



AGENDA

REGULAR MEETING

* * *

CLAYTON CITY COUNCIL

* * *

TUESDAY, April 18, 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 in City Hall located at 6000 Heritage Trail and on the City's website at www.claytonca.gov
- Agendas are posted at: 1) City Hall, 6000 Heritage Trail; 2) Library, 6125 Clayton Road; 3) Ohm's Bulletin Board, 1028 Diablo Street, Clayton; and 4) City Website at www.claytonca.gov
- Any writings or documents provided to a majority of the City Council after distribution of the Agenda Packet and regarding any public item on this Agenda will be made available for public inspection in the City Clerk's office located at 6000 Heritage Trail during normal business hours and is available for review on the City's website at 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 – April 18, 2023

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_suxMeIgbQNWPGzIqaBNXFw
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.
2. **Phone-in:** Register for the meeting using the URL in the paragraph above. Once registered, you will receive an e-mail with instructions to join the meeting telephonically, and then dial toll-free 877-853-5257 and use the Webinar ID and Password found in the e-mail.
3. **E-mail Public Comments:** If preferred, please e-mail public comments to the City Clerk, Ms. Calderon at janetc@claytonca.gov by 5:00 p.m. on the day of the City Council meeting. All e-mailed public comments will be forwarded to the entire City Council.

Each person attending the meeting via video conferencing or telephone and who wishes to speak on an agendized or non-agendized matter shall have a set amount of time to speak as determined by the Planning Commission Chair.

*** CITY COUNCIL ***

April 18, 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 April 4, 2023.
(City Clerk) ([View here](#))

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

(c) Resolution Directing the Preparation and Filing of an Engineer's Report for the Diablo Estates Benefit Assessment District. (City Engineer) ([View here](#))

5. **RECOGNITIONS AND PRESENTATIONS**

(a) Proclamation declaring the week of April 23 – 29, 2023 as "Clayton Community Library Week". (Mayor Wan) ([View here](#))

(b) Mount Diablo Interpretive Association (MDIA) Mitchell Canyon Educational Center Presentation. (Councilmember Trupiano) ([View here](#))

6. REPORTS

- (a) City Manager/Staff

7. PUBLIC HEARINGS – None.

8. ACTION ITEMS

- (a) Authorize the Mayor to Execute the City Manager Employment Agreement.
(City Attorney) ([View here](#))
- (b) Resolution Adopting the City of Clayton's Salary Schedule Effective April 18, 2023, in Conformance with the California Public Employees Retirement System (CalPERS) Requirements to Provide a Publicly Available Salary Schedule.
(Interim City Manager) ([View here](#))
- (c) Receive the Report and Provide Feedback on the Traffic Speed Strategy.
(Chief of Police and City Engineer) ([View here](#))
- (d) Approve Funding Appropriation for American Rescue Plan Act (ARPA) Funds for Efficiency Measures and Asset Replacement and Acquisition.
(Interim City Manager) ([View here](#))
- (e) Provide Direction on whether to Appropriate Additional American Rescue Plan Act (ARPA) Funds for the Local Assistance Program (Clayton Cares) and whether to Modify the Amount Allowed per Grant Recipient.
(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. ADJOURNMENT

The next regularly scheduled meeting of the City Council will be May 2, 2023.

#

MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL
TUESDAY, APRIL 4, 2023

1. **CALL TO ORDER THE CITY COUNCIL** – The meeting was called to order at 6:33 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 and Trupiano. Councilmembers absent: None. Staff present: Interim City Manager Ron Bernal, City Attorney Mala Subramanian, Gary Phillips Executive Vice President and Executive Recruiter from Murray and Associates, and City Clerk Janet Calderon.

2. **CLOSED SESSION**

(6:34 p.m.) Mayor Wan announced City Council Closed Session.

- (a) Public Employment (Gov. Code 54957)
Title: City Manager

Conference with Labor Negotiators (Gov. Code 54957.6)
Agency designated representatives: Mayor Wan and Councilmember Tillman
Unrepresented employee: City Manager

- Short Recess -

* * * * *

7:00 P.M.

Report out from Closed Session:

(7:19 p.m.) Mayor Wan reported “No Reportable Action”.

3. **RECALL TO ORDER THE CITY COUNCIL** – The meeting was called to order at 7:19 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 and Trupiano. Councilmembers absent: None. Staff present: Interim City Manager Ron Bernal, City Attorney Mala Subramanian, Community Development Director Dana Ayers, Chief of Police Rich McEachin, Maintenance Supervisor Jim Warburton, Finance Director Angeline Loeffler, City Engineer Larry Theis, and City Clerk Janet Calderon.
4. **PLEDGE OF ALLEGIANCE** – Led by Mayor Wan.

5. PUBLIC COMMENT ON NON-AGENDA ITEMS

Pete Matheson requested the City Council consider reopening Clayton Cares Act Funding to local businesses.

Christine Muller expressed her dissatisfaction with the termination of the Clayton Business and Community Association contract.

Mayor Wan closed public comment.

6. CONSENT CALENDAR

Mayor Wan requested item 6(d) pulled for a separate discussion.

It was moved by Councilmember Cloven and seconded by Councilmember Trupiano to approve the Consent Calendar items 6(a) – 4(c) and 4(e), as submitted. (Passed 5-0)

- (a) Approved the minutes of the City Council's special meeting of March 13, 2023 and City Council's regular meeting of March 28, 2023. (City Clerk)
- (b) Approved the Financial Demands and Obligations of the City. (Finance Director)
- (c) Adopted Ordinance No. 499 to Amend Clayton Municipal Code Chapter 17.47, Sections 17.04.083 and 17.44.030, and Schedule 17.37.030A Pertaining to Accessory Dwelling Units and Junior Accessory Dwelling Units (ZOA-02-2022), and Finding that Such Amendment is Exempt from CEQA Pursuant to Public Resources Code Section 21080.17. (Community Development Director)
- (e) Approved National Opioid Litigation and Authorization to Participate in Additional Settlement Agreements Arising from the Litigation. (City Attorney)

Item 6(d) pulled for a separate discussion

- (d) Adoption of a Revised Investment Policy. (Finance Director)

Mayor Wan requested this item be tabled and brought back to a future meeting, as it does not reflect the Budget and Audit Committee direction provided to staff.

7. RECOGNITIONS AND PRESENTATIONS

- (a) Information Only – No Action Requested.
 - Autism Acceptance Month
 - Arab-American Heritage Month
 - Earth Day (April 22)
 - Armenian Genocide Remembrance Day (April 24)

8. **REPORTS**

- (a) Interim City Manager Ron Bernal announced the City is accepting applications for the Community Financial Sustainability Committee and the Facility Attendant position, the City is finalizing the City Manager recruitment, and advised he will be out of the office next week so Community Development Director Dana Ayers will be Acting City Manager.

9. **PUBLIC HEARINGS**

- (a) Adopt a Resolution authorizing the City to amend the Installation Agreement with Climatec to initiate Phase 2 of the Comprehensive Infrastructure Renewal and General Fund Savings Program and to find the amendment to be exempt from the California Environmental Quality Act (CEQA). (Interim City Manager)

Interim City Manager Ron Bernal introduced Bern Carter, Business Development Manager from Climatec, who provided the presentation.

Following questions and comments by the City Council, Mayor Wan opened the public comment.

Larry Love expressed support of this item and inquired if a solar component would be considered for Clayton businesses.

Ed Miller inquired if a Request For Proposals will go out to perform the work, and the expected time period for the City to be reimbursed.

Mayor Wan closed public comment.

It was moved by Councilmember Trupiano, seconded by Mayor Wan, to Adopt Resolution No. 19-2023 Approving an Amendment to the Energy Services Agreement with Climatec LLC to Implement Certain Energy Conservation Measures Under California Government Code Section 4217.10 Et Seq., Authorize the City Manager to Execute the Amendment, Adopt Findings in Accordance with California Government Code Section 4217.12, and Find it Exempt from CEQA. (Passed 5-0)

10. **ACTION ITEMS**

- (a) The Fiscal Year 2022-23 Mid-Year Budget Update. (Finance Director)

Finance Director Angeline Loeffler presented the report.

Following questions and comments by the City Council, Mayor Wan opened the public comment.

Noah Greenwood, the owner of Modern Boba and Sushi, requested funding for small businesses.

Larry Love requested the City Council consider additional funding for small businesses in Clayton.

Mayor Wan closed public comment.

The City Council thanked the Finance Director for the presentation.

- (b) Approve Funding Appropriation of American Rescue Plan Act (ARPA) Funds for Energy Cost Savings, Efficiency Measures, and Asset Replacement. (Interim City Manager)

Interim City Manager Ron Bernal presented the report.

Following questions and comments by the City Council, Mayor Wan opened the public comment.

Larry Love requested the City Council consider additional funding opportunities for Clayton small businesses.

Mayor Wan closed public comment.

Direction was provided to staff to provide a detailed analysis on Permit Management Software (Community Development Department and Finance Department), establishment of the GIS system, Ditch Witch vacuum trailer, F250 utility body trucks, Tattle Tale traffic signal lights, video surveillance system at City Hall, and a City Hall pool vehicle.

- (c) Annual Consideration of Canceling Any Regular City Council Meetings During the Summer of 2023. (Interim City Manager)

Interim City Manager Ron Bernal presented the report.

Following questions and comments by the City Council, Mayor Wan opened the public comment.

Roy Correa provided comments on the previous item requesting the City Council to consider prioritization and risk with the budget discussion.

Mayor Wan closed public comment.

It was moved by Councilmember Cloven, seconded by Mayor Wan, to Cancel the July 4, 2023 and September 5, 2023 regularly scheduled City Council meetings. (Passed 5-0)

11. COUNCIL ITEMS

Councilmember Tillman requested future agenda items to include an update from the Trails and Landscaping Committee, an update from the Concerts in The Grove Committee, an update from the July 4 Parade Committee, a review of special agreements, and an amendment of the Clayton Municipal Code regarding mobile food vendors.

Councilmember Trupiano requested a future agenda item to include a presentation by the Mount Diablo Interpretive Association. She also announced the Concerts in The Grove will begin May 13 through September 16 every other weekend.

12. COUNCIL REPORTS

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

Councilmember Trupiano attended the League of California Cities East Bay Division meeting, attended the Budget and Audit Committee meeting, the Clayton Business and Community Association mixer, announced a new business Sip n Sweet, attended Clayton Theater Company production of Mousetrap, and announced an upcoming meeting of the Concerts in The Grove taking place on April 19, 2023.

Vice Mayor Diaz met with the Mayor, attended the Clayton Business and Community Association Art and Wine Committee meeting, met with the City Manager, and met with the Chief of Police.

Councilmember Tillman attended the Cal Cities Legislative Committee meeting, attended the Elected Women's Luncheon, attended a Pride Committee meeting, met with the City Manager, attended the Clayton Business and Community Association mixer, attended the Clayton Business and Community Art and Wine committee meeting, and spoke with constituents.

Councilmember Cloven attended the Clayton Business and Community Association mixer, attended the Clayton Business and Community Association Art and Wine committee meeting, spoke with constituents, announced the upcoming Pride Parade taking place on June 4, and announced the upcoming Clayton Cleans Up event taking place April 22.

Mayor Wan attended a meeting with Climatec, attended the Budget and Audit committee meeting, had multiple Oakhurst Geological Hazard Abatement discussions and spoke with constituents.

- 13. ADJOURNMENT** – on call by Mayor Wan, the City Council adjourned its meeting at 10:33 p.m.

#

Respectfully submitted,

Janet Calderon, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL

Jeff Wan, Mayor



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: Jennifer Giantvalley, Accounting Technician
Angeline Loeffler, Finance Director

DATE: April 18, 2023

SUBJECT: Approve the 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	Amount
Obligations	Accounts Payable	\$ 401,078.61
Payroll Reconciliation Summary	Payroll, Taxes	\$ 96,669.83
	Total Required	\$ 497,748.44

ATTACHMENTS

- 1.Obligation report for 4/18/23 (2 pages)
- 2.Payroll Reconciliation Summary report PPE 4/2/23 (2 pages)

City of Clayton
Obligations for 4/18/23

Vendor name	Invoice date	Invoice number	Invoice description	Amount	Payment method
Advanced Elevator Solutions, Inc	04/01/2023	52226	Elevator Service March 2023	\$128.00	Check
All City Management Services, Inc.	03/22/2023	84316	School crossing guard svcs 3/5/23-3/18/23	\$2,368.44	Check
Alpine Awards & Imprinted Sportswear, Inc	03/20/2023	6102139	Name plates	\$79.02	Check
AT&T (HH Internet)	03/21/2023	032123	Hoyer Hall Internet 4/22/23-5/21/23	\$242.23	Check
Authorize.net	04/01/2023	March2023	Online bankcard gateway fee March 2023	\$32.90	Bank draft
Samuel Awad	04/06/2023	CCP	CCP partial refund	\$86.00	Check
Bay Area News Group	03/31/2023	1370910	Legal Ad for March 2023	\$951.16	Check
Bob Murray & Associates	03/15/2023	9982	Executive search services	\$3,434.12	Check
Brady IFS	03/29/2023	7945789	Trash liners	\$1,011.38	Check
Brady IFS	09/19/2022	FQ547953	Trash liners	\$1,019.53	Check
Emira Brown	03/31/2023	032623	The Grove Park deposit refund	\$271.00	Check
Craig M Bryant, East Bay Mudd	03/30/2023	091623	Concert in The Grove 9/16/23	\$2,500.00	Check
CalPERS Retirement	04/02/2023	040223	Retirement PPE 4/2/23	\$18,493.96	Bank draft
Caltronics Business Systems	03/17/2023	3727550	Copier usage 2/19/23-3/18/23	\$79.91	Check
Caltronics Business Systems	01/19/2023	3677084	Copier usage 12/19/22-1/18/23	\$66.87	Check
Cintas (First Aid)	03/31/2023	8406194421	Restock first aid cabinet	\$39.03	Check
Cintas Corporation	04/06/2023	4151749079	PW uniforms through 4/6/23	\$63.98	Check
Cintas Corporation	03/31/2023	8406178659	PW uniforms March 2023	\$127.96	Check
City of Concord	03/29/2023	96351	Livescans January 2023	\$144.00	Check
City of Concord	03/29/2023	96349	Dispatch svcs March 2023	\$26,921.86	Check
Comcast (Projects)	04/04/2023	CAP0466	Deposit refund	\$102.42	Check
Contra Costa County - Office of the Sheriff	03/09/2023	CLPD-2302	Toxicology February 2023	\$300.00	Check
Contra Costa County Department of Conservation & Development	03/31/2023	2023Q3	CASp fee Q3FY23	\$295.80	Check
Contra Costa County Public Works Dept	03/22/2023	705770	Traffic signal maintenance February 2023	\$3,778.83	Check
Cropper Rowe, LLP	03/31/2023	462	3rd Progress billing, FS FY 2022	\$5,000.00	Check
Cropper Rowe, LLP	01/31/2023	439	4th Progress billing, FS FY 2022, GASB 87	\$3,325.00	Check
Kevin Crossman	03/30/2023	051323	Concert in The Grove 5/13/23	\$2,500.00	Check
Maren Dalgaard	04/04/2023	022623	HH Deposit refund	\$217.00	Check
Diablo Lawnscape	04/06/2023	2972	Replace synthetic turf @ The Grove Park	\$21,250.00	Check
Diablo View Construction, Inc	04/10/2023	1548	Wash & stain gazebos	\$14,500.00	Check
Digital Services	03/28/2023	12197	IT services 2/3/23-3/28/23	\$4,485.00	Check
Dillon Electric Inc	04/04/2023	4836	Street light repairs 4/4/23	\$1,160.26	Check
Dillon Electric Inc	04/02/2023	4835	Install 2 light poles (property damage claims)	\$3,180.76	Check
Division of the State Architect	03/31/2023	2023Q3	CASp fees Q3 FY23	\$34.80	Check
Fleetwood Mask	03/30/2023	080923	Concert in The Grove 8/19/23	\$4,150.00	Check
Foreverland, LLC	03/30/2023	070823	Concert in The Grove 7/8/23	\$4,000.00	Check
Hammons Supply Company	04/05/2023	122579	Janitorial supplies April 2023	\$149.12	Check
Hammons Supply Company	03/22/2023	122396	Janitorial supplies March 2023	\$202.30	Check
Hammons Supply Company	03/22/2023	122395	Janitorial supplies March 2023	\$331.65	Check
HercRentals, Inc	03/03/2023	33451928-002	Trailer rental	\$517.15	Check
HercRentals, Inc	02/17/2023	33451928-001	Trailer rental	\$546.73	Check
HercRentals, Inc	02/01/2023	33450960-001	Trailer vacuum	\$2,910.92	Check
Hinderliter de Llamas & Associates	03/30/2023	SIN026368	Sales Tax Q3 FY23	\$1,070.27	Check
Sandy Johnson	04/04/2023	040423	Petty cash-Car wash	\$15.99	Check
Kenneth Joiret	03/30/2023	091623	Concert in The Grove Sound Tech 9/16/23	\$1,400.00	Check
Kenneth Joiret	03/30/2023	090223	Concert in The Grove Sound Tech 9/2/23	\$1,400.00	Check
Kenneth Joiret	03/30/2023	081923	Concert in The Grove Sound Tech 8/19/23	\$1,400.00	Check
Kenneth Joiret	03/30/2023	080523	Concert in The Grove Sound Tech 8/5/23	\$1,400.00	Check

City of Clayton
Obligations for 4/18/23

Kenneth Joiret	03/30/2023	072223	Concert in The Grove Sound Tech 7/22/23	\$1,400.00	Check
Kenneth Joiret	03/30/2023	070823	Concert in The Grove Sound Tech 7/8/23	\$1,400.00	Check
Kenneth Joiret	03/30/2023	062423	Concert in The Grove Sound Tech 6/24/23	\$1,400.00	Check
Kenneth Joiret	03/30/2023	061023	Concert in The Grove Sound Tech 6/10/23	\$1,400.00	Check
Kenneth Joiret	03/30/2023	052723	Concert in The Grove Sound Tech 5/27/23	\$1,400.00	Check
Kenneth Joiret	03/30/2023	051323	Concert in The Grove Sound Tech 5/13/23	\$1,400.00	Check
Jump Street Productions, Nancy K McDonald	03/30/2023	072223	Concert in The Grove 7/22/23	\$3,000.00	Check
Paul Kent	03/30/2023	080523	Concert in The Grove 8/5/23	\$2,750.00	Check
LarryLogic Productions	04/05/2023	2104	City council meeting production 4/4/23	\$640.00	Check
LarryLogic Productions	03/28/2023	2102	Budget/Audit committee meeting production 3/27/23	\$160.00	Check
Mission Square Retirement	04/02/2023	040223	457 Plan contributions PPE 4/2/23	\$225.00	Bank draft
MPA	04/01/2023	918-31890	Life/LTD April 2023	\$1,781.23	Check
MPA	03/01/2023	918-31561	Life/LTD March 2023	\$1,421.52	Check
MSR Mechanical, LLC	04/04/2023	SVC007783	EH HVAC maintenance April 2023	\$573.00	Check
MSR Mechanical, LLC	03/27/2023	SVC007668	Library HVAC maintenance March 2023	\$1,645.00	Check
MSR Mechanical, LLC	03/22/2023	SVC007619	CH Qtrly HVAC maintenance March 2023	\$1,332.00	Check
Nationwide	04/02/2023	040223	457 Plan contribution PPE 4/2/23	\$750.00	Bank draft
Nevada Alpha Construction Svcs, LLC	04/04/2023	CAP0480	Deposit refund	\$1,804.01	Check
OSH - Clayton	04/07/2023	F56514/3	Supplies	\$8.87	Check
ParcelQuest	04/10/2023	3223-4-2023	ParcelQuest.com renewal 6/1/23-5/31/24	\$2,399.00	Check
Paysafe Payment Processing	03/31/2023	March2023	OTC Bankcard fees March 2023	\$351.38	Bank draft
Paysafe Payment Processing	03/31/2023	March2023	Online bankcard fees March 2023	\$173.73	Bank draft
PG&E	03/20/2023	7293447797-6 32023	Energy 2/14/23-3/15/23	\$31,408.97	Check
Pride & Joy SF LLC	03/30/2023	062423	Concert in The Grove 6/24/23	\$2,800.00	Check
SCA of CA, LLC	03/31/2023	105570CS	Street sweeping March 2023	\$4,500.00	Check
SEFNCO	04/04/2023	CAP0475	Deposit refund	\$1,433.71	Check
Stewart L Sher	03/30/2023	052723	Concert in The Grove 5/27/23	\$2,500.00	Check
SPEC	03/28/2023	M-2128-152	Playground equipment for CCP	\$98,737.09	Check
Staples Business Credit	03/25/2023	1647855681	Office supplies	\$500.85	Check
Stericycle Inc	04/01/2023	3006405674	Medical waste disposal	\$71.66	Check
Swenson's Mobile Fleet Repair	03/30/2023	I006325	PW maintenance 2005 Chevy van	\$711.18	Check
T J Communications	02/28/2023	1535	CH Maintenance Dept IT Installation	\$2,527.34	Check
Tasche Vibe Music, Inc, Vybe Society	03/30/2023	061023	Concert in The Grove 6/10/23	\$3,500.00	Check
Theis Engineering & Associates	04/07/2023	CLA2303 A-I	Engineering svcs March2023	\$59,539.79	Check
Thomas V Thompson	03/30/2023	090223	Concert in The Grove 9/2/23	\$2,200.00	Check
Turf Star, Inc.	03/27/2023	7270939-00	Landscape tool parts	\$288.00	Check
Unique Pest Control	03/17/2023	317231	Gopher/Ground Squirrel control March 2023	\$895.00	Check
Unique Pest Control	02/10/2023	210231	Gopher/Ground Squirrel control February 2023	\$895.00	Check
US Bank CalCard	03/22/2023	032223	CalCard Stmt end 3/22/23	\$13,740.02	Bank draft
Verizon Wireless	04/01/2023	9931438613	PW cell phones 3/2/23-4/1/23	\$222.11	Check
Waterplay Solutions Corp	04/04/2023	INV-83875	Splash Pad repair, The Grove Park	\$4,555.00	Check
Western Exterminator	04/03/2023	238978C	Pest control March 2023	\$512.45	Check
Workers.com	04/07/2023	135874	Seasonal workers week end 4/2/23	\$1,402.22	Check
Workers.com	03/31/2023	135826	Seasonal workers week end 3/26/23	\$1,635.91	Check
Workers.com	03/03/2023	135642	Seasonal workers week end 2/26/23	\$1,402.22	Check

\$401,078.61

Payroll Summary

City of Clayton

Check Date: 04/07/2023

Process: 2023040701

Pay Period: 03/20/2023 to 04/02/2023

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Payroll Totals

Payroll Checks	Check Type	Count	Net Check	Dir Dep Amount	Net Amount	
	Regular	31	0.00	74,930.27	74,930.27	
	Totals	31	0.00	74,930.27	74,930.27	→ 74,930.27

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	
	Totals		2	0.00	1,021.65	1,021.65	→ 1,021.65

	Total Net Payroll Liability			0.00	75,951.92	75,951.92	→ 75,951.92
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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	103,957.88	103,957.88			
California SITW			Semi-Weekly	102,982.88	102,982.88	4,834.52		
Totals						4,834.52	0.00	→ 4,834.52

CASUI and Related Taxes	Tax Id	Rate	Frequency	Wage	Cap Wages	EE Amount	ER Amount	
CA Edu & Training		0.001000	Quarterly	103,957.88	4,381.30		4.38	
California SUI		0.020000	Quarterly	103,957.88	4,381.30		87.63	
Totals						0.00	92.01	→ 92.01

FITW and Related Taxes	Tax Id	Rate	Frequency	Wage	Cap Wages	EE Amount	ER Amount	
Federal Income Tax			Semi-Weekly	102,982.88	102,982.88	12,485.17		
Medicare			Semi-Weekly	103,957.88	103,957.88	1,507.42		
Medicare - Employer			Semi-Weekly	103,957.88	103,957.88		1,507.39	
OASDI			Semi-Weekly	2,350.00	2,350.00	145.70		
OASDI - Employer			Semi-Weekly	2,350.00	2,350.00		145.70	
Totals						14,138.29	1,653.09	→ 15,791.38

	Total Tax Liability					18,972.81	1,745.10	→ 20,717.91
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	Total Payroll Liability					96,669.83		→ 96,669.83
--	--------------------------------	--	--	--	--	------------------	--	--------------------

Transfers

Type	Date	Source Account	Amount
Dir Dep	4/6/2023		74,930.27
Tax	4/6/2023		20,717.91
Trust Agency	4/6/2023		1,021.65



Paylocity Corporation
(888) 873-8205

User: JGiantvalley

Run on 4/3/2023 at 6:46 PM

Payroll Summary

City of Clayton

Check Date: 04/07/2023

Process: 2023040701

Pay Period: 03/20/2023 to 04/02/2023

Page 2 of 2

Totals Transfers

96,669.83



96,669.83

Tax Deposits

Required Tax Deposits

Tax

Due On

Amount

(Deposit made by Service Bureau)	California SITW	4/12/2023	4,834.52
(Deposit made by Service Bureau)	Federal Income Tax	4/12/2023	15,791.38
(Deposit made by Service Bureau)	California SUI	7/31/2023	92.01
Total Tax Deposits			20,717.91



Paylocity Corporation
(888) 873-8205

User: JGiantvalley

Run on 4/3/2023 at 6:46 PM



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: Larry Theis, P.E., Public Works Director/City Engineer

DATE: April 18, 2023

SUBJECT: Resolution Directing the Preparation and Filing of an Engineer's Report for the Diablo Estates Benefit Assessment District

RECOMMENDATION

Adopt the attached Resolution directing the preparation of an Engineer's Report for the Diablo Estates Benefit Assessment District.

BACKGROUND

At the request of the developer of the Diablo Estates residential project, the City Council (by approval of Resolution 04-2012 on February 7, 2012) formed the Diablo Estates Benefit Assessment District ("District") in accordance with the requirements of the Landscaping & Lighting Act of 1972 and the Benefit Assessment Act of 1982. The purpose of the District is for private property owners to be assessed annually to fund the annual maintenance of the various subdivision improvements constructed as part of the residential project that are of benefit to the properties within the subdivision. The initial Engineer's Report and benefit assessment was prepared by the Engineer of Work and approved via a Proposition 218 ballot election by the property owners as required by law. The District was formed allowing the maximum annual assessment rates to increase annually based on the San Francisco Bay Area Consumer Price Index ("CPI").

Although the Benefit Assessment Act of 1982 does not require further action prior to levying the annual assessment if the assessment rates are not increased (other than any pre-authorized adjustment due to a CPI increase), the Landscaping & Lighting Act of 1972 does require the filing and approval of an annual Engineer's Report prior to levying an annual assessment.

For the purpose of continuing to levy annual assessments on the property owners, the City Council initiates the process by calling for preparation of an annual Engineer's Report. After enactment of this Resolution, the next step will be for the Engineer of Work (City Engineer)

to submit, and the City Council to review and then accept, the Engineer's Report for this District. Following that submittal will be a public hearing (with property owners' advance notification) prior to formally setting next year's assessments in sufficient time to be levied and collected via the County's secured property tax bills issued by the County for Fiscal Year 2023-2024.

FISCAL IMPACTS

None to the City. As designed and approved, all expenses associated with the subdivision improvements, maintenance, operation, and repair are borne by the property owners in the District.

ATTACHMENTS

Resolution Directing the Preparation and Filing of an Annual Engineer's Report for the Diablo Estates Benefit Assessment District

RESOLUTION NO. XX - 2023

**A RESOLUTION DIRECTING THE PREPARATION
AND FILING OF AN ANNUAL ENGINEER'S REPORT
FOR THE DIABLO ESTATES BENEFIT ASSESSMENT DISTRICT
(PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972)**

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

WHEREAS, as requested by the Diablo Estates project's property owners and by Resolution No. 04-2012 adopted February 7, 2012, the Clayton City Council formed the Diablo Estates Benefit Assessment District (the "District") pursuant to both the Landscaping & Lighting Act of 1972 and the Benefit Assessment Act of 1982; and

WHEREAS, an initial Engineer's Report was prepared by a registered civil engineer; and

WHEREAS, an initial annual assessment, along with an allowable annual rate increase in accordance with annual increase in the San Francisco-Bay Area Consumer Price Index ("CPI"), was approved by the affected property owner(s) in a Proposition 218 ballot election; and

WHEREAS, although the Benefit Assessment Act of 1982 requires no further action to continue levying the annual assessment, the Landscaping & Lighting Act of 1972 does require the City Council to direct the Engineer of Work to prepare an Annual Engineer's Report prior to the levying of an assessment; and

WHEREAS, it is the City Council's intent to commence said proceedings to ensure sufficient funds be assessed, levied, collected, and expended each fiscal year to fulfill the property owner's obligation to properly maintain, operate and repair the associated Diablo Estates subdivision improvements as private property owner beneficiaries;

NOW, THEREFORE, the City Council of Clayton, California does hereby resolve as follows:

1. There are no significant changes proposed to the improvements maintained by the District.
2. The City Engineer is hereby directed to prepare and file an Annual Engineer's Report in accordance with the provisions of the Landscaping & Lighting Act of 1972.
3. This Resolution is adopted pursuant to Section 22622 of the California Streets and Highways Code.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 18th day of April 2023 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

Jeff Wan, Mayor

ATTEST:

Janet Calderon, City Clerk

**declaring
the week of April 23 – 29, 2023
as
"Clayton Community Library Week"**

***WHEREAS,** libraries provide the opportunity for everyone to pursue their passions and engage in lifelong learning, allowing them to live their best life; and*

***WHEREAS,** libraries have long served as trusted institutions for all members of the community regardless of race, ethnicity, creed, ability, sexual orientation, gender identity, or socio-economic status; and*

***WHEREAS,** libraries strive to develop and maintain programs and collections that are as diverse as the populations they serve and ensure equity of access for all; and*

***WHEREAS,** libraries adapt to the ever-changing needs of their communities, continually expanding their collections, services, and partnerships; and*

***WHEREAS,** libraries play a critical role in the economic vitality of communities by providing internet and technology access, literacy skills, and support for job seekers, small businesses, and entrepreneurs; and*

***WHEREAS,** libraries are accessible and inclusive places that promote a sense of local connection, advancing understanding, civic engagement, and shared community goals; and*

***WHEREAS,** libraries are cornerstones of democracy, promoting the free exchange of information and ideas for all; and*

***WHEREAS,** libraries, librarians, and library workers are joining library supporters and advocates across the nation to celebrate National Library Week.*

***NOW, THEREFORE,** be it resolved that I, Jeff Wan, Mayor, and on behalf of the entire Clayton City Council, proclaim National Library Week, April 23-29, 2023. During this week, we encourage all residents to visit their library to explore the wealth of resources available.*

**Mount Diablo Interpretive Association (MDIA)
Mitchell Canyon Educational Center
Presentation for
Clayton City Council**





- ❓ MDIA is a 501 c3 organized as a “Cooperating Agency” to exclusively support Mount Diablo State Park
- ❓ We are an all volunteer organization founded in 1974
- ❓ On November 7, 2020, the MDIA Board approved a goal to determine the feasibility of building a new visitor center at Mitchell Canyon

MITCHELL CANYON IS A VERY POPULAR PLACE FOR VISITORS

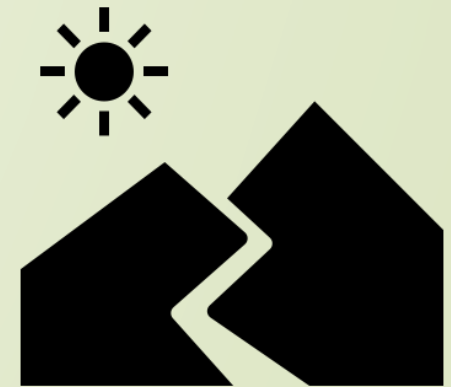
- “Looking at a twelve month stretch that does not include pandemic times, the total visitors estimated for Mitchell Canyon ranged between 34,000 and 35,000 “





[?] Park visitors come for

- [?] Hikes...to the Summit, or Eagle Peak, or The Waterfalls**
- [?] Mountain biking, trail runs**
- [?] Family hikes up Mitchell Canyon**
- [?] Wildflower and butterfly hikes**
- [?] Tarantula hikes**
- [?] And more**



[?] This is a destination for the entire Bay Area

Our current visitor center.....

A temporary trailer (10x40=400 square feet) constructed and dedicated in 2004, it is now 16 years old!

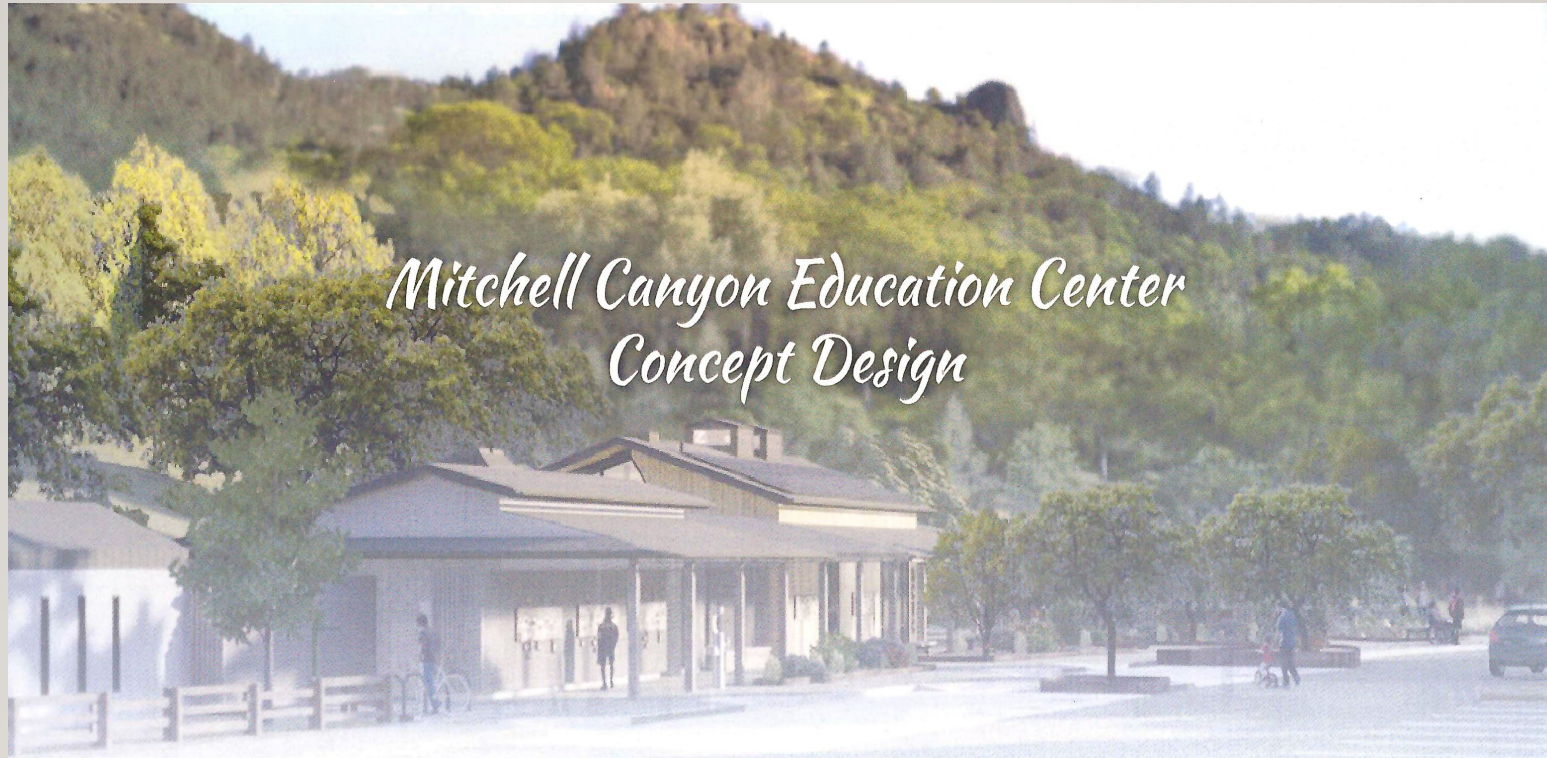


WHAT ARE WE MISSING AT MITCHELL CANYON?

- A **larger indoor space** for stationary and rotating exhibits that meets disability guidelines and speaks to the diverse nature of our visitors and will accommodate field trip classes
- A visual and physical connection leading to the **Native Plant Garden**
- A **large (covered?) outdoor space** to house exhibits with benches, maps of popular hikes from Mitchell Canyon that can educate visitors even when the visitor center is closed, and serve field trip classes
- A **multi -media/ small meeting room**



OUR VISION FOR A NEW EDUCATIONAL CENTER



THE PROPOSED NEW MITCHELL CANYON EDUCATIONAL CENTER

Vision for the New Center.



AN INDOOR AND OUTDOOR EDUCATION, NATURAL HISTORY, AND ENVIRONMENTAL SCIENCE FACILITY



THE INTERIOR IS
1,500 SF AND
ALLOWS ROOM
FOR EXPANDED
EXHIBITS AND
AUDIO VISUAL



WE WILL ALSO
HAVE A LARGE
OUTDOOR
EXHIBIT AREA,
OPEN EVEN
WHEN THE
EDUCATION
CENTER IS
CLOSED



THE NEW DESIGN
FEATURES
ADDITIONAL
PARKING AND
SCHOOL BUS
ACCESS.

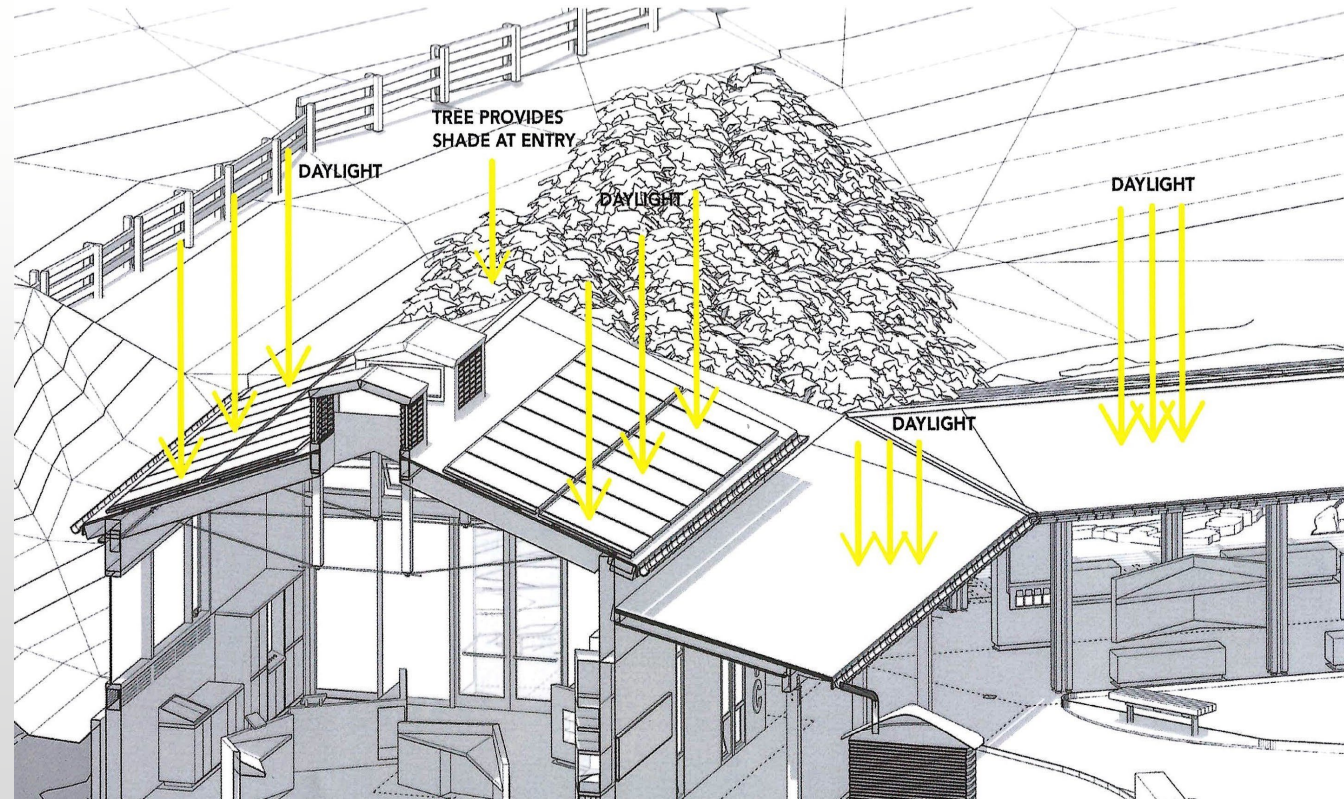
*WE WILL BE ABLE
TO WELCOME
FIELD TRIPS!*



THE EXISTING
NATIVE PLANT
GARDEN WOULD
BECOME A
FEATURE OF THE
NEW DESIGN.



THE CENTER HAS
BEEN DESIGNED
TO TAKE
ADVANTAGE OF
NATURAL LIGHT
AND NATURAL
AIRFLOW TO
MAXIMIZE
CONFORT



THERE YOU HAVE
IT! THE NEW
MITCHELL
CANYON
EDUCATION
CENTER!!



HOW THE CLAYTON CITY COUNCIL CAN HELP US MAKE THIS VISION A REALITY

Help us spread the word!

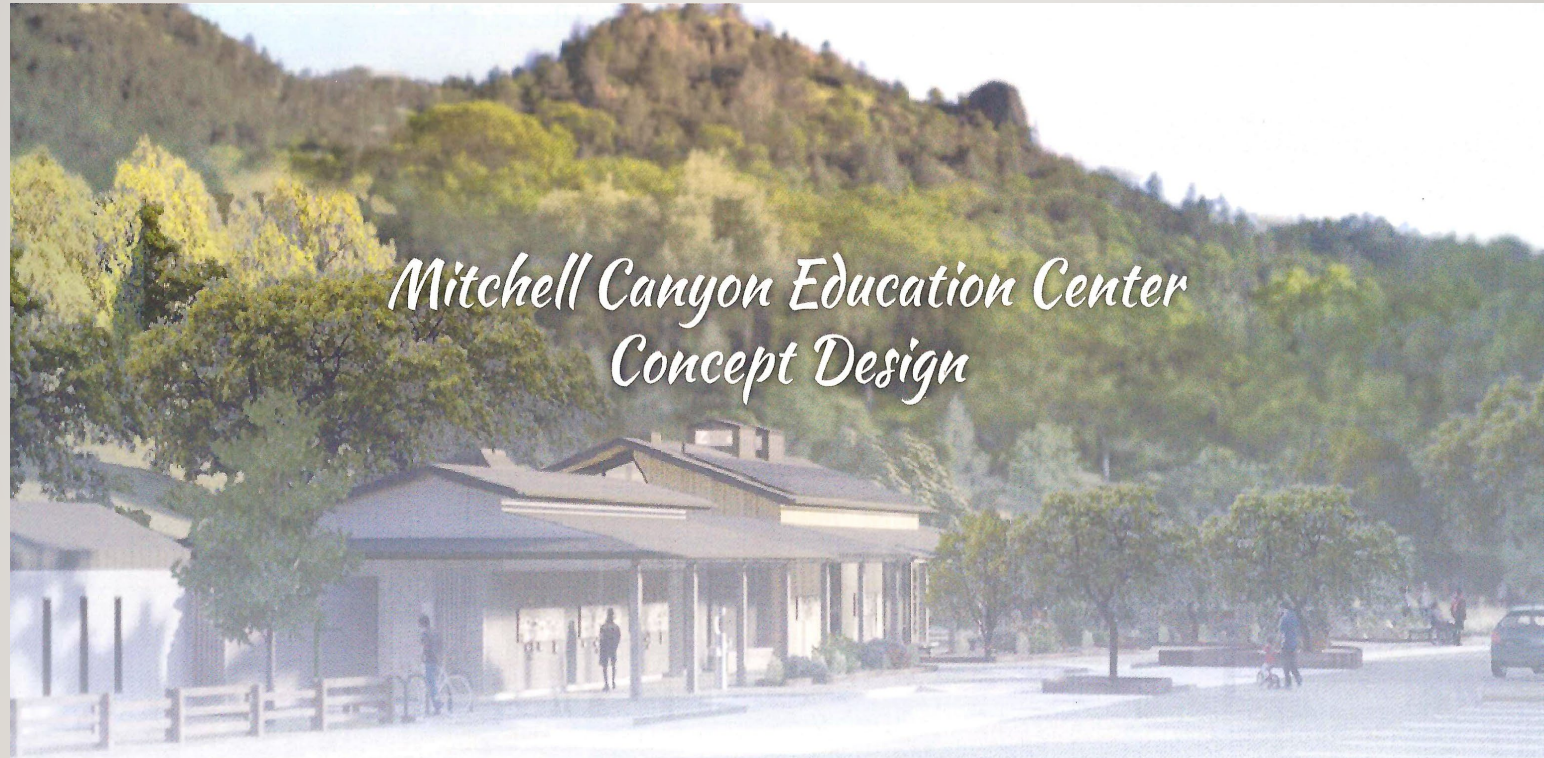
Share our story with your community.

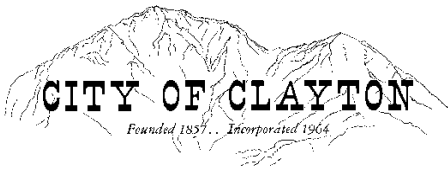
Newsletter, Website,

Inform us of any businesses or individuals who would like
to help us fund this project

OUR GOALS IS TO RAISE \$3 MILLION

THANK YOU!





AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: City Attorney

DATE: April 18, 2023

SUBJECT: Authorize the Mayor to Execute the City Manager Employment Agreement

RECOMMENDATION

Authorize the Mayor to execute the City Manager's Employment Agreement.

BACKGROUND

The City Council has been in the process of looking for a new City Manager since the resignation of the City Manager. The City Council directed the City Attorney to prepare an employment agreement with Bret Prebula for City Manager.

Bret Prebula serves as Interim Assistant City Manager for the City of Benicia and, prior to that, as the Finance Director for the same City. He has professional local government experience working in diverse communities with a broad background and skills, including municipal finance, budgeting, and information technology.

The City Manager's Employment Agreement provides for a start date of May 15, 2023, a 3-year term, salary of \$228,000, a car allowance of \$400 per month and a technology allowance. The City Manager's Employment Agreement is attached here for your consideration.

EMPLOYMENT AGREEMENT

THIS AGREEMENT is between the City of Clayton, a municipal corporation of the State of California (the “City”) and Bret Prebula (“Employee”). It is made effective as of the first date of Employee’s employment with the City.

This Agreement is entered into on the basis of the following facts, among others:

- A. The City desires to employ the qualified professional services of Employee as City Manager of the City of Clayton, as provided by the Clayton Municipal Code.
- B. Employee desires to accept employment by the City as its City Manager.
- C. The City Council and Employee desire to establish this employment relationship, subject to the terms and conditions set forth in this Agreement pertaining to compensation and benefits, performance evaluations, and related matters.

BASED UPON THE FOREGOING, THE CITY AND EMPLOYEE AGREE AS FOLLOWS:

1. Employee Appointed. The City appoints and employs Employee as City Manager, and Employee accepts the appointment and employment. Employee will commence work on May 15, 2023 (the “Effective Date”).

2. Duties of Employee. Employee shall perform the duties established for the City Manager by State law, the Clayton Municipal Code, the City Manager job description, the directions of the City Council, or as otherwise provided by law, ordinance, or regulation.

(a) Full Energy and Skill. Employee shall faithfully, diligently, and to the best of Employee's abilities, perform all duties that may be required under this Agreement. Employee agrees that Employee has a duty of loyalty and a general fiduciary duty to the City. Employee shall devote the whole of Employee's working time, skill, experience, knowledge, ability, labor, energy, attention, and best effort exclusively to the City’s business and affairs.

(b) No Conflict. Employee shall not engage in any employment, activity, consulting service, or other enterprise, for compensation or otherwise, which is actually or potentially in conflict with, inimical to, or which interferes with the performance of Employee's duties for the City. Further, Employee shall not, during the term of this Agreement, individually, as a partner, joint venture, officer or shareholder, invest or participate in any business venture conducting business in the corporate limits of the City of Clayton.

(c) Outside Activities. Employee shall not spend more than eight (8) hours per month in teaching, consulting, expert witness testimony, speaking, or other non-City connected business for which compensation is paid without express prior consent of the City Council. Employee will take personal leave (i.e. vacation time) for all outside activities of this nature.

3. Hours of Work. Employee is an exempt employee and is expected to engage in those hours of work that are necessary to fulfill the obligations of the City Manager's position. Employee does not have set hours of work as Employee is expected to be available at all times. It is recognized that Employee must devote a great deal of time to the business of the City outside of the City's customary office hours, and to that end Employee's schedule of work each day and week shall vary in accordance with the work required to be performed and in accordance with any specific direction provided by the City Council.

4. Term. The term of this Agreement shall be for three (3) years from the Effective Date through May 15, 2026, unless terminated earlier by either party in accordance with the provisions set forth in Section 9.

5. Annual Evaluation. On or about six months of May 15, 2023 and each year on or about the Employee's anniversary date, the City Council shall conduct an evaluation of Employee's performance and provide guidance and direction regarding the City Council's

goals and objectives which Employee shall be tasked with implementing. At the time of the evaluation, Employee shall be eligible to receive an increase in base salary, as determined by the City Council in its sole discretion. Employee shall be eligible for the first increase on Employee's first anniversary date, and then annually with the performance evaluation thereafter. Employee is not automatically entitled to any increase, which is subject to the sole discretion of the Council. While a formal evaluation will be conducted annually, the Council, at more frequent intervals and at times selected by the Council, can also conduct an informal review and/or provide other input to Employee regarding Employee's job performance.

6. Compensation. Employee shall receive the base annual salary of Two Hundred Twenty-Eight Thousand Dollars (\$228,000), payable on a pro-rata basis on established paydays and in accordance with payroll in the same manner as all full time City employees, and subject to all applicable payroll taxes and withholdings.

7. Regular Benefits and Allowances. Employee shall be entitled to those employee benefits (in the form of health insurance and retirement benefits), adopted by Employer for department manager employees from time to time, subject to applicable qualification requirements and regulatory approval requirements, if any. Employer agrees to provide and pay the City allowance for vision, dental, and medical insurance for Employee and his/her dependents, if any, equal to that which is provided to department manager employees of Employer. Similarly, Employer agrees to enroll Employee in the City-provided disability insurance program and to obtain a life insurance policy in the amount of \$50,000, for which Employee can designate the beneficiary(ies). All benefits provided to Employee are subject to change consistent with City policy, Council approval, and applicable law.

8. Additional Benefits and Allowances. In addition to the benefits specified in Section 7, Employee shall receive the following additional benefits and allowances.

(a) Vacation; Sick Leave; Administrative Leave

(i) Vacation. Employee shall accrue one hundred sixty (160) hours of vacation each year, earned on a pro rata basis each pay period, and subject to use in accordance with the vacation policy established for all full-time City employees.

(ii) Sick Leave. Employee shall be allowed to accrue and use paid sick leave in accordance with the sick leave policy established for all full-time City employees.

(iii) Administrative Leave. Employee will be granted up to a maximum of one hundred twenty (120) hours of paid Administrative Leave each fiscal year. This amount is awarded to Employee on July 1 of each fiscal year. If Employee has any amount of Administrative Leave remaining at the conclusion of the fiscal year, on July 1, the Employee will be awarded with however many hours are necessary to bring the total number of Administrative Leave hours to 120. (For example, if Employee has 80 hours of Administrative Leave remaining on June 30, 2023, Employee will be awarded with 40 hours on July 1, 2023, so that the total Administrative Leave equals 120 hours). Unused Administrative Leave will not be paid in cash or any other form of compensation upon separation from City employment. It remains available to Employee only to use in connection with active employment. On the Effective Date of this Agreement, Employee will be awarded one hundred (120) hours of Administrative Leave, on account of commencing employment part-way through the current fiscal year.

(b) Automobile. Employee shall receive a monthly vehicle allowance of Four Hundred Dollars (\$400.00) per month. The parties intend for this taxable allowance to be in

in lieu of reimbursement on an itemized basis for mileage, gas, maintenance of a vehicle, etc.

Employee shall not be separately reimbursed for mileage driven in a personal vehicle.

(c) Retirement.

(i) CalPERS: Employer agrees to enroll Employee into the California Public Employees Retirement System (“CalPERS”) and shall pay the PERS Employer share subject to this section. Employee shall be responsible for paying the PERS Employee share.

(ii) Deferred Compensation: Employer maintains a deferred compensation plan pursuant to Internal Revenue Code Section 457 (“the Plan”). Employer shall provide a monthly contribution of \$400, paid directly into the Plan on Employee’s behalf. In addition, Employee shall be allowed to make contributions from her own wages to the Plan, subject to limitations and restrictions imposed by the Plan and applicable law.

(d) Technology Allowance. Employee shall receive either a City-owned cell phone and (accompanying City-paid plan) or a \$50 monthly taxable technology allowance to use towards her personal discretionary technological purchases and expenses in furtherance of City employment (e.g. cellular phone, tablet, data plan, laptop computer). The parties intend this allowance to cover all technology-related costs that Employee incurs in the course and scope of employment with the City.

9. Termination of Employment.

(a) No Property Interest. Employee understands and agrees that Employee has no constitutionally-protected property or other interest in Employee’s employment as City Manager. Employee understands and agrees that Employee works at the will and pleasure of the City Council, and that Employee may be terminated, or asked to resign, at any time, with or without cause, by a majority vote of its members. Notice of termination shall be provided to Employee in writing. “Termination,” as used in this Agreement, shall also include 1) a request that

Employee resign; 2) a reduction in salary or other financial benefits provided by the City in a significant amount which is inconsistent with a reduction in salary or financial benefits for employees in the executive management unit; or 3) the elimination of the City Manager's position.

(b) Termination Immediately Before or Following City Council Election. No action by the City Council to terminate Employee, other than for gross mismanagement or an act of moral turpitude (as described in Section 9(f)), will be made within ninety (90) days either before a City Council election or immediately following a City Council election. Nothing in this paragraph alters the "at will" status of Employee's employment with City.

(c) Notice Required Of Employee. Employee may voluntarily terminate employment at any time by giving not less than sixty (60) days notice.

(d) Severance Pay. If Employee is asked to resign or is terminated as City Manager, then Employee shall be eligible to receive a cash payment equivalent to the sum of Employee's then-current monthly salary multiplied by three (3) (or by the remaining number of months in the Agreement, whichever is less) and the cash value, as determined by the City, of Employee's monthly non-salary COBRA-eligible benefits multiplied by three (3) (or [pursuant to Government Code section 53260] by the remaining number of months in the Agreement, whichever is less). Notwithstanding the above, if in or around May 2024, Employee receives a positive annual performance evaluation, as determined in the sole discretion of the City Council, then the amount of severance Employee is eligible to receive under this paragraph shall be equivalent to the sum of the Employee's then-current monthly salary multiplied by six (6) (or by the remaining number of months in the Agreement, whichever is less) and the cash value, as determined by the City, of Employee's monthly non-salary COBRA-eligible benefits multiplied by six (6) (or [pursuant to Government Code section 53260] by the remaining number of months in

the Agreement, whichever is less). This cash payment will be made on a pro-rated, monthly basis over the number of months involved, subject to termination of the severance requirement set forth below. Employee shall also be paid for any accrued, but unused, vacation leave, but not accrued sick leave. Eligibility for such severance payment is expressly conditioned upon Employee's execution of (i) a waiver and release of any and all of Employee's claims against City, and (ii) a covenant not to sue. All normal payroll taxes and withholdings as required by law shall be made with respect to any amounts paid under this section. Employee expressly agrees to provide notice to the City within two (2) business days of accepting employment elsewhere, and the City's obligation to pay any remaining severance benefits to Employee shall terminate upon Employee's acceptance of such alternative employment.

(e) Long-Term Disability. If Employee is unable to perform assigned duties because of sickness, accident, injury, mental incapacity or health for a period of four consecutive months (with or without reasonable accommodation), Employer shall have the option to terminate this Agreement. Employee agrees that, due to the importance of Employee's position with the City, an inability to perform duties for a period in excess of four consecutive months could not be reasonably accommodated. If Employee is terminated because of long-term disability, Employee shall be compensated in a lump sum for any accrued and unused vacation. Employer shall have no further responsibility to make, and Employee shall be deemed ineligible for, severance payments pursuant to subdivision (d). Eligibility for such severance payment is expressly conditioned upon Employee's execution of (i) a waiver and release of any and all of Employee's claims against Employer, and (ii) a covenant not to sue in a form provided by Employer.

(f) Ineligibility for Severance Under Certain Conditions. If the termination of Employee is the result of "good cause," Employee shall not be paid any severance

pay. For purposes of this section, “good cause” includes: (i) gross neglect of duties which has a negative impact on City operations; (ii) gross mismanagement which has a negative impact on City operations, and/or (iii) an act or acts of moral turpitude determined to have a negative impact on City operations or the Employee’s ability to serve the City. If Employee disagrees with the City’s determination of “good cause,” Employee’s sole remedy shall be a judicial action in declaratory relief to determine whether there was evidence of “good cause” as established above. If the court determines there was not substantial evidence of “good cause,” Employee shall receive the severance pay provided in this subsection, but no other damages.

10. Statutory Requirements. This Agreement shall be deemed to incorporate by reference the provisions of Sections 53243 *et seq.* of the Government Code, as it may be amended or renumbered.

11. Payment of Expenses of Employment. The City shall pay to Employee the usual and customary employment expenses incurred while performing the duties described in this Agreement, which may include travel, meals, lodging expenses, and parking fees, consistent with the City’s reimbursement policies. Employee shall submit a receipt and a description of the expenses to the City’s Finance Manager within thirty (30) days of the date each expense is incurred as a condition of obtaining reimbursement. In addition to these expenses, the City shall pay:

(a) The cost of any fidelity or other bonds required by law for the City Manager.

(b) Subject to Section 12 of this Agreement, the cost to defend and indemnify Employee to the full extent of the law as provided by the California Government Claims Act (Government Code §810 *et seq.*), or otherwise. Notwithstanding the foregoing, City’s obligation to defend and indemnify Employee shall extend only to the entry of a final judgment by

the trial court, and shall not extend to providing defense or indemnity in connection with an appeal of the judgment, unless otherwise specifically provided by law. City will determine, in its sole discretion, whether to compromise and settle any such claim or suit against Employee and the amount of any settlement or judgment rendered thereon.

(c) Reasonable dues for Employee's membership in the International City Management Association ("ICMA"). The City will allow Employee reasonable time away from the City to participate in the annual conference of this organization.

(d) Subject to budget approval, the cost of attending conferences or other events (i.e. retirement dinners, out-of-town meetings, professional seminars, etc.) necessary for the proper discharge of Employee's duties. The City will not reimburse Employee for any expenses related to membership in service clubs.

12. Miscellaneous.

(a) Notices. Notices given under this Agreement shall be in writing and shall be:

- (i) served personally; or
- (ii) sent by facsimile (provided a hard copy is mailed within one (1) business day); or
- (iii) delivered by first-class United States mail, certified, with postage prepaid and a return receipt requested; or
- (iv) Sent by Federal Express, or some equivalent private overnight delivery service.

Notices shall be deemed received at the earlier of actual receipt or three (3) days following deposit in the United States mail, postage prepaid. Notices shall be directed to the

addresses shown below, provided that a party may change such party's address for notice by giving written notice to the other party in accordance with this subsection.

CITY:

City of Clayton
Attn: Mayor
6000 Heritage Trail
Clayton, CA 94517
Phone: (925) 673-7300
Fax: (925) 672-4917

EMPLOYEE:

Bret Prebula
(Address in Employee's Personnel File)

(b) Compliance with Government Code §§53243, 53243.1, & 53243.2.

If Employee is convicted of a crime involving an abuse of his office or position, all of the following shall apply:

- (i) if Employee is provided with administrative leave pay pending an investigation, Employee shall be required to fully reimburse the City for such amounts paid;
- (ii) if the City pays for the criminal legal defense of Employee (which would be in its sole discretion, as it is not generally required to pay for a criminal defense), Employee shall be required to fully reimburse City such amounts paid; and
- (iii) if this Agreement is terminated, any cash settlement related to the termination that Employee may receive from the City shall be fully reimbursed to the City or void if not yet paid to Employee.

For this subsection, "abuse of office or position" means either (1) an abuse of public authority, including waste, fraud, and violation of the law under color of authority, or (2) a crime against public justice, including but not limited to a crime described in Title 7 (commencing with Section 92) of Part 1 of the Penal Code.

(c) Entire Agreement/Amendment. This Agreement constitutes the entire understanding and agreement between the parties as to those matters contained in it, and supersedes any and all prior or contemporaneous agreements, representations and understandings of the parties. This Agreement may be amended at any time by mutual agreement of the parties, but any such amendment must be in writing, dated, and signed by the parties and attached hereto.

(d) Attorney's Fees. If any legal action or proceeding is brought to enforce or interpret this Agreement, each party shall bear their own fees, including such fees and costs as may be incurred in enforcing any judgment or order entered in any such action.

(e) Severability. In the event any portion of this Agreement is declared void, such portion shall be severed from this Agreement and the remaining provisions shall remain in effect, unless the result of such severance would be to substantially alter this Agreement or the obligations of the parties, in which case this Agreement shall be immediately terminated.

(f) Waiver. Any failure of a party to insist upon strict compliance with any term, undertaking, or condition of this Agreement shall not be deemed to be a waiver of such term, undertaking, or condition. To be effective, a waiver must be in writing, signed and dated by the parties.

(g) Representation by Counsel. The parties acknowledge and agree that they were, or had the opportunity to be, represented individually by legal counsel with respect to the matters that are the subject of this Agreement and that they are fully advised with respect to their respective rights and obligations resulting from signing this Agreement.

(h) Governing Law and Venue. This Agreement shall be governed by and construed in accordance with the laws of the State of California. Employee and City agree that venue for any dispute shall be in Contra Costa County, California.

(i) Section Headings. The headings on each of the sections and subsections of this Agreement are for the convenience of the parties only and do not limit or expand the contents of any such section or subsection.

(j) No Assignment. Employee may not assign this Agreement in whole or in part.

Dated: _____

CITY OF CLAYTON

By _____
Jeff Wan, Mayor

Dated: _____

EMPLOYEE

Bret Prebula

Attest:

Janet Calderon, City Clerk

Approved as to Form:

Mala Subramanian, City Attorney



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: Ron Bernal, Interim City Manager

DATE: April 18, 2023

SUBJECT: Resolution Adopting the City of Clayton's Salary Schedule Effective April 18, 2023, in Conformance with the California Public Employees Retirement System (CalPERS) Requirements to Provide a Publicly Available Salary Schedule

RECOMMENDATION

Staff recommends that the City Council adopt a Resolution adopting the City of Clayton's Salary Schedule effective April 18, 2023, in conformance with CalPERS requirements to provide a publicly available salary schedule.

BACKGROUND

In order to confirm that CalPERS will appropriately consider the City of Clayton's employee compensation earnable when calculating retirement benefits, the City Council is required to formally adopt the City of Clayton's Salary Schedule in a public meeting. Further documents including pay rate and any special compensation must be made publicly available.

DISCUSSION

Staff is requesting that City Council formally adopt an updated City Employee Salary Schedule for Fiscal Year 2022/23. It reflects the classifications and salaries included in the Fiscal Year 2022/23 Budget, as well as the City Manager's employment agreement. State law requires that the City Council at least annually approve the full salary schedule and that the City make it available publicly. Pending adoption by the City Council at tonight's meeting, the revised Salary Schedule will be posted on the website effective April 19, 2023.

FISCAL IMPACTS

Any fiscal impacts associated with the change in salary schedule will be addressed in the Fiscal Year 2023/24 Budget.

Subject: Resolution Adopting the City of Clayton's Salary Schedule Effective April 18, 2023, in
Conformance with CalPERS Requirements to Provide a Publicly Available Salary Schedule
Date: April 18, 2023
Page: 2 of 2

ATTACHMENTS

1. Resolution Adopting the City of Clayton's Salary Schedule Effective April 18, 2023, in Conformance with CalPERS Requirements to Provide a Publicly Available Salary Schedule
2. Fiscal Year 2022/23 City Employee Salary Schedule (updated as of April 18, 2023)

RESOLUTION NO. -2023

**A RESOLUTION ADOPTING THE CITY OF CLAYTON'S SALARY SCHEDULE
EFFECTIVE APRIL 18, 2023, IN CONFORMANCE WITH CALPERS REQUIREMENTS
TO PROVIDE A PUBLICLY AVAILABLE SALARY SCHEDULE**

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

WHEREAS, the California Public Employees Retirement System (CalPERS) regulations require member agencies to formally adopt a publicly available pay schedule under Government Code Section 20636(b)(1) and California Code of Regulations (CCR) Section 570.5; and

WHEREAS, the City Council of the City of Clayton has the authority to implement these requirements; and

WHEREAS, the information contained in the salary schedule effective as of April 18, 2023 for Fiscal Year 2022/23 reflects approved employee contracts, memoranda of understanding with the City's labor group and various City resolutions governing compensation; and

WHEREAS, CalPERS regulations require all of this information be included in one document.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Clayton hereby adopts the salary schedule effective April 18, 2023 for Fiscal Year 2022/23 as shown in Exhibit A.

PASSED, APPROVED AND ADOPTED ON by the City County of Clayton, California, at a regular public meeting thereof held on the 18th day of April 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Jeff Wan, Mayor

ATTEST

Janet Calderon, City Clerk

City of Clayton - Employee Compensation Schedule

Fiscal Year 2022/23

Full-Time Equivalent Monthly Compensation					
Elected / Appointed Officials	All				
Council Member	\$ 470				
Planning Commissioner	\$ 120				
	Step Level				
Administration	A	B	C	D	E
City Manager	\$ -	\$ -	\$ -	\$ -	\$ 19,000
Assistant to the City Manager	\$ 7,287	\$ 7,642	\$ 8,024	\$ 8,425	\$ 8,846
City Clerk / HR Manager	\$ 6,446	\$ 6,769	\$ 7,107	\$ 7,463	\$ 7,836
Finance	A	B	C	D	E
Finance Manager	\$ 9,784	\$ 10,273	\$ 10,787	\$ 11,326	\$ 11,893
Senior Accountant	\$ 6,764	\$ 7,102	\$ 7,457	\$ 7,830	\$ 8,222
Accounting Technician	\$ 5,051	\$ 5,304	\$ 5,569	\$ 5,848	\$ 6,140
Office Assistant / Code Enforcement Officer	\$ 4,206	\$ 4,416	\$ 4,637	\$ 4,869	\$ 5,112
Public Works	A	B	C	D	E
Maintenance Supervisor	\$ 6,144	\$ 6,451	\$ 6,774	\$ 7,112	\$ 7,468
Maintenance Senior	\$ 5,069	\$ 5,322	\$ 5,589	\$ 5,868	\$ 6,161
Maintenance Worker I	\$ 4,196	\$ 4,406	\$ 4,626	\$ 4,857	\$ 5,100
Maintenance Worker II	\$ 4,627	\$ 4,858	\$ 5,101	\$ 5,356	\$ 5,624
Community Development	A	B	C	D	E
Community Development Director	\$ 9,784	\$ 10,273	\$ 10,787	\$ 11,326	\$ 11,893
Assistant Planner	\$ 6,314	\$ 6,630	\$ 6,961	\$ 7,309	\$ 7,674
Police	A	B	C	D	E
Chief of Police	\$ 10,616	\$ 11,147	\$ 11,734	\$ 12,290	\$ 12,904
Police Sergeant	\$ 7,528	\$ 7,904	\$ 8,299	\$ 8,714	\$ 9,150
Police Officer	\$ 6,407	\$ 6,727	\$ 7,064	\$ 7,417	\$ 7,788
Police Office Coordinator	\$ 4,752	\$ 4,990	\$ 5,239	\$ 5,501	\$ 5,776
Police Admin Clerk	\$ 4,206	\$ 4,416	\$ 4,637	\$ 4,869	\$ 5,112

- Schedule incorporates base salary ranges reflecting a 3% increase as approved by the City Council on June 21, 2022 and effective through June 30, 2023.
- Schedule incorporates base salary ranges as per the terms of the three (3) year Police Officers Association (POA) labor negotiation agreement effective through June 30, 2024 and presented to the City Council for approval at the regularly scheduled June 29, 2021 City Council meeting.
- Schedule incorporates base salary ranges as per the terms of the City Manager contract effective April 18, 2023.
- Uniform allowance for all sworn public safety officers: \$600 bi-annually.
- Bi-lingual pay based on eligibility: \$75/month.
- Car Allowance: Chief of Police \$400/month; Community Development Director: \$345/month; Assistant to City Manager: \$345/month; City Manager \$400/month.
- Senior Accountant position will be a temporary one year contract for FY23.



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: Police Chief Rich McEachin
City Engineer Larry Theis

DATE: April 18, 2023

SUBJECT: Receive the Report and Provide Feedback on the Traffic Speed Strategy

RECOMMENDATION

Receive the report related to traffic enforcement operations and traffic engineering measures that are currently being practiced and proposed to be implemented and provide feedback to staff.

BACKGROUND

A common complaint in Clayton is vehicles traveling too fast, especially in residential neighborhoods. This is not unique to Clayton, as many communities struggle with similar and often difficult to address concerns.

Addressing the area of speeding can be broken into two strategies. The first is traffic enforcement, and the other is through traffic engineering and traffic calming measures. There are several strategies cities may use to enforce speed limits and discourage speeding. These include, but are not limited to the use of radar enforcement; implementing traffic calming measures; designing streets in new developments to discourage speeding; and educating the public. In spite of these measures, the problem can persist if community members, who are the primary drivers in most Clayton residential neighborhoods, are not willing to slow down.

DISCUSSION

Traffic Law Enforcement: Clayton has not had an officer dedicated to traffic due to how its Police Department has been organized. Understanding that speeding in the community is one of the community's biggest complaints and areas of concern, and in an effort to prioritize traffic enforcement, a new Traffic Safety officer assignment was created in early March. The individual assigned to this area is being taken from the Department's existing pool of patrol officers. As we approach implementation of this strategy in May, there are several measures that are being implemented to ensure the success of the program.

The primary function of this officer will be to enforce traffic laws in an effort to educate the motoring public and reduce speeds. In addition to speeding, all moving violations will be addressed. In addition, the traffic officer will deploy the police decoy vehicle and the radar trailers in an effort to maximize our visibility.

The Clayton Police Department has had a motorcycle for several years. The motorcycle is deployed for special events and, on occasion, for traffic enforcement. The person assigned to the traffic officer role will receive training and certification to operate our newly purchased Zero electric motorcycle.

In addition to the traffic officer, the sergeant assigned to traffic (not a full-time function of the sergeant) will also be out on a second Zero electric motorcycle enforcing traffic. This will allow for the sergeant and the officer to target problem areas separately or together. Having officers dedicated to this effort should result in much better enforcement than we are currently experiencing.

Traffic Engineering: Traffic calming measures may be an appropriate and effective vehicular speed reduction tool when used in the right circumstances. It is important to identify the locations and the person(s) who have concerns with the speeding vehicles, since the appropriate measure to be implemented would be different if it is a pedestrian, bicyclist, fronting property owner, or another driver. The City of Clayton has a Neighborhood Traffic Management Program (NTMP) that was approved in 2003 (Attachment 1). This program is focused on speeding issues in residential neighborhoods where there are fronting property owners. It outlines a petition and survey process that engages with the households in the affected area.

In general, it would be suggested to approach these matters in a progressive manner starting with the lowest cost and least intrusive measures first to see if speeding is curtailed before implementing physical devices.

1. Education and Outreach to the neighborhood
2. Temporary placement of Radar Speed Feedback Trailers
3. Targeted Traffic Citation Enforcement by the Police Department
4. Installation of additional signage and striping
5. Installation of physical devices such as permanent speed feedback signs, speed humps/tables, adding curb islands/narrowing of roadway width, artificially adding curves to straightaway segments, and adding sidewalks/bikeways when needed.

For speeding concerns along arterial roads such as Clayton Road, Oakhurst Drive, or Marsh Creek Road, speed enforcement would be the least expensive effective measure to reduce vehicular speeds. However, to be most effective, it is recognized that enforcement would be best deployed to target peak traffic periods to maximize effectiveness. For other collector roads such as Mountaire Parkway, Mitchell Canyon Road, Pine Hollow Road, El Molino Drive, Keller Ridge Drive, Eagle Peak Avenue, and Peacock Creek Drive, a combination of speed enforcement and specific traffic engineering devices could be considered at select locations.

Since the City of Clayton is a general law city, it abides by the California Vehicle Code (CVC). CVC Section 22352 establishes a prima facie (“default”) speed limit of 25 miles per hour (mph) for business and residential districts. Wider and higher volume streets such as collector or arterial roads require an engineering and traffic survey pursuant to CVC Section 22357 to establish speed limits between 30 to 65 mph that would be most appropriate to facilitate the orderly movement of traffic and is reasonable and safe. Generally, traffic surveys are valid for up to 10 years if there have not been any significant changes to the roadway geometrics such as adding travel lanes. As of January 1, 2023, the validity of the survey can now be extended up to 14 years. However, without a valid speed zone survey for each street that is not governed by a prima facie speed limit, radar enforcement of speed limits is deemed unenforceable.

In September 2022, the State Legislature passed Assembly Bill 1938, which became effective January 1, 2023; was incorporated in part into CVC Section 22358.8; and made significant changes to setting speed limits. The amended statute provides that:

If local authority, after completing an engineering and traffic survey, finds that the speed limit is still more than is reasonable or safe, the local authority may, by ordinance, retain the currently adopted speed limit or restore the immediately prior adopted speed limit if that speed limit was established with an engineering and traffic survey and if a registered engineer has evaluated the section of highway and determined that no additional general purpose lanes have been added to the roadway since completion of the traffic survey that established that speed limit.

Staff plans to perform a comprehensive update to the citywide speed surveys and return to the City Council to confirm by ordinance the existing speed limits under this latest amendment to the CVC.

FISCAL IMPACTS

The traffic officer was selected from current Police Department staff, so there is no personnel cost associated with this assignment. The second motorcycle to the Department’s fleet was recently approved by City Council and purchased for \$7,500. The motorcycle training course through the Alameda County Sheriff’s Office costs \$1,511. Equipment for the officer will cost approximately \$500.

ATTACHMENTS

Clayton Neighborhood Traffic Management Program - 2003

*** CITY OF CLAYTON ***

CALIFORNIA



NEIGHBORHOOD TRAFFIC MANAGEMENT PROGRAM (NTMP)



INTRODUCTION

BACKGROUND

GOALS OF THE NTMP

HOW IT WORKS

TRAFFIC MANAGEMENT TOOLS

PROJECT RANKING

ASSESSING IMPACTS OF DIVERTED TRAFFIC

ADOPTED: JULY 15, 2003

Introduction

The City of Clayton is an upper-middle class community undergoing growth and change. The City is 4.5 square miles and has approximately 32 miles of paved roadway and has a significant traffic flow from residents who commute to workplaces outside the City.

Clayton Road and Marsh Creek Road are country routes bisecting the City. The roads are heavily traveled by commuters living in the City as well as those who use this route as an alternate to State Highway 4. These commuters have a significant impact on traffic safety in Clayton. More than 3 million vehicle trips occur in Clayton per year.

The City recognizes that automobile traffic poses one of the greatest threats to the quality of life of its citizens. With limited resources and staff, the City has a need to prioritize the numerous traffic complaints received from residents. Recognizing the need for new and innovative techniques to address ongoing neighborhood traffic issues, the City Council requested traffic enforcement and traffic engineering experts with the University of California's Institute of Transportation Studies (ITS) conduct a study of Citywide efforts addressing traffic safety.

Highlights of the ITS report (2003) revealed that Clayton is one of the safest cities, statewide, based upon fatal and injury collision rates. The report points out that even though

Police Department staffing is low compared to comparably sized cities, the Department is utilizing available resources in an effective and efficient manner. However, because of staffing levels the Department does not have the necessary flexibility to meet a variety of community needs, including increased and continuous traffic enforcement in Clayton neighborhoods.

The ITS report found that, like most cities, Clayton receives an abundance of non-emergency traffic complaints from residents. The complaints generally concern speeding vehicles and requests for various traffic calming devices and stop signs. Unfortunately, these complaints often result in the use of scarce resources to respond to the complainant. There is no formal process for the efficient processing of these traffic complaints, which leads to the inefficient use of scarce police and engineering resources. The ITS evaluators recommended Clayton adopt a program similar to the *Neighborhood Traffic Management Program (NTMP)* developed by the Town of Danville, which would result in a proactive approach to managing traffic safety problems that will increase the efficient use of scarce City resources.

In June 2003, the Clayton City Council directed staff to develop a similar *Neighborhood Traffic Management Program (NTMP)*.

This Clayton NTMP represents the City's commitment to the safety and

livability of its neighborhoods. It is a community-based approach to traffic calming. Concerned citizens are encouraged to first contact our Police Department and/or our City Engineer for resolution of real and/or perceived traffic problems in their neighborhoods, in order to address the issue at the operational level. In this manner, the program provides residents with a process for identifying, prioritizing and dealing with problems related to traffic safety on local streets.

Background

Traffic calming began in Europe around 1970 as a non-traditional way to reduce traffic speeds and problems on residential streets. Traffic calming techniques vary. Some communities simply lower the speed limits in areas with speeding problems. Other communities employ a comprehensive and systematic Neighborhood Traffic Management Program (NTMP) to address all types of neighborhood traffic issues.

Goals of the NTMP

1. Neighborhood Livability

The City of Clayton places a high value on neighborhood livability. Although livability has no precise definition, it can be thought of as encompassing the following characteristics:

- Feeling of safety and security in neighborhoods.
- Opportunity to socially interact with neighbors without traffic distractions and threats.

- Ability to experience a sense of community and neighborhood identity.
- Develop a balanced relationship between the multiple uses and needs of a neighborhood.

Traffic management plays a vital role in promoting these neighborhood characteristics. The NTMP recognizes that vehicular traffic is only one element of a neighborhood and that other residential needs must be given careful consideration.

1. Citizen Participation

Through the NTMP, residents can evaluate the various benefits and trade-offs of traffic devices and projects within their own neighborhood and can become actively involved in the decision-making process.

2. Implementing the Goals of the Clayton Neighborhood Traffic Management Plan.

The NTMP is a method of putting into practice some of the goals and direction of the City Council. Specific goals and policies that support the development of this program are:

- Implement a circulation system, which will preserve the atmosphere and unity of the area and will assure adequate traffic capacity on major thoroughfares but will minimize through traffic in residential neighborhoods.

- Provide for safe and efficient vehicular movement.
- Minimize the intrusion of through traffic on residential streets.
- Implement physical and operational improvements to improve roadway and intersection capacity that are consistent with the need to preserve the character of residential streets.
- Provide a safe environment for pedestrian movement.

The Clayton NTMP Program: How it Works

The Clayton NTMP focuses on education, and providing neighborhoods with tools for resolution and documentation of traffic problem(s). The NTMP Program measures should be thoroughly explored and implemented before moving on to consideration of more expensive, intrusive and restrictive measures. .

Getting the Process Started

• Staff Review & Initiation

Typically, traffic concerns are routed to the Traffic (City) Engineer or the Police Department who gather available data, including volume, speed and accident information.

If available data reveals that traffic problems are persistent and neighborhood wide, staff will initiate the implementation of the NTMP process. However, if the data reveals that a simple solution or an immediate hazard to the public exists, staff may address the

problem separately and not initiate the NTMP process.

• Neighborhood Boundaries

Staff will prepare a survey to circulate within the staff-defined project area. This survey will determine the level of agreement among residents that there is a traffic problem the residents want to address through the NTMP process.

This survey must be signed by a majority of households and/or businesses within the defined project area. Each household or business is entitled to one signature. If there is substantial interest to participate in the program, then the process moves forward. Two-thirds (2/3rd) of surveys mailed must be returned signed before the process can proceed. If a simple majority of those two-thirds returned surveys agree, the process will proceed.

Education & Community-Driven Measures

Initial steps of the NTMP involve collaboration of staff and the neighborhood to identify specific concerns, establish goals and objectives, define criteria for "success," and develop a Neighborhood Traffic Plan with measurements for implementation.

Examples of Community-Driven Measures include, but are not limited to, the following:

- Neighborhood Traffic Safety Campaign – targeted distribution of educational

- materials regarding traffic safety issues.
- Neighborhood Speed Watch – a portable unmanned trailer equipped with radar and a speed limit sign placed so that motorists are aware of their actual speeds in contrast to the posted speed limit.
- Parking restrictions and modifications.
- State-approved passive traffic controls (i.e., stop signs, stop dots, street striping). These require Council approval. *(See attached Multiway Stop Control Policy)*
- Targeted police enforcement.
- Pavement markings.

Each neighborhood participating in the program must begin the NTMP process in this manner. The public education provided may enable residents to distinguish between real and perceived speeding problems, and begin the discovery process necessary for change.

Steps for Implementation

The following is a step-by-step approach to implementing the Neighborhood Traffic Management Program.

Step 1: Kick-Off Meeting

City staff will organize a community meeting with neighborhood residents to introduce the NTMP to residents at this meeting:

- Distribute and discuss program materials;

- Finalize neighborhood project area boundaries;
- Identify specific traffic concerns and issues;
- Discuss any traffic control measures previously implemented;
- Establish goals and objective of the neighborhood;
- Define criteria for “success” of the program;
- Establish a Neighborhood Traffic Committee (NTC) to work closely with staff during this process.

Step 2: Data Collection

With the specific traffic concerns expressed at the kick-off meeting, staff will conduct a thorough analysis of the traffic issue. Among other tasks, this may involve collecting and analyzing accident data, traffic volumes, speed surveys, neighborhood citation history, and other community problems. Data collection is often the only objective measurement that can be used to prioritize scarce City resources.

Step 3: Re-Group Meeting(s)

City staff will re-group with the NTC to discuss the analysis of the data collected. With this additional information, staff and the NTC will work together to develop a Neighborhood Traffic Plan (NTP) with Phase 1 measures designed to meet the established objectives. At this

meeting, a trial period will be established to analyze the effectiveness of the agreed-upon measures.

Step 4: Implementation and Trial Period

Measures will be implemented for a period of two to six months, as established by the NTC. City staff will monitor the effectiveness of the agreed-upon measures using the criteria for "success" established during the kick-off meeting.

Step 5: Evaluation Meeting

City staff, with assistance from the NTC, will present the results of the measures to the neighborhood.

More Restrictive Physical Devices

If the NTMP measures were not effective or "successful," as defined by the neighborhood's criteria, residents may elect to request more restrictive physical devices be considered by the City Council.

The Neighborhood Traffic Plan (NTP) may be modified to include the placement of more restrictive physical devices on neighborhood streets. These physical devices are typically more costly and more or less permanent and will be considered only as a last resort. Consequently, each project area will

have a budget (as funding permits), and may be subject to the review and approval of the City Council. Neighborhood participation in the funding of selected devices is a considered option.

Approval of More Restrictive Devices

The placement of more restrictive devices will require a minimum of 2/3rd - majority neighborhood consensus for implementation (plus a minimum of 75% of surveys mailed must be returned signed). A petition drafted by City staff will be circulated throughout the staff-defined project area. Each household or business is entitled to one signature. As the legislative body of the City, the City Council retains final discretion to approve or deny installation of any requested neighborhood traffic devices.

According to the California Vehicle Code, restrictive measures such as those proposed can only be implemented by ordinance or resolution by the City Council. Some more restrictive measures may also generate potentially significant physical impacts and may require the preparation of an environmental document, as required by the California Environmental Quality Act (CEQA). The City Council must review and approve an environmental document prepared for the NTP.

Steps for Implementation of More Restrictive Devices.

More restrictive devices may be considered if the initial plan did not satisfy the goals and the criteria for success defined by the project area neighborhood. The neighborhood must express a majority interest in pursuing more restrictive devices through a petition or community meeting.

Step 1: Re-Establishment of NTC

If the neighborhood decides to proceed, the residents will re-establish the NTC to work with staff to:

- Analyze the problems or issues, which were not sufficiently addressed in the initial NTMP process
- Identify the potential measures for more restrictive devices.
- Revise the NTP

Step 2: Data Collection

If necessary, staff will conduct a field review to collect any additional data necessary to check the feasibility of potentially more restrictive measures. The data gathered will be used to determine the measures for consideration. Staff will also solicit input from the County Fire Protection District and any other public entity that may be affected by more restrictive devices. Data collection and field review are often the only objective criteria available to

determine the true need for more restrictive physical devices and will carry great weight in prioritizing their need.

Step 3: Neighborhood Consensus Meeting(s)

Staff and the NTC will present the revised NTP with recommended measures to neighborhood residents. A staff-prepared petition will be circulated throughout the project area. At least 75% of the surveys must be signed and returned. Of those, 2/3rd of the affected households must sign the petition in support of more restrictive physical devices.

Step 4: Environmental Review

If the neighbors in the project area come to a 2/3rd - majority consensus on the recommended measures, staff will prepare an environmental analysis per CEQA to determine whether the recommended measures could cause a potentially significant impact on the environment. The results of this analysis will determine the type of environmental document to prepare and circulate. Before this process is started, Council approval of associated costs must be obtained. Neighborhood contributions to the funding are a considered option.

Step 5: City Council Decision

If an environmental document is prepared, staff will incorporate it along with an outline of the NTP into a staff report and present them to the City Council. The Council must approve the revised NTP and budget prior to implementation. It remains the full discretion of the City Council whether to approve the recommended measures for installation.

Step 6: Trial Installation

If feasible, more restrictive measures will be temporarily implemented for the duration of a trial period of three to six months. City staff will measure the effectiveness of the devices based on the established goals and criteria for success.

Step 7: Permanent Installation

If the temporary devices meet the established goals and criteria for success, permanent traffic calming or traffic control devices will be installed. It should be noted that most devices do not lend themselves to temporary installation and permanent devices will be implemented after City Council approval.

Step 8: Monitoring

The more restrictive devices will continue to be monitored for effectiveness after permanent installation.

Traffic Management Tools

There are three main methods of managing traffic.

1. General laws and ordinances covering the entire City. Examples include right-of-way rules at intersections and general parking regulations.
2. Traffic control devices are used to send specific regulatory, warning, or guiding messages to the motorists, cyclists and pedestrians. In residential area, some common examples are stop signs, speed limit signs and pavement markings.
3. Traffic calming devices are geometric design features that guide or restrict the movement of vehicles or pedestrians. They define various parts of the road for use by vehicles, pedestrians, or landscaping.

This booklet is designed to guide the management of traffic in residential neighborhoods where a majority of residents and driveways front the street. The following is a menu of traffic management tools, which can be used as a resource once the problem has been defined. The solution ultimately selected by project area residents may not necessarily originate from this menu.

Traffic control devices, as described above, are typically considered "passive controls." These devices can be considered for implementation during initial phase of the program. The following provides a brief description of some traffic control devices:

1. Yield Signs

Yield signs require a motorist by law to yield to other motorists on other streets, stopping only if necessary.

2. Stop Signs

The basic purpose of a stop sign is to assign right-of-way at intersections. These control devices are used predominantly to reinforce the street hierarchy. A number of studies have shown that stop signs are often ineffective at controlling speed or reducing traffic volume in residential neighborhoods.

(See attached Multiway Stop Control Policy)

A Two-Way Stop is used to protect traffic on one of two intersecting streets by requiring traffic on the other street to come to a complete stop. Multi-Way Stops represent one of the most restrictive passive control measures available. They are used primarily where two major streets intersect and funds or traffic warrants for a traffic signal are not available.

3. Speed Limit Signs

Speed limit signs are regulatory devices used to inform motorists of an absolute speed limit imposed by the governing agency. They have no impact on the street hierarchy or the use of the street system.

Studies have shown that posted speed limits on the perimeter of defined neighborhood areas do not result in speed or volume reduction. Various communities have attempted to reduce residential traffic using lowered speed limit signs with minimal success.

4. One Way Streets

One-way streets can benefit both motorists and pedestrians by reducing the number of vehicle-pedestrian conflicts. One-way streets generally have no impact on emergency vehicles, which can travel the "wrong way" when necessary.

Traffic volumes in a residential area usually can decrease ten to 15 percent when a complete system of one-way streets is implemented. One-way streets can be used to attract traffic away from residential roads, which were used as shortcuts.

5. Other Control Devices

Other passive traffic controls can be used (sometimes in combination with one another) to derive the desired effects. The following list of controls should also be considered:

- Access regulations (i.e., "Not a Through Street.").
- Roadway condition warning signs.
- Turn prohibitions.

Traffic calming devices involve the strategic placement of physical devices on the street to decrease the car's dominance. There are three types of traffic calming devices:

1. Devices used to physically restrict and prevent vehicle movement. These include chokers, traffic circles, median barriers and diverters;
2. Devices used to attract the special attention of drivers, such as rumble strips, bots dots, street lane striping.

By their physical form, traffic-calming devices force or prohibit a specific action. These devices have the advantage of being largely self-enforcing and creating a visual impression (real or imagined) that a street is not intended for through traffic.

Project Ranking

At times, there may be a high demand for the application of the NTMP program and its founding throughout Clayton. The City will consider the following factors when ranking the priority of project areas.

1. **Traffic Volumes.** The average daily traffic volume (ADT) of the subject street(s) will be considered as a factor in ranking the priority of a project area.
2. **Speed.** A survey of the average driving speed will be taken. The percentage above the speed limit will be considered as a factor in ranking the priority of a project area.
3. **Accidents.** The accident history of the neighborhood will be considered as a factor in ranking the priority of a project.
4. **Schools & Pedestrian Areas.** The project area's proximity to schools and other pedestrian-oriented areas (e.g., parks, etc) will be considered as a factor in its ranking priority.
5. **Matching Funds.** The City may consider matching funds as a priority factor when ranking projects. Additionally, more expensive traffic calming devices may be considered if matching funds are available.

Assessing Impacts of Diverted Traffic

Sometimes, successfully calming traffic on one street may result in diverting traffic problems onto an adjacent street or neighborhood. The following guidelines will be used in determining impacts on adjacent non-project streets:

1. An increase of at least 150 vehicles per day as a result of

- an NTMP project is not acceptable on any local street regardless of its prior volume.
2. The resulting traffic volume on any local street should not exceed 1500 vehicles per day.

The City has established these guidelines for the following reasons:

- Residents of adjacent non-project streets are provided with some assurance that traffic problems on one local street will not be solved by shifting the problem to other local streets.
- The guidelines can be translated to a table where the impacts on any given street can be quickly and easily identified.
- The guidelines provide a quantifiable and objective standard for measuring the success or failure of a project.

The guidelines are presented as a range rather than specific limits to accommodate the margin of error inherent in the collection of traffic volume data. An increase in traffic volume that exceeds the impact guidelines is not necessarily detrimental for a project, unless the Neighborhood Traffic Committee (NTC) has chosen to make that commitment. Other, more qualitative, criteria will also be used to help determine whether a project's secondary or unintended impacts are acceptable.

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CITY OF CLAYTON
MULTIWAY STOP CONTROL
MODERATE TO LOW VOLUME STREETS
POLICY AND WARRANTS WORKSHEET

ADOPTED BY THE CITY COUNCIL ON JULY 15, 2003

Policy

The State of California Department of Transportation (Caltrans) has established certain requirements (warrants) that must be satisfied in order to justify the installation of regulatory traffic control signs and devices. These warrants are generally based upon vehicular and pedestrian volumes that are unattainable for most, if not all, of the City's residential street intersections.

The City Council of the City of Clayton therefore finds that is necessary to adopt a set of local warrants for the installation of multiway stop signs that are more in line with the traffic volumes that could be expected in the City's residential neighborhoods. For the purpose of these warrants, moderate to low volume streets are defined by our City as those with less than 4,000 vehicles per day.

It is the policy of the City Council of the City of Clayton that multiway stop signs should be considered for installation if an intersection meets or exceeds the minimum criteria specified below. Further, the evaluation of the criteria, and any such measurements and computations as may be deemed necessary, shall be the responsibility of the City Engineer. Potential conflicting City policies such as Intersection Level of Service (LOS) shall be considered, and may form the basis for the denial of stop signs despite other justifying factors.

Warrants

All way stop control installation MAY be considered if ONE OR MORE of the following conditions exist:

1. TRAFFIC AND PEDESTRIAN VOLUMES ☐ Yes ☐ No
 - (a) A minimum hourly average (for any eight hours) volume of 300 vehicles entering the intersection from all approaches on an average day. In addition, the vehicular volume entering the intersection from the minor street or streets for the same eight hours must average 1/3 of the total volume entering the intersection (i.e., 100 per hour minimum); or

- (b) A minimum hourly average (for any eight hours) volume of 300 vehicles entering the intersection on the main approach and a pedestrian volume of at least 100 pedestrians per hour crossing the main street during the same eight hours.

2. ACCIDENTS

☐ Yes

☐ No

Three or more types of accidents, within a twelve-month period, susceptible to correction by the installation of stop signs.

3. VISIBILITY

☐ Yes

☐ No

The straight line sight distance on one or more approaches of the major street for vehicles or pedestrians crossing the intersection is, per the Caltrans Design Manual, less than that required for the posted speed limit.

4. RESIDENTIAL AREA

☐ Yes

☐ No

Volume warrants to be reduced to 60% of the values above if ALL of the following conditions are met:

- (a) Both streets have residential frontage with existing 25 mph speed limits;
- (b) Neither street is an adopted through street.
- (c) Both streets are two-lane streets;
- (d) No existing stop sign or signal is located on the more heavily traveled street within a distance of 600 feet;
- (e) The intersection has four legs, with streets extending 600 feet or more away from the intersection on at least three sides; and
- (f) Installation of a four-way stop is compatible with the overall traffic circulation needs for the residential area.

5. UNUSUAL CONDITIONS

☐ Yes

☐ No

- (a) High speed – the 85th percentile speed on the major street exceeds 25 mph; and
- (b) Unusual conditions exist (such as visual signs of emergency maneuvers such as skidmarks, regular use of the intersection by school age children, the elderly or disabled, steep hill, unique geometric condition, etc.)



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: Ron Bernal, Interim City Manager

DATE: April 18, 2023

SUBJECT: Approve Funding Appropriation for American Rescue Plan Act (ARPA) Funds for Efficiency Measures and Asset Replacement and Acquisition

RECOMMENDATION

It is recommended the City Council approve one-time appropriation of ARPA funds for specific efficiency measures and asset replacement and acquisition, and discuss and provide direction to staff on programming for expenditure of remaining ARPA funds.

BACKGROUND

At their April 4, 2023 meeting, the City Council discussed potential uses for ARPA funds as it related to requests from City departments for items that would improve efficiency, replace assets that are near or at the end of their useful life and acquire new assets. The discussion concluded without City Council taking action.

This item is being brought back at the request of the Mayor to provide another opportunity for the City Council to authorize funding of certain items that were identified to enhance community and City employee safety, and for which staff has obtained more precise cost estimates.

In March 2021, the Federal Government passed the American Rescue Plan Act (ARPA), which had total funding of \$1.9 trillion. These monies included \$350 billion in funding to States, Localities, and Tribal Governments. This program is separate from Federal grants targeting both institutions and businesses that were impacted by the COVID-19 Pandemic. The City of Clayton is expected to receive a total of \$2,934,049 in two installments of approximately \$1,467,025 each.

As of March 29, 2023, \$1,466,597 of the City's ARPA allocation remains. Previous revenues and expenditures are summarized in the table below:

		General Operating Fund
Revenue	1st ARPA Received on July 1, 2021	\$1,467,024
	Total Revenue FYE 21/22	\$1,467,024
Expenditure	Professional services	\$41,744
	Office Supplies (COVID testkits)	\$3,251
	DocuSign part of Clayton Cares	\$432
	Clayton Cares	\$800,000
	Hero Pay	\$247,082
	IT Expenses	\$42,052
	Street Lighting	\$20,403
	Fund 502 CERF for Police Vehicle Replacement	\$70,000
	Transfer to General Fund	\$37,139
	Total Expenditure	\$1,262,103
	Net Ending Balance as of FYE 21/22	\$204,921
	Proposed Expenditures in FY23 (allocation)	
	Full time Senior Accountant limited one year term	\$135,348
	Software and Services to Digitize Records	\$35,000
	City Council Recommended Organizational Assessments	\$35,000
	Subtotal	\$205,348
Revenue	2nd ARPA received on July 1, 2022	\$1,467,024
	Net Balance as of FYE 22/23	\$1,466,597

DISCUSSION

As part of the Goal Setting Special City Council Meeting on the March 13, 2023, and again at the April 4, 2023, Regular Meeting, staff from each department presented their department's list of priorities and the estimated cost to fund each item in their lists. The staff considered the use of ARPA funds to improve efficiency and add tools, technology and equipment to enhance City business operations. The attachment to that April 4 staff report has been updated with additional explanation and cost estimates for certain safety-related items that were identified in the prior list. These items are highlighted in blue in Attachment 1. The Council is also asked to provide direction on programming for remaining ARPA funds, including whether certain items should be removed from the department request list and not researched further by staff at this time.

This agenda item does not consider the potential to use ARPA funds for the Climatec Comprehensive Infrastructure Renewal and General Fund Savings Program or the Clayton Cares program.

FISCAL IMPACTS

Depending on the items the City Council wishes to fund, the ARPA Fund 111 balance will be reduced. There is currently \$1,466,597 available in the account. The items identified for funding in this report would cost \$126,490 and reduce the ARPA fund balance to \$1,340,107.

ATTACHMENT

ARPA Fund Appropriation – Department Request List

Department		Funding Items Description	Benefit	Amount	
Community Development Department	1	Permit management software (estimated set-up cost \$12,000; annually \$10,000 thereafter)	Implement permit processing enhancements to improve efficiency, consistency and reliability in permit processing	\$ 12,000	
	2	Establishment of GIS funded by grants; ongoing licensing for GIS plus City Engineer	Implement geographic information system [GIS] for City land use and infrastructure, facilities replacements and installations, and asset management	\$ 50,000	Additional \$10,000 annually
Community Development Total:				\$ 62,000	
Finance Department	1	Financial consulting fees	Develop strategies and modeling that incorporate the City's liabilities and assets over the next 10-20 years	\$ 8,000	
	2	Building interactive public portal on the City's website, with database	Build self-service portal and database within the City's website for Business license and Rental Facilities module including the capacity to accept on-demand online payment	\$ 20,000	
	3	Strengthen network capabilities	This initiative shall implement network capabilities and evaluate opportunities to increase public access to network infrastructure throughout the system	\$ 25,000	
Finance Department Total :				\$ 53,000	
Public Works	1	Ditch Witch vacuum trailer	Crews can clean storm drains and dig around pipes more efficiently while reducing possibility of worker injuries	\$ 100,600	
	2	2 F250 Utility body trucks	Replace existing 1998 and 1999 service trucks	\$ 130,000	
	3	2 Rain Master DXI controllers for CCP	Accomplished through Climatec project if approved	\$ 50,000	
	4	2 Flow meters for CCP	Accomplished through Climatec project if approved	\$ 2,000	
	5	2 Master valves for CCP	Accomplished through Climatec project if approved	\$ 3,000	
	6	Rain Master DXI for Stranahan Park	Allow staff to communicate with controller via central system	\$ 20,000	
	7	New Toro Turf Master Mower 6000 series	Replace existing mower	\$ 100,000	
	8	Flat Bed trailer	Allow staff to move mini excavator and skid steer tractor and eliminates need for backup vehicle	\$ 10,000	
Public Works Total:				\$ 415,600	

Department		Funding Items Description	Benefit	Amount
Engineering Department	1	GIS asset management system, with using latest technology of Google Streetview type data collection for storm drain inlets, signs, etc.		Refer to CDD item 2, above.
Engineering Department Total:				
Police Department	1	Video surveillance system at City Hall/PD	This will provide security and monitoring of the entrances to the building, as well as the area where the on-duty patrol cars are parked. Five cameras would provide coverage at the main entrance to the building, both side entrances, the police department lobby, and the area where the on-duty police vehicles park near the side entrance. The monitor would be mounted near the front desk where it can be monitored as needed. Cost includes equipment and installation.	\$ 7,820
	2	Tattle-Tale traffic signal lights for 6 intersections	Tattletale lights are used in many jurisdictions and assist officers monitoring traffic signals. They are blue lights that are mounted on the back of traffic signals so that officers can see when the traffic light that is not visible from their vantage point turns red. While the traffic signal is red, the blue light to the rear is illuminated. When the traffic signal turns green, the blue light turns off. Because it is mounted to the rear of the light, traffic approaching the intersection in the direction of the traffic lights cannot see it, so it does not confuse drivers on what color the traffic signal currently is. These lights are used by many municipalities. They will assist our officers while working enforcement for red light runners. The cost of these are \$105 each, plus \$340 per light for installation. Six lights are initially proposed at various traffic signals in town that are difficult to monitor from a position where the red/yellow/green lights are visible.	\$ 2,670
	3	A New Patrol Vehicle	New fully outfitted Ford Explorer to replace vehicle at end of useful life	\$ 85,000

Department		Funding Items Description	Benefit	Amount
	4	Dash cameras with License Plate Reader technology for 8 cars	We currently have the second generation dash camera from Axon, which video records the road in front of the patrol car, as well as the back seat of the car where arrestees are placed during transport. The third generation cameras also have License Plate Reader technology, so as the patrol car drives around, it is scanning plates of all vehicles that it passes. This can detect stolen vehicles, but can also log where vehicles have historically been located in the event that we are looking for a particular vehicle.	\$ 100,000
	5	Install automated entry points at all entrances to the building	This would allow us to more closely monitor who gains access to the building, and also allows us to disable someone's access when they should not have access to the building, such as individuals who have left City employment.	\$ 10,000
	6	Drone program	Many Law Enforcement agencies throughout the country have turned to drone technology as another tool for solving crime and providing rescue operations. A drone can be used to search for outstanding suspects where it may be unsafe for an officer to enter, such as backyards, houses, and bushes. It can also be used to search for a lost child or adult. Drones can be used for aerial photographs of crime or traffic collision scenes, and to assess damage in areas that are not safe to enter. The cost listed is for the drone and the training needed to operate it.	\$ 20,000
	7	Create turn-outs for bus stops along Clayton Rd - 6 total	There are 6 bus stops along Clayton Rd that do not have turn-outs, meaning that the bus must stop in the right hand lane of traffic to pick up passengers. This creates traffic hazards because cars must either stop behind the bus while it is stopped, or try to change lanes to go around the bus.	\$ 1,500,000
Police Department Total:				\$ 1,725,490
City Clerk/HR Manager	1	Agenda Management System		\$ 19,730
	2	File Cabinet System, 1st Floor	This will replace the broken filing cabinets that are currently used to store Planning, City Clerk, Finance, and Personnel Records. The Personnel Records require a locking fire-proof cabinet.	\$ 26,500
	3	Chairs at Hoyer Hall for Elected Officials and Staff	The current chairs are broken and uncomfortable.	\$ 4,300
	4	DocuSign for 500 envelopes	Digital Signature	\$ 2,400

Department		Funding Items Description	Benefit	Amount
	5	Dropbox Sign for up to 4 users including unlimited signing	Digital Signature	\$ 600
	6	Hire Facility Person to attend CC/PC meeting to assist with room temperature, notify A/V person of sound issues or issues with the monitors during the meeting.	Could be staffed by someone in Maintenance (on overtime) or volunteer - \$100 per meeting	
City Clerk/HR Manager Total:				\$ 53,530
City Manager	1	Salary Survey	Establish competitive compensation structure	\$ 20,000
	2	City Hall pool vehicle (preferably electric)	Eliminates need for employees to utilize personal vehicles	\$ 40,000
	3	PR and Marketing Firm	Create a platform to highlight and publicize positive aspects of	\$ 50,000 annually
	4	Citywide GIS/Asset Management		Refer to CDD item 2, above.
	5	Replace generator at City Hall	Existing diesel generator has limitations for essential facility	\$ 250,000
	6	New Irrigation system at Clayton Community Park	Existing system breaks frequently causing costly water leaks and disruption to planned activities	\$ 1,000,000
	7	Keller House Restoration	Create unique venue for special events	\$ 5,000,000
City Manager Total:				\$ 6,360,000
TOTAL				\$ 8,669,620



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: Ron Bernal, Interim City Manager

DATE: April 18, 2023

SUBJECT: Provide Direction on whether to Appropriate Additional American Rescue Plan Act (ARPA) Funds for the Local Assistance Program (Clayton Cares) and whether to Modify the Amount Allowed per Grant Recipient

RECOMMENDATION

Provide direction on whether the City Council desires to appropriate additional ARPA funds for the local assistance program (Clayton Cares) and whether to modify the amount allowed per grant recipient.

BACKGROUND

At their April 4, 2023 meeting, the City Council discussed potential uses for ARPA funds as it related to requests from City departments for items that would improve efficiency, replace assets that are near or at the end of their useful life and acquire new assets. At that meeting, the public requested the City Council appropriate additional ARPA funds for the local assistance program (Clayton Cares). This item is brought at the request of the Mayor to address the request.

In March 2021, the Federal Government passed the American Rescue Plan Act (ARPA), which had total funding of \$1.9 trillion. These monies included \$350 billion in funding to States, Localities, and Tribal Governments. This program is separate from Federal grants targeting both institutions and businesses that were impacted by the COVID-19 Pandemic. The City of Clayton is expected to receive a total of \$2,934,049 in two installments of approximately \$1,467,025 each.

As of March 29, 2023, \$1,466,597 of the City's ARPA allocation remains. Previous revenues and expenditures are summarized in the table below:

Subject: Provide Direction on whether to Appropriate Additional American Rescue Plan Act (ARPA) Funds for the Local Assistance Program (Clayton Cares) and whether to Modify the Amount Allowed per Grant Recipient

Date: April 18, 2023

Page: 2 of 2

		General Operating Fund
Revenue	1st ARPA Received on July 1, 2021	\$1,467,024
	Total Revenue FYE 21/22	\$1,467,024
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	Full time Senior Accountant limited one year term	\$135,348
	Software and Services to Digitize Records	\$35,000
	City Council Recommended Organizational Assessments	\$35,000
	Subtotal	\$205,348
Revenue	2nd ARPA received on July 1, 2022	\$1,467,024
	Net Balance as of FYE 22/23	\$1,466,597

DISCUSSION

The Clayton Cares program was originally allocated \$800,000 in ARPA funds. To date, all allocated funds have been spent. The Council is asked to provide direction on whether to appropriate additional ARPA funds for the Clayton Cares program and to provide direction on whether to modify the amount allowed per grant recipient.

FISCAL IMPACTS

Depending on the items the City Council wishes to fund from the previous agenda item, the ARPA Fund 111 balance will be reduced. There is currently \$1,466,597 available in the account.