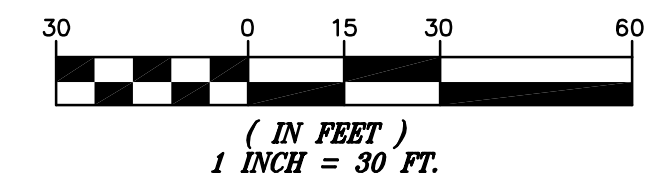


PARCEL MAP  
"MS 10-22"

BEING A PORTION OF THE SOUTHWEST 1/4 OF  
THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 1  
NORTH, RANGE 1 WEST MDBM  
CONTRA COSTA COUNTY  
CITY OF CLAYTON  
CONTRA COSTA COUNTY, CALIFORNIA  
AND CONTAINING 1.456 ACRES



JANUARY, 2023 SCALE: 1"=30'



REFERENCES

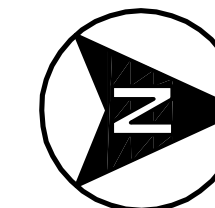
- (1) SUB 5267 (210 M 20)
- (2) SUB 4451 (177 M 16)
- (3) SUB 4654 (179 M 46)
- (4) SUB 4504 (162 M 21)
- (5) RS 2887 (129 LSM 30)

BASIS OF BEARINGS

BEARINGS ARE BASED ON THE  
MONUMENT LINE OAK COURT AS SHOWN  
ON THE MAP OF SUB 4451 (177 M 16)  
BETWEEN FOUND MONUMENTS TAKEN AS  
NORTH 01°00'00" EAST.

LEGEND

- SUBDIVISION BOUNDARY LINE
- EXISTING RIGHT OF WAY LINE
- ADJACENT LOT LINE
- CENTERLINE
- NEW ACCESS EASEMENT
- EXISTING EASEMENT LINE
- MONUMENT LINE
- SET 1/2" REBAR AND CAP LS 8514
- FOUND NAIL & TAG AS NOTED
- FND STD WALNUT CREEK MONUMENT
- FND IRON PIPE OR AS NOTED
- (M-M) MONUMENT TO MONUMENT
- ( ) RECORD DATA
- (R) RADIAL
- [T] TOTAL
- CALC CALCULATED
- FND FOUND
- EVAE EMERGENCY VEHICLE ACCESS EASEMENT
- PAUE PRIVATE ACCESS AND UTILITY EASEMENT
- PUE PRIVATE ACCESS AND UTILITY EASEMENT



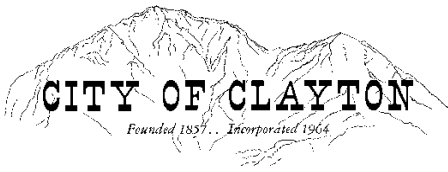
LOT 6

PARCEL "A"  
21,745 SF± GROSS  
17,528 SF± NET

PARCEL "B"  
17,683 SF± GROSS  
14,223 SF± NET

PARCEL "C"  
24,185 SF± GROSS  
14,968 SF± NET

LINE TABLE		
NO	BEARING	LENGTH
1	N00°05'57"E	20.00'
2	N89°54'03"W	20.00'
3	N00°05'57"E	13.46'
4	N89°54'03"W	7.00'



# AGENDA REPORT

**TO: HONORABLE MAYOR AND COUNCIL MEMBERS**

**FROM: CITY ATTORNEY**

**DATE: February 21, 2023**

**SUBJECT: CONTINUE USE OF HYBRID MEETINGS FOR CITY COUNCIL, PLANNING COMMISSION AND BUDGET AND AUDIT COMMITTEE MEETINGS**

## **RECOMMENDATION**

Continue use of hybrid meetings for City Council, Planning Commission, and Budget and Audit Committee meetings to allow for greater public participation and the ability to use AB 2449.

## **BACKGROUND**

Pursuant to AB 361, the City Council and its Commission initially conducted all virtual meetings due to the pandemic. Over time, the City moved to hybrid meetings, where the Council and Planning Commission attend in person and the public participated virtually. Hybrid meetings have allowed the public to participate remotely and has increased public participation.

The City is not legally obligated to conduct hybrid meetings and therefore, we wanted to confirm the continued use of hybrid meetings for future City Council and Planning Commission meetings. If the City Council and Planning Commission would like to utilize AB 2449, which allows for officials to participate remotely under limited circumstances for just cause and emergency circumstances, that specific meeting must be hybrid. This may be difficult to set up last minute if there is not advance notice, which may be often the case.

To allow for increased public participation and flexibility for the City Council, Planning Commission and Budget and Audit Committee to utilize AB 2449 for remote participation should the need arise, we recommend the continued use of hybrid meetings.

## **FISCAL IMPACT**

There are costs associated with conducting hybrid meetings, which include audiovisual set up, monitoring and processing of meeting content. Costs per meeting are: \$500 - \$600 (\$12,000 - \$14,400 annually) for a City Council Meeting, \$200 - \$300 (\$4,800 - \$7,200 annually) for a Planning Commission Meeting and \$400 - \$500 (\$4,800 - \$6,000 annually) for a Budget and Audit Committee Meeting.



# STAFF REPORT

**TO:** HONORABLE MAYOR AND COUNCILMEMBERS  
**FROM:** Ron Bernal, Interim City Manager  
**MEETING DATE:** February 21, 2023  
**SUBJECT:** Endeavor Hall Non-Profit Rental Rate Discussion

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## **RECOMMENDATION**

It is recommended the City Council discuss what level of discount or fee waiver they would like to apply to non-profit Clayton organizations for the rental of Endeavor Hall and provide staff direction on next steps.

## **BACKGROUND**

In our annual City Council adopted Master Fee Schedule (City of Clayton User Benefit, Regulatory and Rental Fees), fees are set for all types of city services including the rental of facilities. For Endeavor Hall specifically, the City has established rates for different user classifications including residents, non-residents, Clayton-based non-profits and non-Clayton-based non-profits.

Over the years, different arrangements have been made with several community non-profits who regularly use the facility. These arrangements are not consistent with each other and, at times, create confusion and extra work for staff to interpret and administer. Staff is looking for a City Council policy that will provide clarity on how much to charge for the use of Endeavor Hall for the different user groups; specifically, Clayton non-profit organizations.

## **DISCUSSION**

There has been a past practice of discounting the non-profit rate by 80% (charging 20% of the non-profit rate) especially when it involves longer-term renting of Endeavor Hall. Some smaller Clayton non-profits with low usage have had their fees waived altogether.

Prior to the pandemic, Endeavor Hall was rented around 140 days per year. This dropped significantly in 2020 and 2021 and has rebounded in the past year to near pre-pandemic

levels. The estimated usage for FY2022/23 (July 1, 2022 thru June 30, 2023) is 150 days with projected fees to be collected of \$32,000. Based on the 80% reduction to the non-profit fee and full waivers provided to some users (under the past practice), approximately \$41,000 in fees will be waived. In summary, absent any fee waivers, an estimated \$73,000 would be collected for rental of Endeavor Hall this fiscal year.

It is not uncommon for City Councils to discount fees for organizations or causes that provide a community benefit; however, users who do not pay their full costs are being subsidized by the community at-large.

Staff recommends that the City Council consider a scaled approach to fee waivers based on the annual gross revenues of each non-profit. One example of this approach might be:

Gross Annual Revenue	% Waived of Clayton Non-Profit Fee
\$10,000 or less	100%
\$10,001 to \$50,000	80%
\$50,001 and above	40%

### **FISCAL IMPACT**

The Fiscal Impact to the City of Clayton for the concept proposed in the table above is not known as staff does not know the gross annual revenue of the current users. The projected FY2022/23 cost to operate the facility is \$75,000. It should be noted that the City has contracted to have a User Fee Study conducted which will review all of the City's fees in conjunction with the FY2023/24 budget adoption process. This study will calculate the full cost to provide services at Endeavor Hall. The outcome of this study will likely result in potential revisions to facility rental fees.

### **ATTACHMENTS:**

1. FY2022/23 Master Fee Schedule Pages 5 and 10 (Endeavor Hall Meeting Room)

City of Clayton User Benefit, Regulatory and Rental Fees		
Foot Notes	Fee/Deposit Description	Proposed FY 2022-23 Fee/Deposit 5% CPI Increase (8.8% total increase)
<sup>6</sup>	Resident (per hour)	\$72
<sup>6</sup>	Non resident or Commercial (per hour)	\$90
<sup>6</sup>	Deposit (for all) - clean up/damage - refundable (per rental)	\$217
<sup>6</sup>	Reservation rental time change (same date) (less than 7 calendar days prior to use date)	\$49
<sup>6</sup>	Reservation rental date change (less than 7 calendar days prior to use date)	\$64
<sup>6</sup>	Rental Cancellation Fee (30 or more days prior to event)	\$31
<sup>6</sup>	Rental Cancellation Fee (15-29 days prior to event)	50% refund and \$30 processing fee
	Rental Cancellation Fee (14 days or less)	No refund
<b>Endeavor Hall Meeting Room</b>		
<sup>6</sup>	Non-profits (Clayton-based and Non-Clayton-based Weekdays) (per hour Sun 5pm - Fri 5pm)	\$57
<sup>6</sup>	Clayton-based non-profit only (maximum daily weekday rental)	\$144
<sup>6</sup>	Non-profits (Clayton-based and Non-Clayton-based Weekends) (per hour Fri 5pm - Sun 5pm)	\$216
<sup>6</sup>	Resident - Weekdays (per hour Sun 5pm - Fri 5pm)	\$144
<sup>6</sup>	Non-resident or Commercial - Weekdays (per hour Sun 5pm - Fri 5pm)	\$173
<sup>6</sup>	Resident - Weekends (per hour Fri 5pm - Sun 5pm)	\$216
<sup>6</sup>	Non-resident or Commercial - Weekends (per hour Fri 5pm - Sun 5pm)	\$260
	Deposit (all) - no alcohol or beer and wine only (clean up/damage per reservation)	\$500
	Deposit (all) - hard alcohol (distilled spirits) (clean up/damage per reservation)	\$1,000
<sup>6</sup>	Reservation rental time change (same date) (less than 30 days prior to the event)	\$49
<sup>6</sup>	Reservation rental date change (less than 90 days prior to event)	\$64
	Rental Cancellation Fee (181 or more days prior to event)	95% deposit refund and \$30 processing fee
	Rental Cancellation Fee (91 - 180 days prior to event)	75% deposit refund and \$30 processing fee
	Rental Cancellation Fee (61 - 90 days prior to event)	50% deposit refund and \$30 processing fee
	Rental Cancellation Fee (31 - 60 days prior to event)	25% deposit refund and \$30 processing fee
	Rental Cancellation Fee (30 days or less prior to event)	No refund
<b>City Hall 1st Floor Conference Room</b>		
<sup>6</sup>	Non-profit (Clayton-based or non-Clayton-based non profits) (per hour)	\$31
<sup>6</sup>	Resident (per hour)	\$37
<sup>6</sup>	Non-resident or Commercial (per hour)	\$46
	Deposit (clean up/damage per reservation)	\$100
<sup>6</sup>	Reservation rental time change (same date) (less than 7 calendar days prior to use date)	\$49
<sup>6</sup>	Reservation rental date change (less than 7 calendar days prior to use date)	\$64
<sup>6</sup>	Rental Cancellation Fee (30 or more days prior to event)	\$31



City of Clayton User Benefit, Regulatory and Rental Fees		
Foot Notes	Fee/Deposit Description	Proposed FY 2022-23 Fee/Deposit 5% CPI Increase (8.8% total increase)
FOOT NOTES		
1	"Time" is defined as the cost per hour for an employee at the time the costs are incurred. Costs included salary, benefits, employer taxes, overhead and overtime, as applicable. Time also means City Engineer billing (plus 15%), as well as costs of other contracts and expenses. Detail of costs are available upon request.	
2	"Cost" is defined as the cost of equipment use, non-returnable flash drive (video/audio recordings), materials, labor, and supplies.	
3	Deposits are required upon submittal of an application. A minimum deposit is stipulated by these fees. At City Manager's discretion, deposit requirement can be reduced. Also, if it is the judgment of staff a minimum deposit is not sufficient, the required deposit may be increased. If, after a deposit is made, more funds are needed, the applicant will be notified when approx. 30% of the deposit remains, any additional funds estimated by staff are to be provided to replenish the deposit account for continuing work on the project, until such funds are received work on the project may be suspended.	
4	If a development project requires multiple applications, only a single deposit shall be required. In such cases, the amount of the deposit shall be the largest single deposit required by any of the applications, or an amount determined by the City Manager, not to exceed the sum of the deposits.	
5	All fixed-cost development application fees are refundable based upon the City amount of staff work completed on the process of the application and subject to approval by the City Manager.	
6	City operational costs are driven both by labor increases and by overall cost of living increases and fees are adjusted by the higher of those two each year. For FY22 the CPI is equal to 5.0%, City Labor increases are equal to either 3% or 4%; thus the rates are increasing by 5.0%. They did not increase in FY22 due to staff turnover and COVID related delays; therefore, we are also including an increase of 3.8% for FY22. The total increase from FY21 to FY23 is 8.8%.	
7	CPI in prior year Master Fee Schedule (FY 2021 or FY2022) did not result in a fee increase due to the CPI impact being too trivial to warrant a full dollar increase as fees are adopted in whole dollars only. Therefore, fees in these areas for FY2023 did not increase.	
8	Amount reflects minimum engineering deposit for standard project requirements. However additional amounts may be required as determined by the City Engineer based on the size of the project and for unusual or non-standard circumstances. All costs for inspection and administration relating to this permit shall be deducted from the inspection service deposit(s) or cash bond.	
9	This specified Clayton Community Park picnic area is only available for rent in 4 hour block increments.	
10	An Arrow symbol → Indicates fee increases and will take effect 60 days after adoption that may be subject to California Government Code §66017. All other fees will take effect upon adoption of Resolutions.	
11	This is a newly added fee per California Vehicle Code Section 35700(a)	



# AGENDA REPORT

**TO:** HONORABLE MAYOR AND COUNCIL MEMBERS

**FROM:** Ron Bernal, Interim City Manager

**DATE:** February 21, 2023

**SUBJECT:** Set March 13, 2023 for City Council Special Meeting: City Council Goal Setting

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## **RECOMMENDATION**

Staff recommends the City Council discuss and by motion order direct staff to set a Special City Council meeting for March 13, 2023 at 3:30 p.m. for the purpose of conducting a Goal Setting Session.

## **BACKGROUND**

Typically, the Clayton City Council meets at least once per year to discuss progress on prior year City Council goals and to establish new and/or modified goals for the upcoming year. Council's goals and priorities will inform the FY2023/24 budget process which is set to begin next month.

The last goal-setting session was March 21, 2022. At their April 5, 2022 meeting, City Council approved three main goals for FY2022/23:

- Pursue a structurally sustainable budget
- Identify what it takes to support staff in terms of technology and tools to bring the City into the 21<sup>st</sup> century
- Present a compliant Housing Element to the State Department of Housing and Community Development (HCD)

## **DISCUSSION**

In addition to reviewing progress or completion of last year's goals, this year's session will also include a presentation from the firm that is concluding an Organizational Assessment to identify appropriate staffing levels and opportunities for improvement.

Based on a survey regarding potential available dates for this session, it is recommending that the Special Meeting be scheduled for 3:30 p.m. on Monday March 13, 2023 in the Third Floor Conference Room at City Hall and facilitated by the City Manager. In order to manage costs while providing an opportunity for the community to watch the meeting at a later date, it is also recommended that the meeting be in-person and video recorded so it can be posted on the City's website.

Staff requests that Council provide direction on the following items:

- 1) Confirm the location, date and time,
- 2) Whether the meeting should be facilitated by the City Manager or a hired professional, and
- 3) Whether the meeting should be in-person and video recorded, in a hybrid format (similar to current regular City Council Meetings), audio recorded only, or not recorded.

If Council decides to have the meeting in a hybrid format, the session will have to be held in Hoyer Hall as it is the only City facility with this capability.

### **FISCAL IMPACTS**

The fiscal impact of conducting the Goal Setting Session will depend on whether the Council wants a professional facilitator which could cost several thousand dollars, and whether the session will be a hybrid meeting conducted at Hoyer Hall which is estimated to cost approximately \$600. If the meeting is facilitated by the City Manager and non-hybrid recorded, the cost to conduct the meeting will be nominal.

### **Attachments**

None