



AGENDA

REGULAR MEETING

* * *

CLAYTON CITY COUNCIL

* * *

TUESDAY, March 2, 2021

7:00 P.M.

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

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

Mayor: Carl Wolfe

Vice Mayor: Peter Cloven

Council Members

Jim Diaz

Holly Tillman

Jeff Wan

- A complete packet of information containing staff reports and exhibits related to each public item is available for public review on the City's website at www.ci.clayton.ca.us
- Agendas are posted at: 1) City Hall, 6000 Heritage Trail; 2) Library, 6125 Clayton Road; 3) Ohm's Bulletin Board, 1028 Diablo Street, Clayton; and 4) City Website at www.ci.clayton.ca.us
- Any writings or documents provided to a majority of the City Council after distribution of the Agenda Packet and regarding any public item on this Agenda is available for review on the City's website at www.ci.clayton.ca.us
- If you have a physical impairment that requires special accommodations to participate, please call the City Clerk's office at least 72 hours in advance of the meeting at (925) 673-7300.

Instructions for Virtual City Council Meeting – March 2

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

To follow or participate in the meeting:

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

https://us02web.zoom.us/webinar/register/WN_8HF1fp4OTkOe8pBgW7LSHQ

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

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

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

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

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

Location:

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

To join this virtual meeting on-line click here:

https://us02web.zoom.us/webinar/register/WN_8HF1fp4OTkOe8pBgW7LSHQ

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

*** CITY COUNCIL ***

March 2, 2021

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

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

3. **CONSENT CALENDAR**

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

- (a) Approve the minutes of the City Council's regular meeting of February 16, 2021. (City Clerk) ([View Here](#))
- (b) Approve the Financial Demands and Obligations of the City. (Finance) ([View Here](#))
- (c) Adopt a Resolution appointing One Citizen to the Trails and Landscaping Committee for term of office commencing March 2, 2021 through December 31, 2022. (City Clerk) ([View Here](#))
- (d) Review of the City's Annual Report on the Development Fees for the Fiscal Year Ending June 30, 2020 in Compliance with the Reporting Requirements of Section 66006 of the California Government Code (AB 1600) (Finance Director) ([View Here](#))
- (e) The naming of the RORY RICHMOND MEMORIAL GARDEN. (Community Development Director) ([View Here](#))
- (f) Ratification of Letter Requesting Support for Proposed Federal Reconciliation Bill on Phase V COVID-19 Pandemic Economic Stimulus Relief Financial Assistance for Local Cities/Government (City Manager) ([View Here](#))

4. **RECOGNITIONS AND PRESENTATIONS**

- (a) Proclamation declaring March 11, 2021 as "Bob and Eldora Hoyer Day". ([View Here](#))

5. **REPORTS**

- (a) Planning Commission – Report of February 23, 2021 meeting.
- (b) Trails and Landscaping Committee – No meeting held.
- (c) City Manager/Staff
- (d) City Council - Reports from Council liaisons to Regional Committees, Commissions and Boards.

6. PUBLIC COMMENT ON NON - AGENDA ITEMS

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

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

7. PUBLIC HEARINGS – None.

8. ACTION ITEMS

- (a) FY2020/21 Mid-Year Budget Review (Finance Director) ([View Here](#))
- (b) Consideration of Letter with an Oppose Unless Amended Position Regarding SB 9 (Atkins) - Increased Density in Single-Family Zones). (City Manager) ([View Here](#))
- (c) Set Date for City Council Special Meeting: Council – Manager Goal Setting (City Manager) ([View Here](#))

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

10. CLOSED SESSION – None.

11. ADJOURNMENT

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

#

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

TUESDAY, February 16, 2021

7:00 P.M. REGULAR PUBLIC MEETING

1. **CALL TO ORDER THE CITY COUNCIL** – The meeting was called to order at 7:00 p.m. by Mayor Wolfe on a virtual web meeting and telephonically (877) 853-5257. Councilmembers present: Mayor Wolfe, Vice Mayor Cloven, and Councilmembers Diaz, Tillman, and Wan. Councilmembers absent: None. Staff present: City Manager Reina Schwartz, Community Development Director Matthew Feske, City Attorney Martin de los Angeles and City Clerk/HR Manager Janet Calderon.

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

3. **CONSENT CALENDAR**

Councilmember Wan pulled item 3(c) for a separate discussion.

It was moved by Councilmember Diaz, seconded by Vice Mayor Cloven, to approve the Consent Calendar items 3(a), 3(b), and 3(d) as submitted. (Passed 5-0).

- (a) Approve the minutes of the City Council's regular meeting of February 2, 2021. (City Clerk)
- (b) Approve the Financial Demands and Obligations of the City. (Finance)
- (d) An Ordinance Amending Chapter 17.78.040.D Floor Area of the Clayton Municipal Code and to Rezone the Diablo Meadows Residential Subdivision From R-15 to Planned Development and Amend the City Zoning Map. (Community Development Director)

Consent Calendar Item Pulled

- 3(c) Approve the denial of a liability claim filed against the City by Ms. Maryam Maheri and authorize the City Clerk to send the Notice of Rejection. (City Clerk)

Councilmember Wan inquired on the basis of the rejection of the claim. City Manager Reina Schwartz advised this claim was denied based on public entity immunity under Government Code Section 835; public agencies in general are immune from liability from a situation like this, unless the City knew or should have known about the dangerous condition. Councilmembers asked further questions about the specific claim as well as the general principles of governmental immunity.

It was moved by Vice Mayor Cloven, seconded by Mayor Wolfe, to approve Consent Calendar Item 3(c). (Passed; 3-1-1 vote; Tillman, Abstain; Wan, No).

4. RECOGNITIONS AND PRESENTATIONS – None.

5. REPORTS

- (a) Planning Commission – Vice Chair Terri Denslow stated that the Commission’s meeting of February 9, 2021 included review of numerous meeting minutes resulting in several corrections to the November 10, 2020 and December 8, 2020 minutes. The Commission also reviewed the concept of potential parking permits in the Stranahan neighborhood, this item was tabled to the following meeting. It was also requested that minutes come back in a timely manner and the Planning Commission rotate on who will provide a verbal report to the City Council.

Councilmember Diaz asked if the Community Development Director is working closely with the Commissioners on proper process on policy matters and inquired on why Planning Commission minutes are taking so long for approval.

- (b) Trails and Landscaping Committee – Chair Justin Cesarin stated that the Committee’s meeting of February 8, 2021 included background and overview of the district by staff, the Committee selected its Chair Justin Cesarin and Vice Chair Bill Wiggins, reviewed and accepted the Landscape Maintenance District Staff Activity Report for November 1, 2020 to January 31, 2021 and status report of Landscape Maintenance District projects. The Committee considered three action items; review the Landscape Maintenance District Draft Budget for FY 2019/20, mid-year review of FY2020/21 Landscape Maintenance District Budget, and selected three members to prepare as an Ad-hoc committee to draft FY 2018/19 and FY2019/20 Annual Reports. Chair Cesarin also noted the Trails and Landscaping Committee is intending to meet once per quarter.

- (c) City Manager/Staff

City Manager Reina Schwartz thanked the Trails and Landscaping Committee for their work.

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

Councilmember Diaz attended the virtual Contra Costa Association of Realtors Installation of Officers and Board of Directors, attended a virtual Public Safety ad-hoc committee meeting, the virtual Contra Costa County Mayors’ Conference, and Celebration of Life for Teddy McDavitt.

Councilmember Wan emailed and called constituents.

Councilmember Tillman attended the virtual Contra Costa Association of Realtors Installation of Officers and Board of Directors, worked with East Bay Youth Speaks on an upcoming webinar, met with Public Safety ad-hoc committee, attended the virtual Contra Costa County Mayors’ Conference, met with the City Manager, attended the California Collaboration for Educational Excellence, and listened in on a call with congresswoman Barbara Lee roundtable discussion.

Vice Mayor Cloven attended the virtual Contra Costa Association of Realtors Installation of Officers and Board of Directors, attended the virtual Contra Costa County Mayors' Conference and was appointed as an alternate to the Contra Costa County Hazard Material Commission, the virtual Trails and Landscaping Committee meeting, the virtual Transportation Partnership and Cooperation for Central Contra Costa (TRANSPAC) meeting, and the virtual Cal Cities roundtable discussion.

Mayor Wolfe attended Contra Costa County Mayors' Conference, listened to the White House briefing call, emailed local school principals regarding the Do The Right Thing program, met with the City Manager, emailed Sam Caygill for some clarification on SB9, met with Mayor Wilk, Mayor McGallian, Mayor Noack regarding kids going back to school requesting Mt Diablo Unified School District to provide the City Council a presentation, and thanked Maintenance Supervisor Jim Warburton for his efforts the last couple of weeks.

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

Michael Lewis requested the City Council review *Clayton Municipal Code* section 17.95.020 regarding outdoor cannabis cultivation.

Mayor Wolfe closed public comment.

7. **PUBLIC HEARINGS – None.**

8. **ACTION ITEMS**

(a) Recognition of Cultural Heritage Months. (City Manager)

City Manager Reina Schwartz introduced the item.

Councilmember Tillman presented the report.

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

Karen Case requested the inclusion of Earth Day

Mayor Wolfe closed public comment.

It was moved by Councilmember Tillman, seconded by Councilmember Wan, to have staff prepare a list in chronological order of Cultural Heritage Months for City Council approval prior to recognition. (Passed 5-0 vote).

(b) Order of the City Council Agenda re: Public Comment on Matters Not on the Agenda. (City Manager)

City Manager Reina Schwartz introduced the item.

Councilmember Wan presented the report.

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

It was moved by Councilmember Wan, seconded by Councilmember Diaz, to Change the Order of the Agenda regarding Public comment on Matters Not on the Agenda. (Failed 2-3 vote; Mayor Wolfe, Vice Mayor Cloven, and Councilmember Tillman, no).

9. **COUNCIL ITEMS** – None.

10. **CLOSED SESSION** – None.

11. **ADJOURNMENT**– on call by Mayor Wolfe, the City Council adjourned its meeting at 8:37 p.m.

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

#

Respectfully submitted,

Janet Calderon, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL

Carl Wolfe, Mayor

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STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: JENNIFER GIANTVALLEY, ACCOUNTING TECHNICIAN

DATE: 03/02/2021

SUBJECT: FINANCIAL DEMANDS AND OBLIGATIONS OF THE CITY

RECOMMENDATION:

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

Attached Report	Purpose	Date	Amount
Open Invoice Report	Accounts Payable	2/23/2021	\$ 339,833.76
Cash Requirements Report	Payroll, Taxes	2/24/2021	\$ 82,040.77
	Total Required		<u>\$ 421,874.53</u>

Attachments:

1. Open Invoice Report, dated 02/23/21 (5 pages)
2. Cash Requirements report PPE 02/21/21 (1 page)

City of Clayton
Open Invoice Report
Obligations

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
American Fidelity Assurance Company								
American Fidelity Assurance Company	2/19/2021	2/19/2021	2093696	FSA PPE 2/21/21	\$128.45	\$0.00		\$128.45
American Fidelity Assurance Company	2/28/2021	2/28/2021	D269296	Supplemental Ins February 2021	\$651.76	\$0.00		\$651.76
Totals for American Fidelity Assurance Company					\$780.21	\$0.00		\$780.21
AT&T (CalNet3)								
AT&T (CalNet3)	2/22/2021	2/22/2021	16073902	Phones 1/22/21-2/21/21	\$1,279.48	\$0.00		\$1,279.48
Totals for AT&T (CalNet3)					\$1,279.48	\$0.00		\$1,279.48
Bay Area Barricade Serv.								
Bay Area Barricade Serv.	2/9/2021	2/9/2021	19535	Pipe extenders for sign poles	\$166.39	\$0.00		\$166.39
Totals for Bay Area Barricade Serv.					\$166.39	\$0.00		\$166.39
Bay Area News Group								
Bay Area News Group	1/31/2021	1/31/2021	1280651	Diablo Meadows Legal Ad January 2021	\$307.88	\$0.00		\$307.88
Totals for Bay Area News Group					\$307.88	\$0.00		\$307.88
Best Best & Kreiger LLP								
Best Best & Kreiger LLP	1/14/2021	1/14/2021	895284	Legal svcs December 2020	\$9,574.00	\$0.00		\$9,574.00
Best Best & Kreiger LLP	1/14/2021	1/14/2021	895285	Suppl legal svcs December 2020	\$2,897.10	\$0.00		\$2,897.10
Best Best & Kreiger LLP	1/14/2021	1/14/2021	895286	Oak Creek Canyon legal svcs December 2020	\$4,760.00	\$0.00		\$4,760.00
Best Best & Kreiger LLP	1/14/2021	1/14/2021	895287	The Olivia legal svcs December 2020	\$2,276.50	\$0.00		\$2,276.50
Best Best & Kreiger LLP	1/14/2021	1/14/2021	895288	Suppl legal svcs December 2020	\$251.36	\$0.00		\$251.36
Best Best & Kreiger LLP	1/14/2021	1/14/2021	895289	Suppl legal svcs December 2020	\$99.90	\$0.00		\$99.90
Best Best & Kreiger LLP	1/14/2021	1/14/2021	895290	Kelok Wy legal svcs December 2020	\$4,661.69	\$0.00		\$4,661.69
Totals for Best Best & Kreiger LLP					\$24,520.55	\$0.00		\$24,520.55
CalPERS Health								
CalPERS Health	2/16/2021	2/16/2021	16339646	Medical March 2021	\$38,560.38	\$0.00		\$38,560.38
Totals for CalPERS Health					\$38,560.38	\$0.00		\$38,560.38
CalPERS Retirement								
CalPERS Retirement	2/21/2021	2/21/2021	022121	Retirement PPE 2/21/21	\$18,588.12	\$0.00		\$18,588.12
Totals for CalPERS Retirement					\$18,588.12	\$0.00		\$18,588.12
CCWD								
CCWD	2/4/2021	2/4/2021	H series	Water 12/3/20-2/2/21	\$13,898.03	\$0.00		\$13,898.03
Totals for CCWD.					\$13,898.03	\$0.00		\$13,898.03
Cintas Corporation								
Cintas Corporation	2/18/2021	2/18/2021	4076300524	PW uniforms through 2/18/21	\$50.19	\$0.00		\$50.19
Cintas Corporation	2/4/2021	2/4/2021	4075998803	PW uniforms through 2/4/21	\$58.88	\$0.00		\$58.88
Totals for Cintas Corporation					\$109.07	\$0.00		\$109.07
Clean Street								

City of Clayton

Open Invoice Report

Obligations

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Clean Street	2/28/2021	2/28/2021	99478	Street sweeping February 2021	\$4,500.00	\$0.00		\$4,500.00
Clean Street	1/31/2021	1/31/2021	99250	Street sweeping January 2021	\$4,500.00	\$0.00		\$4,500.00
<i>Totals for Clean Street</i>					<i>\$9,000.00</i>	<i>\$0.00</i>		<i>\$9,000.00</i>
Comcast Business (PD)								
Comcast Business (PD)	2/1/2021	2/1/2021	115710716	PD internet January 2021	\$989.42	\$0.00		\$989.42
<i>Totals for Comcast Business (PD)</i>					<i>\$989.42</i>	<i>\$0.00</i>		<i>\$989.42</i>
Contra Costa County - Office of the Sheriff								
Contra Costa County - Office of the She	2/9/2021	2/9/2021	CLPD-2101	Forensic svcs January 2021	\$1,312.50	\$0.00		\$1,312.50
<i>Totals for Contra Costa County - Office of the Sherif.</i>					<i>\$1,312.50</i>	<i>\$0.00</i>		<i>\$1,312.50</i>
Contra Costa County Animal Svcs Dept								
Contra Costa County Animal Svcs Dept	2/12/2021	2/12/2021	ASD M7024	Animal services Q3 FY 2021	\$19,065.98	\$0.00		\$19,065.98
<i>Totals for Contra Costa County Animal Svcs Dept</i>					<i>\$19,065.98</i>	<i>\$0.00</i>		<i>\$19,065.98</i>
Contra Costa County Clerk Elections Division								
Contra Costa County Clerk Elections Di	2/8/2021	2/8/2021	1898	11/3/2020 Election	\$9,835.41	\$0.00		\$9,835.41
<i>Totals for Contra Costa County Clerk Elections Divisior</i>					<i>\$9,835.41</i>	<i>\$0.00</i>		<i>\$9,835.41</i>
Digital Services								
Digital Services	2/11/2021	2/11/2021	11835	IT svcs 12/20/20-2/11/21	\$2,763.86	\$0.00		\$2,763.86
<i>Totals for Digital Services</i>					<i>\$2,763.86</i>	<i>\$0.00</i>		<i>\$2,763.86</i>
Dillon Electric Inc								
Dillon Electric Inc	2/12/2021	2/12/2021	4323	Street light repairs 2/5/21	\$1,546.12	\$0.00		\$1,546.12
Dillon Electric Inc	1/3/2021	1/3/2021	4276	Lighting service @ CCP	\$5,485.81	\$0.00		\$5,485.81
<i>Totals for Dillon Electric Inc</i>					<i>\$7,031.93</i>	<i>\$0.00</i>		<i>\$7,031.93</i>
Harris & Associates, Inc.								
Harris & Associates, Inc.	1/1/2021	1/1/2021	45131	Engineering inspections 4/26/20-5/23/20	\$2,200.00	\$0.00		\$2,200.00
Harris & Associates, Inc.	11/19/2020	11/19/2020	46753	Engineering svcs 9/27/20-10/24/20	\$10,004.02	\$0.00		\$10,004.02
Harris & Associates, Inc.	11/19/2020	11/19/2020	46754	Engineering inspections 9/27/20-10/24/20	\$220.00	\$0.00		\$220.00
Harris & Associates, Inc.	12/22/2020	12/22/2020	47025	Engineering inspections 10/25/20-11/21/20	\$3,080.00	\$0.00		\$3,080.00
Harris & Associates, Inc.	1/28/2021	1/28/2021	47329	Engineering svcs 11/22/20-1/2/21	\$10,004.03	\$0.00		\$10,004.03
Harris & Associates, Inc.	1/28/2021	1/28/2021	47330	Engineering inspections 11/22/20-1/2/21	\$10,860.00	\$0.00		\$10,860.00
Harris & Associates, Inc.	1/28/2021	1/28/2021	47331	CIP Engineering svcs 11/22/20-1/2/21	\$2,401.13	\$0.00		\$2,401.13
Harris & Associates, Inc.	1/28/2021	1/28/2021	47332	AD/GHAD Engineering svcs 11/22/20-1/2/21	\$5,705.00	\$0.00		\$5,705.00
Harris & Associates, Inc.	2/21/2021	2/21/2021	47575	Engineering svcs 1/3/21-1/30/21	\$10,004.03	\$0.00		\$10,004.03
Harris & Associates, Inc.	2/21/2021	2/21/2021	47576	Engineering inspections 1/3/21-1/30/21	\$10,215.00	\$0.00		\$10,215.00
Harris & Associates, Inc.	2/21/2021	2/21/2021	47577	CIP Engineering svcs 1/3/21-1/30/21	\$3,555.00	\$0.00		\$3,555.00
<i>Totals for Harris & Associates, Inc.</i>					<i>\$68,248.21</i>	<i>\$0.00</i>		<i>\$68,248.21</i>
HdL Coren & Cone								
HdL Coren & Cone	2/1/2021	2/1/2021	SIN006311	Contract svcs Property tax Jan-Mar 2021	\$1,822.50	\$0.00		\$1,822.50

City of Clayton

Open Invoice Report

Obligations

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
<i>Totals for HdL Coren & Cone</i>					\$1,822.50	\$0.00		\$1,822.50
ICMA Retirement Corporation								
ICMA Retirement Corporation	2/3/2021	2/3/2021	45003	Annual plan fee Q3 FY21	\$125.00	\$0.00		\$125.00
ICMA Retirement Corporation	2/21/2021	2/21/2021	022121	457 Plan contributions PPE 2/21/21	\$2,709.62	\$0.00		\$2,709.62
<i>Totals for ICMA Retirement Corporation</i>					\$2,834.62	\$0.00		\$2,834.62
J&R Floor Services								
J&R Floor Services	2/28/2021	2/28/2021	Two 2021	Janitorial svcs February 2021	\$3,575.00	\$0.00		\$3,575.00
<i>Totals for J&R Floor Services</i>					\$3,575.00	\$0.00		\$3,575.00
Kerex Engineering, Inc								
Kerex Engineering, Inc	2/10/2021	2/10/2021	Final/Retention	Final billing/Retention Downtwn Planter Boxes	\$21,002.21	\$0.00		\$21,002.21
<i>Totals for Kerex Engineering, Inc</i>					\$21,002.21	\$0.00		\$21,002.21
League of CA Cities East Bay Division								
League of CA Cities East Bay Division	2/10/2021	2/10/2021	4851	Member dues for East Bay Division 2021	\$15.00	\$0.00		\$15.00
<i>Totals for League of CA Cities East Bay Divisor.</i>					\$15.00	\$0.00		\$15.00
Joshua Legaspi								
Joshua Legaspi	2/10/2021	2/10/2021	CAP0376	C&D refund	\$1,000.00	\$0.00		\$1,000.00
<i>Totals for Joshua Legaspi</i>					\$1,000.00	\$0.00		\$1,000.00
Main Fire Protection Inc.								
Main Fire Protection Inc.	2/10/2021	2/10/2021	93741	EH kitchen hood service	\$222.76	\$0.00		\$222.76
<i>Totals for Main Fire Protection Inc.</i>					\$222.76	\$0.00		\$222.76
MB Contract Furniture, Inc								
MB Contract Furniture, Inc	2/19/2021	2/19/2021	CLAY33172	Office screens	\$8,798.52	\$0.00		\$8,798.52
<i>Totals for MB Contract Furniture, Inc</i>					\$8,798.52	\$0.00		\$8,798.52
Michael Baker International, Inc								
Michael Baker International, Inc	1/12/2021	1/12/2021	1105041	Clayton Comm Church prof svcs December 2	\$6,055.00	\$0.00		\$6,055.00
Michael Baker International, Inc	1/12/2021	1/12/2021	1105053	Project prof svcs December 2020	\$4,445.00	\$0.00		\$4,445.00
<i>Totals for Michael Baker International, Inc</i>					\$10,500.00	\$0.00		\$10,500.00
Nationwide								
Nationwide	2/21/2021	2/21/2021	022121	457 Plan contribution PPE 2/21/21	\$500.00	\$0.00		\$500.00
<i>Totals for Nationwide</i>					\$500.00	\$0.00		\$500.00
Pacific Office Automation								
Pacific Office Automation	2/18/2021	2/18/2021	213394	Copier usage 1/20/21-2/19/21	\$53.83	\$0.00		\$53.83
<i>Totals for Pacific Office Automation</i>					\$53.83	\$0.00		\$53.83
Paychex								
Paychex	2/21/2021	2/21/2021	2021022201	Payroll fees PPE 2/21/21	\$238.42	\$0.00		\$238.42

City of Clayton

Open Invoice Report

Obligations

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
<i>Totals for Paychex.</i>					\$238.42	\$0.00		\$238.42
PG&E								
PG&E	2/16/2021	2/16/2021	021621	Energy 1/14/21-2/15/21	\$20,158.96	\$0.00		\$20,158.96
<i>Totals for PG&E.</i>					\$20,158.96	\$0.00		\$20,158.96
Raney Planning & Management, Inc.								
Raney Planning & Management, Inc.	9/9/2020	9/9/2020	2043E-2	Diablo Meadows prof svcs August 2020	\$7,794.98	\$0.00		\$7,794.98
Raney Planning & Management, Inc.	10/8/2020	10/8/2020	2043E-3	Diablo Meadows prof svcs September 2020	\$2,540.00	\$0.00		\$2,540.00
Raney Planning & Management, Inc.	1/12/2021	1/12/2021	2043E-6	Diablo Meadows prof svcs December 2020	\$781.12	\$0.00		\$781.12
Raney Planning & Management, Inc.	10/8/2020	10/8/2020	2040E-4	Clayton Comm Church prof svcs September 2	\$2,359.38	\$0.00		\$2,359.38
Raney Planning & Management, Inc.	1/12/2021	1/12/2021	2040E-7	Clayton Comm Church prof svcs December 2	\$13,779.15	\$0.00		\$13,779.15
Raney Planning & Management, Inc.	2/8/2021	2/8/2021	2040E-8	Clayton Comm Church prof svcs January 202	\$7,192.48	\$0.00		\$7,192.48
Raney Planning & Management, Inc.	10/8/2020	10/8/2020	1752E-11	Oak Creek Canyon prof svcs September 2020	\$1,310.39	\$0.00		\$1,310.39
<i>Totals for Raney Planning & Management, Inc.</i>					\$35,757.50	\$0.00		\$35,757.50
Site One Landscape Supply, LLC								
Site One Landscape Supply, LLC	2/9/2021	2/9/2021	106269412-001	Irrigation parts	\$249.87	\$0.00		\$249.87
Site One Landscape Supply, LLC	2/3/2021	2/3/2021	106164949-001	Irrigation parts	\$22.57	\$0.00		\$22.57
<i>Totals for Site One Landscape Supply, LLC</i>					\$272.44	\$0.00		\$272.44
Stericycle Inc								
Stericycle Inc	3/1/2021	3/1/2021	3005451112	Medical waste disposal	\$65.03	\$0.00		\$65.03
<i>Totals for Stericycle Inc</i>					\$65.03	\$0.00		\$65.03
Stria, LLC								
Stria, LLC	1/31/2021	1/31/2021	14732	City council agenda pkt digital conversion Jan	\$339.00	\$0.00		\$339.00
<i>Totals for Stria, LLC</i>					\$339.00	\$0.00		\$339.00
Swenson's Mobile Fleet Repair								
Swenson's Mobile Fleet Repair	2/11/2021	2/11/2021	I002557	Service to '06 F550	\$812.95	\$0.00		\$812.95
Swenson's Mobile Fleet Repair	2/17/2021	2/17/2021	I002575	Service to '15 F250	\$306.20	\$0.00		\$306.20
<i>Totals for Swenson's Mobile Fleet Repair</i>					\$1,119.15	\$0.00		\$1,119.15
Texas Life Insurance Company								
Texas Life Insurance Company	2/17/2021	2/17/2021	SM0F1B2021021100	Suppl life insurance February 2021	\$53.00	\$0.00		\$53.00
<i>Totals for Texas Life Insurance Company</i>					\$53.00	\$0.00		\$53.00
US Bank - Corp Pmt System CalCard								
US Bank - Corp Pmt System CalCard	1/22/2021	1/22/2021	012221	Stmt end 1/22/21	\$3,778.55	\$0.00		\$3,778.55
<i>Totals for US Bank - Corp Pmt System CalCard</i>					\$3,778.55	\$0.00		\$3,778.55
Verizon Wireless								
Verizon Wireless	2/1/2021	2/1/2021	9872403339	Cell phones 1/19/21-2/1/21	\$127.20	\$0.00		\$127.20
<i>Totals for Verizon Wireless</i>					\$127.20	\$0.00		\$127.20

City of Clayton

Open Invoice Report

Obligations

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Wentling's Studio, Inc								
Wentling's Studio, Inc	2/1/2021	2/1/2021	24520-1	Mayor portrait	\$445.00	\$0.00		\$445.00
				<i>Totals for Wentling's Studio, Inc</i>	<u>\$445.00</u>	<u>\$0.00</u>		<u>\$445.00</u>
Western Exterminator								
Western Exterminator	2/5/2021	2/5/2021	8110C	Pest control January 2021	\$427.00	\$0.00		\$427.00
Western Exterminator	12/1/2020	12/1/2020	5685C	Pest control November 2020	\$427.00	\$0.00		\$427.00
Western Exterminator	1/5/2021	1/5/2021	6514C	Pest control December 2020	\$427.00	\$0.00		\$427.00
				<i>Totals for Western Exterminator</i>	<u>\$1,281.00</u>	<u>\$0.00</u>		<u>\$1,281.00</u>
Wizix Technology Group, Inc								
Wizix Technology Group, Inc	1/27/2021	1/27/2021	31191	IMC2000 Copier, PW	\$4,275.88	\$0.00		\$4,275.88
				<i>Totals for Wizix Technology Group, Inc</i>	<u>\$4,275.88</u>	<u>\$0.00</u>		<u>\$4,275.88</u>
Workers.com								
Workers.com	2/19/2021	2/19/2021	129278	Seasonal workers week end 2/14/21	\$1,845.02	\$0.00		\$1,845.02
Workers.com	2/12/2021	2/12/2021	129230	Seasonal workers week end 2/7/21	\$1,660.51	\$0.00		\$1,660.51
Workers.com	2/5/2021	2/5/2021	129184	Seasonal workers week end 1/31/21	\$1,451.42	\$0.00		\$1,451.42
				<i>Totals for Workers.com</i>	<u>\$4,956.95</u>	<u>\$0.00</u>		<u>\$4,956.95</u>
Zee Medical Company								
Zee Medical Company	2/22/2021	2/22/2021	724607158	PW organize, restock first aid cabinet	\$135.33	\$0.00		\$135.33
Zee Medical Company	2/22/2021	2/22/2021	724607159	PD organize, restock first aid cabinet	\$48.49	\$0.00		\$48.49
				<i>Totals for Zee Medical Company</i>	<u>\$183.82</u>	<u>\$0.00</u>		<u>\$183.82</u>
GRAND TOTALS:					\$339,833.76	\$0.00		\$339,833.76

CASH REQUIREMENTS

CASH REQUIRED FOR NEGOTIABLE CHECKS &/OR ELECTRONIC FUNDS TRANSFERS (EFT) FOR CHECK DATE 02/24/21: \$87,202.02

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

TRANSACTION SUMMARY

SUMMARY BY TRANSACTION TYPE -	TOTAL ELECTRONIC FUNDS TRANSFER (EFT)	82,040.77
	TOTAL NEGOTIABLE CHECKS	5,161.25
	CASH REQUIRED FOR NEGOTIABLE CHECKS &/OR EFT	87,202.02
	TOTAL REMAINING DEDUCTIONS / WITHHOLDINGS / LIABILITIES	16,427.87
	CASH REQUIRED FOR CHECK DATE 02/24/21	103,629.89

TRANSACTION DETAIL

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

<u>TRANS. DATE</u>	<u>BANK NAME</u>	<u>ACCOUNT NUMBER</u>	<u>PRODUCT</u>	<u>DESCRIPTION</u>		BANK DRAFT AMOUNTS & OTHER TOTALS
02/23/21	BANK OF AMERICA, NA	xxxxxx4799	Direct Deposit	Net Pay Allocations	61,060.17	
02/23/21	BANK OF AMERICA, NA	xxxxxx4799	Direct Deposit	Deductions with Direct Deposit	663.50	61,723.67
02/23/21	BANK OF AMERICA, NA	xxxxxx4799	Readychex®	Check Amounts	1,485.51	1,485.51
02/23/21	BANK OF AMERICA, NA	xxxxxx4799	Garnishment	Employee Deductions	75.00	75.00
				EFT FOR 02/23/21		63,284.18
02/24/21	BANK OF AMERICA, NA	xxxxxx4799	Taxpay®	Employee Withholdings		
				Medicare	1,402.33	
				Fed Income Tax	11,328.88	
				CA Income Tax	4,397.74	
				Total Withholdings	17,128.95	
				Employer Liabilities		
				Medicare	1,405.31	
				Fed Unemploy	40.42	
				CA Unemploy	175.18	
				CA Emp Train	6.73	
				Total Liabilities	1,627.64	18,756.59
				EFT FOR 02/24/21		18,756.59
				TOTAL EFT		82,040.77



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Janet Calderon, City Clerk

DATE: March 2, 2021

SUBJECT: Adopt a Resolution appointing One Citizen to the Trails and Landscaping Committee for term of office commencing March 2, 2021 through December 31, 2022

BACKGROUND

On December 31, 2020 the term of appointed office expired for Trails and Landscape Committee member William Wiggins. An application was received by the City Clerk on January 28, 2021 from incumbent William Wiggins to serve on the Trails and Landscape Committee.

The Council's Trails and Landscaping interview sub-committee (Vice Mayor Cloven and Councilmember Wan) has recommended incumbent William Wiggins be reappointed to the TLC.

There are currently five (5) persons serving on the Trails and Landscaping Committee. The reappointment of William Wiggins citizens will bring the total membership to six (6) for this advisory committee (11 maximum).

RECOMMENDATION

Upon recommendation of the City Council sub-committee, it is proposed that the City Council adopt the attached Resolution reappointing William Wiggins to this citizens' advisory Committee.

FISCAL IMPACT

None; TLC members serve without compensation or stipend.

Attachments: Resolution- 1 page
Applications of (1) applicants- 1 page

TLC ROSTER

	<u>Appointed</u>	<u>Term Expires</u>
Trisha Brown	2/20	12/21
Justin Cesarin	2/20	12/21
Karen Case	2/20	12/21
Scott Feuer	2/20	12/21
Suzanne Brennan	2/20	12/21
Willia,		

RESOLUTION NO. - 2021

**A RESOLUTION REAPPOINTING ONE CITIZENS
TO THE TRAILS AND LANDSCAPING CITIZENS ADVISORY COMMITTEE**

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

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

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

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

WHEREAS, on December 31, 2020 one term of office expired for 1 citizen serving on the TLC, and on January 28, 2021 the City Clerk received an application from one (1) incumbent (William Wiggins) expressing willingness to continue service on the Trails and Landscaping Committee; and

WHEREAS, the City Council's TLC Interview Sub-Committee has considered and does recommend the incumbent be reappointed to the Trails and Landscaping Committee.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California, does hereby reappoint William Wiggins to the Trails and Landscaping Citizens' Advisory Committee of the City of Clayton for the term of appointed office to expire on December 30, 2022.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held the 2nd day of March 2021 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

Carl Wolfe, Mayor

ATTEST:

Janet Calderon, City Clerk



RECEIVED

JAN 28 2021

City of Clayton

APPLICATION FOR
TRAILS AND LANDSCAPING COMMITTEE

Name WILLIAM WIGGINS Address _____

Home Phone _____ Business Phone N/A

E-mail address: _____ Length of residency in Clayton 12 YRS

Occupation RETIRED Present employer N/A

Why are you interested in serving on this Committee? HAVE PREVIOUS EXPER-
IENCE ON THIS COMMITTEE AND INTERESTED IN OUR
CITY'S TRAIL & LANDSCAPING PROJECTS

What is your vision for the trails and public landscaped areas of our City? I THINK THE
TRAILS & PUBLIC SPACES MAINTAINED BY OUR CITY ARE
A BIG ASSET TO THE QUALITY OF LIFE HERE. I WOULD LIKE
TO SEE THEM KEPT AS PRISTINE AND WELL CARED FOR SO FUTURE
GENERATIONS CAN ENJOY

Please share your interests and hobbies, special training or education: GOLF, HIKING,
TRAVELING, BASEBALL, GARDENING, BACKGROUND
IN FINANCE

List 3 references with phone numbers: 1. JOE RONCO 872-3049

2. TED SUDERTH 216-9383

3. MATT HILL 640-2350

Signature: William Wiggins

Date: 1-25-2020



STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: PAUL RODRIGUES, CPA, FINANCE DIRECTOR

DATE: MARCH 2, 2021

SUBJECT: REVIEW OF THE CITY'S ANNUAL REPORT ON DEVELOPMENT FEES FOR THE FISCAL YEAR ENDING JUNE 30, 2020 IN COMPLIANCE WITH THE REPORTING REQUIREMENTS OF SECTION 66006 OF THE CALIFORNIA GOVERNMENT CODE (AB 1600)

RECOMMENDATION

It is recommended that, subject to any comments or questions, the City Council adopt the attached Resolution finding there is a reasonable relationship between current needs for existing development impact fees and the purposes for which they were originally collected and authorizing internal accounting adjustments as noted.

BACKGROUND

In 1989, Section 66000 et seq. of the *California Government Code* became effective. When passed in 1987, this section was known as AB 1600. When the Legislature passed AB 1600, it added a new chapter to the *California Government Code* on impact fees for development projects. The chapter sets forth a number of requirements that local agencies must follow if they are to extract impact fees from developers to defray the cost of construction of public facilities or expanded public service obligations related to development projects. Section 66006 mandates the reporting requirements on fees that the local agency must adhere to each fiscal year.

Through policies contained within the General Plan, the City of Clayton has established the nexus between the development and the capital improvements necessary to mitigate the effects of the development and approved impact fees to fund the mitigation measures. Further implementation of the impact fees is established in the *Clayton Municipal Code* sections related to each fee type.

DISCUSSION

Section 66006 (b)(1) of the *California Government Code* requires each local agency to make public a status report on its development impact fees within 180 days after the last day of each fiscal year. Section 66006 (2) also requires each local legislative body to review the annual report on development

fees at a public meeting not earlier than 15 days after the information is made available to the public. This year the City of Clayton made its annual report on development fees available to the public on February 16, 2021.

The AB 1600 report consists of a brief description of the fee type in the account or fund, the amount of the fee, the beginning and ending balance of the account or fund, the amount of fees collected and the interest earned. If there are funds in the accounts then there is also a requirement to make a finding that there is a reasonable relationship between current needs for and the purposes for which they were originally collected.

Development impact fees become due at different times through the course of a development project. Some of the impact fees are due at time of final map, or building permit issuance; others not until final occupancy. As outlined in Attachment 4, the City collected no applicable impact fees in FY 2019-20. Interest earnings are apportioned to the Development Impact Fee Fund (No. 304) through the quarterly city-wide interest allocation process. Within the Development Impact Fee Fund, quarterly interest allocations are further divided to each development impact fee account based on proportional fee account balances as of the end of the corresponding quarter.

In Clayton, AB 1600 development impact fees are collected for the following purposes:

- Childcare Facilities
- Offsite Arterial Street Improvements
- Fire Protection
- Community Facilities
- Parkland Dedication

The summary of the balances of the various fees are listed on Attachment 2. A ten (10) year income statement summary for each of the City's impact fees is presented on Attachment 3, which provides a snapshot of the sources of funds and balances in recent history. Detailed expenditure and revenue reports for each fee the City collected is provided in Attachment 4 for further analysis of specific transactions. Attachment 5 is a copy of the public notice made available on the City's website and community public posting locations on February 16, 2021, 15 days prior the public meeting where the AB 1600 report will be reviewed by the City Council. A schedule of all City-imposed development impact fees is shown in Attachment 6 disclosing the fee formulas, citing the authoritative section establishing each fee, and the specific development phase when each fee is due to the City.

The following is a summary of the eight (8) reporting requirements on development impact fees an imposing local agency must adhere to each fiscal year:

1. Create separate capital facilities funds or accounts for each improvement funded with impact fees (Government Code Section 66006(a)).
2. Remit all interest income earned by the fees to the same fund; interest income must be spent solely on the purpose for which the fee was originally collected (Section 66006(a)).

3. Within 180 days after the close of each fiscal year, prepare a public report concerning each impact fee fund. Such report must include the fund's beginning and ending balance for the fiscal year, amount of fees and interest deposited into the fund for the fiscal year, and a description of each expenditure from the fund for that year, including identification of the improvement being funded (Section 66006(b)).
4. Review the report at a public meeting not less than fifteen (15) days after the report is made available to the public (Section 66006(b)(2)).
5. If fees remain unexpended or uncommitted five (5) years after being collected, the local agency is to make a finding that there remains a reasonable relationship between the current need for the fees and the purposes for which they were originally collected (Section 66001(d)).
6. Refund to current owner of lots or project developer any fees, with accrued interest, for which continued need cannot be demonstrated (Section 66001(e)).
7. A local agency must not co-mingle fees with any other revenue, except for temporary investment purposes (Section 66006(a)).
8. A local agency may not spend impact fees for maintenance or operation of improvements funded with impact fees (Section 65913.8).

The City is in compliance with the eight reporting requirements outlined above. The following impact fee accounts subject to the AB 1600 compliance requirements contain receipts that have not been fully expended by the City for eligible purposes in a timeframe exceeding five (5) years: Childcare Facility, Offsite Arterial Improvement, and Fire Protection fees. Compliance is obtained with criteria number 5 above by adopting a Resolution that makes a finding that there remains a reasonable relationship between the current need for the fees and the purpose for which they were originally proposed.

1. *Child Care Facilities*

On April 20, 1988 the City Council adopted Ordinance No. 252 establishing the child care facilities development impact fee. The purpose of this development impact fee is to enable the development of facilities sufficient to meet existing and future preschool and school age child care needs. Under this law eligible facilities included building, equipment, and any accessory structures, programs and personnel licensed by the State for direct child care services providing but not limited to shelter, food, educational, and play opportunities for less than 24 hours per day. During the 1990s some funds were provided to the Contra Costa Child Care Council for material needs of programs and to provide outreach to Clayton residents as to home and other child care opportunities and programs. The Oakhurst Development did not pay into these funds as it was established after Oakhurst was approved.

As of June 30, 2020, there was a fund balance (including interest) of \$49,838 available. During FY 2019-20 the City allocated approximately \$1,017 in interest to the fund. As a result of the relatively small fund balance, extended periods are necessary to achieve sufficient resources to finance the costs for child care related facilities or improvements. Accordingly, a need exists

to continue the ongoing collection of this impact fee as well as the preservation of unspent balances for expected future project needs as outlined previously.

2. *Parkland Dedication*

On July 17, 1985 the City Council adopted the General Plan, which among other requirements, established a parkland dedication impact fee program as granted by the Subdivision Map Act of the State of California (Quimby Act). Under this law, the general standard established is that it is found and determined that the public interest, convenience, health, welfare and safety require that five (5) acres of property for each one thousand persons residing within the City be devoted to park and recreational purposes.

As of June 30, 2020, there was a fund balance (including interest) of \$24,412 available. A total of \$498 in interest was allocated to the parkland dedication account in FY 2019-20. The City's most recently adopted Five-Year Capital Improvement Program outlines park and recreation area construction or expansion projects with unfunded costs totaling \$5,297,575 for which funds may be eligible for use. Accordingly, a need exists to continue the ongoing collection of this impact fee as well as the preservation of unspent balances for expected future project needs as outlined previously.

3. *Offsite Arterial*

On October 7, 1981 the City Council adopted Resolution No. 36-81 establishing a policy for offsite arterial street improvement impact fees for new residential developments. The policy established a nexus between development and increased traffic congestion on the City's major arterial streets. The purpose of this development impact fee is to assist the City in alleviating traffic congestion generated by each new development on the City's major arterial streets. Currently, the City's major arterial streets eligible for improvements to be financed by offsite arterial development impact fees include: Clayton Road, Oakhurst Boulevard, Marsh Creek Road, and Pine Hollow Road.

As of June 30, 2020, there was a fund balance (including interest) of \$223,514 available. A total of \$4,561 in interest was allocated to the offsite arterial account in FY 2019-20.

The collection of offsite arterial development impact fees pertaining to the following projects has not been expended in over five years as of June 30, 2020: Pine Hollow Estates, Mitchell Creek, Longs, Flora Square, Village Market, and Diablo Estates. These unspent fees may be still be used for the East Marsh Creek Road Traffic Signal Project (CIP No. 10396), with unfunded costs estimated to be \$510,000. As this project is currently unfunded, and as the balance of unspent reserves in the offsite arterial impact fee account is less than this project's total estimated costs, more time is needed to build up sufficient financing for the project. Additional gap funding for this project may be ultimately derived from other sources including Measure J, HUTA and RMRA gas taxes, or federal/state/regional grants. Despite sufficient funding not been currently available for this project, the City must have adequate funds on hand to leverage and meet "local matching" requirements should state, federal or other grants become available. Having matching funds also puts the City in a competitive position to be awarded grant funds should they become available. Accordingly, a need exists to continue the ongoing collection of

this impact fee as well as the preservation of unspent balances for expected future project needs as outlined previously.

4. Fire Protection

In 1987 the City Council adopted Ordinance No. 239 establishing the fire district development impact fee based on a report determining facility and equipment needs for the entire fire district (District). Facility cost and benefits were identified for incorporated and unincorporated areas and based on the assessment, it was determined that the City's contribution would be \$830,700 to the District. The purpose of this impact fee is to provide a method for financing fire protection facilities required by the goals and policies of the General Plan and necessitated by the needs of new construction and development for adequate fire protection facilities and services. All such fees collected shall only be used for the purpose of establishing or improving fire stations and purchase of equipment dedicated to the District's service area, or portions thereof.

As of June 30, 2020, there was a fund balance (including interest) of \$11,062 available. A total of \$226 in interest was allocated to the fire protection development impact fee account in FY 2019-20.

In FY 1999-00, the City's former Redevelopment Agency (RDA) provided a loan of \$350,000 to help finance the construction of the District's fire station located in Clayton. Periodically, as outlined in Attachment 4, fire protection fees collected were used to repay portions of this City-RDA loan. However, with the state-imposed dissolution of all California RDAs pursuant to AB 1x26, the loan was effectively dissolved along with the dissolution of the City's RDA. Prospectively, fire protection development fees collected will be used for any eligible unmet local capital needs of the District to mitigate the impact of new construction service demands. Accordingly, a need exists to continue the ongoing collection of this impact fee as well as the preservation of unspent balances for expected future project needs as outlined previously.

5. Community Facilities

In 1990 the City Council adopted Ordinance No. 282 establishing the community facilities development impact. The purpose of this impact fee is to implement the goals and objectives of the City's Capital Improvement Program (CIP) and to mitigate the unfavorable impacts attributed to new development by helping finance the construction of certain necessary public facilities.

As of June 30, 2020, there was no fund balance available. A total of \$24 in interest was allocated to the community facilities development impact fee account in FY 2019-20. These funds are limited to improvements of City-owned facilities (buildings and associated grounds). These and future funds are restricted for future new capital projects such as the Keller House renovation, Endeavor Hall, Clayton Community Library, City Hall, or public works corporation yard improvements or upgrades. The beginning fund balance of \$4,294 plus 2019-20 interest earnings, were used to help fund the Keller Roof Repair Project in the amount of \$4,318, leaving no remaining fund balance.

SUMMARY

To comply with AB 1600, the City Council must make findings there is a reasonable relationship between the current need for the fees and the purposes for which they were charged as demonstrated by programming of fees in the CIP and City operational budgets. It is important these findings can be and are made to ensure continuance of funding resources for these important programs.

Although AB 1600 requires fees collected from developers be expended within five years, the law, as noted previously, also allows exceptions. Exceptions are provided in recognition that some projects require an extended planning period. There can be a number of reasons for reasonable exceptions including project costs being of a magnitude necessitating a greater than five-year timeframe to accumulate sufficient funds or necessary matching funds not being available within the five-year timeframe. The City has referenced specific projects herein demonstrating there remains a nexus between current needs of unspent development impact fees and the purposes for which they were originally established. Specific projects referenced are included in the current (2020-21 – 2024-25) City Council adopted Five-Year Capital Improvement Program.

As noted previously, as mandated by AB 1600, within 180 days of the close of the fiscal year the City must publicize an annual report on development impact fees. This annual report shall disclose the beginning and ending balance of each development impact fee account for the fiscal year, as well total interest allocations, expenditures, and new development impact fee revenues.

Not less than 15 days after the information is made public, the City Council is required to review this information at its next regularly scheduled public meeting. On February 16, 2021 a public notice was posted on the City's website and to the community posting boards outlining the annual AB 1600 report had been publicized on the City's website as well as was available for review at City Hall. This public notice also specified the annual AB 1600 report would be placed on the March 2, 2021 City Council agenda for review and consideration for acceptance, in compliance with the reporting requirements.

FISCAL IMPACT

The acceptance of this report and its attachments, including the attached Resolution, has no direct fiscal or budgetary impact to the City of Clayton, provided the collected development impact fees are retained.

Attachments:

1. Resolution No __-2021
2. Fund Balance Summary – AB 1600 Development Impact Fees
3. 10 Year Consolidated Income Statements – AB 1600 Developer Impact Fee
4. Revenue/Expenditure Detail – AB 1600 Development Impact Fees
5. Public Notice of AB 1600 Annual Report availability
6. Development Impact Fee Listing

RESOLUTION NO. __-2021

**A RESOLUTION FINDING THERE REMAINS A REASONABLE RELATIONSHIP
BETWEEN CURRENT NEEDS FOR THE CITY'S DEVELOPMENT IMPACT FEES
AND THE PURPOSES FOR WHICH THEY WERE ORIGINALLY CHARGED
(GOVERNMENT CODE SECTION 66000 ET. SEQ.) RELATED TO
THE CITY'S ANNUAL REPORT ON DEVELOPMENT IMPACT
FEES FOR THE FISCAL YEAR ENDED JUNE 30, 2020**

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

WHEREAS, the City's adopted General Plan, and 5-Year Capital Improvement Program identifies improvements necessitated by continued development in the City and fees paid for development impacts; and

WHEREAS, the City has been authorized by Municipal Code Sections 3.16.020 (Community Facilities), 3.18.040 (Fire Protection), 16.12.010 (Parkland Dedication), 16.60.050 (Childcare), and Resolution 36-81 (Offsite Arterial Streets) to establish and collect these development impact fees; and

WHEREAS, the City has established discrete accounts and fees to finance the construction of these improvements as mitigation measures for continued development within the City; and

WHEREAS, the City annually adopts a comprehensive 5-Year Capital Improvement Program to prioritize improvements and allocates funds to construct the improvements as mitigation for continued development in the City; and

WHEREAS, these improvements are scheduled to be constructed over time as sufficient funds become available; and

WHEREAS, many of these identified improvements are of such size that sufficient funds have not been collected or obtained in order to construct these improvements by expending fees collected within the five-year expenditure period provided by Government Code Section 66001(d); and

WHEREAS, there continues to be a distinct nexus between continued development and the necessity to mitigate developments impacts; and

WHEREAS, fees collected previously and in the future are necessary to fund future improvements tracked in the City's Capital Improvement Program budget and to address identified childcare needs of the community; and

WHEREAS, certain fees collected in the Child Care Facility, Offsite Arterial, and Fire Protection development impact fee accounts have not been expended in a timeframe exceeding five years, however are still necessary pursuant to AB 1600 for the purpose in which they are collected as project costs exceed current available resources and it will thus take longer to collect the necessary funds for the projects identified in the City's adopted Capital Improvement Program Budget.

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

Section 1. Accept the above Recitals as fact, herewith approves the City's AB 1600 Report for FY 2019-20, and does find there remains a reasonable relationship between the current need for the impact fees and the purposes for which they were originally collected; and

Section 2. This Resolution shall become effective immediately upon its passage and adoption.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 2nd day of March, 2021 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

Carl "CW" Wolfe, Mayor

ATTEST:

Janet Calderon, City Clerk

CITY OF CLAYTON
 AB 1600 DEVELOPMENT IMPACT FEE FUND BALANCE SUMMARY
 JUNE 30, 2020

ATTACHMENT 2

FUND	(A) FUND BALANCE	(B) RESERVES	(C) DESIGNATED	(D) TOTAL ALLOCATED FUND BALANCE (B+C=D)	(E) UNALLOCATED RESERVES (A-D)
CHILDCARE FACILITIES	\$ 49,838	\$ -	\$ 49,838	\$ 49,838	\$ -
PARKLAND DEDICATION	24,412	-	24,412	24,412	-
OFFSITE ARTERIAL IMPROVEMENT	223,514	-	223,514	223,514	-
FIRE PROTECTION FEES	11,062	-	11,062	11,062	-
COMMUNITY FACILITIES	(0)	-	(0)	(0)	-
TOTAL	\$ 308,826	\$ -	\$ 308,826	\$ 308,826	\$ -

DEVELOPMENT IMPACT FEES
 10 YEAR AB 1600 DEVELOPMENT IMPACT FEE REVENUE/EXPENDITURE SUMMARY
 FY 2011 - FY 2020

	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
CHILDCARE FACILITY FEES										
REVENUE										
Childcare Facility Fees (5307)	-	3,485	1,435	-	-	-	-	1,640		
Interest	404	966	570	489	255	601	646	784	987	1,017
Total Revenues	404	4,451	2,005	489	255	601	646	2,424	987	1,017
EXPENDITURES										
Total Expenditures	-	-	-	-	-	-	-	-	-	-
Total Revenue/over(under) Expenditures	404	4,451	2,005	489	255	601	646	2,424	987	1,017
OTHER FINANCING SOURCES (USES)										
Operating Transfers in	-	-	-	-	-	-	-	-	-	-
Operating Transfers out	-	-	-	-	-	-	-	-	-	-
Total Other Financing Sources (Uses)	-	-	-	-	-	-	-	-	-	-
Excess (Deficiency) of Revenue and Other Sources Over (Under) Expenses & Other Financing Sources	404	4,451	2,005	489	255	601	646	2,424	987	1,017
FUND BALANCE JULY 1	36,559	36,963	41,414	43,419	43,908	44,163	44,764	45,410	47,834	48,821
FUND BALANCE JUNE 30	36,963	41,414	43,419	43,908	44,163	44,764	45,410	47,834	48,821	49,838

DEVELOPMENT IMPACT FEES
 10 YEAR AB 1600 DEVELOPMENT IMPACT FEE REVENUE/EXPENDITURE SUMMARY
 FY 2011 - FY 2020

	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
PARKLAND DEDICATION FEES										
REVENUE										
Parkland Dedication Fees (5313)	55,885	-	-	-	-	-	-	20,552		
Interest	302	1,404	800	686	163	34	36	336	483	498
Total Revenues	56,187	1,404	800	686	163	34	36	20,888	483	498
EXPENDITURES										
2010 Pavement Rehab (CIP 10409)	-	-	-	-	59,297	-	-	-	-	-
Community Park Upgrades (CIP 10407)	-	-	-	-	-	-	-	-	-	-
Total Expenditures	-	-	-	-	59,297	-	-	-	-	-
Total Revenue/over(under) Expenditures	56,187	1,404	800	686	(59,134)	34	36	20,888	483	498
OTHER FINANCING SOURCES (USES)										
Operating Transfers in	-	-	-	-	-	-	-	-	-	-
Operating Transfers out	-	-	-	-	-	-	-	-	-	-
Total Other Financing Sources (Uses)	-	-	-	-	-	-	-	-	-	-
Excess (Deficiency) of Revenue and Other Sources Over (Under) Expenses & Other Financing Sources										
	56,187	1,404	800	686	(59,134)	34	36	20,888	483	498
FUND BALANCE JULY 1										
	2,530	58,717	60,121	60,921	61,607	2,473	2,507	2,543	23,431	23,914
FUND BALANCE JUNE 30										
	58,717	60,121	60,921	61,607	2,473	2,507	2,543	23,431	23,914	24,412

DEVELOPMENT IMPACT FEES
 10 YEAR AB 1600 DEVELOPMENT IMPACT FEE REVENUE/EXPENDITURE SUMMARY
 FY 2011 - FY 2020

	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
OFFSITE ARTERIAL IMPROVEMENT FEES REVENUE										
Offsite Arterial Improvement Fees (5314)	-	24,753	10,192	-	-	1,456	1,456	11,648	-	-
Interest	3,423	4,090	2,466	2,114	1,105	2,602	2,835	3,507	4,425	4,561
Total Revenues	3,423	28,843	12,658	2,114	1,105	4,058	4,291	15,155	4,425	4,561
EXPENDITURES										
Total Expenditures	-	-	-	-	-	-	-	-	-	-
Total Revenue/over(under) Expenditures	3,423	28,843	12,658	2,114	1,105	4,058	4,291	15,155	4,425	4,561
OTHER FINANCING SOURCES (USES)										
Operating Transfers in	-	-	-	-	-	-	-	-	-	-
Operating Transfers out	-	-	-	-	-	-	-	-	-	-
Total Other Financing Sources (Uses)	-	-	-	-	-	-	-	-	-	-
Excess (Deficiency) of Revenue and Other Sources Over (Under) Expenses & Other Financing Sources	3,423	28,843	12,658	2,114	1,105	4,058	4,291	15,155	4,425	4,561
FUND BALANCE JULY 1	142,881	146,304	175,147	187,805	189,919	191,024	195,082	199,373	214,528	218,953
FUND BALANCE JUNE 30	146,304	175,147	187,805	189,919	191,024	195,082	199,373	214,528	218,953	223,514

DEVELOPMENT IMPACT FEES
 10 YEAR AB 1600 DEVELOPMENT IMPACT FEE REVENUE/EXPENDITURE SUMMARY
 FY 2011 - FY 2020

	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
FIRE PROTECTION FEES										
REVENUE										
Fire Protection Fees (5317)	-	5,100	2,100	-	-	134	176	600	1,800	-
Interest	-	122	102	83	45	103	115	145	211	226
Total Revenues	-	5,222	2,202	83	45	237	291	745	2,011	226
EXPENDITURES										
Total Expenditures	-	-	-	-	-	-	-	-	-	-
Total Revenue/over(under) Expenditures	-	5,222	2,202	83	45	237	291	745	2,011	226
OTHER FINANCING SOURCES (USES)										
Operating Transfers in	-	-	-	-	-	-	-	-	-	-
Operating Transfers out	-	-	-	-	-	-	-	-	-	-
Total Other Financing Sources (Uses)	-	-	-	-	-	-	-	-	-	-
Excess (Deficiency) of Revenue and Other Sources Over (Under) Expenses & Other Financing Sources	-	5,222	2,202	83	45	237	291	745	2,011	226
FUND BALANCE JULY 1	-	-	5,222	7,424	7,507	7,552	7,789	8,080	8,825	10,836
FUND BALANCE JUNE 30	-	5,222	7,424	7,507	7,552	7,789	8,080	8,825	10,836	11,062

DEVELOPMENT IMPACT FEES
 10 YEAR AB 1600 DEVELOPMENT IMPACT FEE REVENUE/EXPENDITURE SUMMARY
 FY 2011 - FY 2020

	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
COMMUNITY FACILITIES FEES										
REVENUE										
Community Facilities Fees (5323)	-	7,650	3,150	-	-	450	450	3,600	-	-
Interest	1,107	337	234	200	105	248	278	60	87	24
Total Revenues	1,107	7,987	3,384	200	105	698	728	3,660	87	24
EXPENDITURES										
Transfer to CIP10443 City Hall ADA Access	-	-	-	-	-	-	-	19,000	-	-
Keller House Roof Repair Project										4,318
Total Expenditures	-	-	-	-	-	-	-	19,000	-	4,318
Total Revenue/over(under) Expenditures	1,107	7,987	3,384	200	105	698	728	(15,340)	87	(4,294)
OTHER FINANCING SOURCES (USES)										
Operating Transfers in	-	-	-	-	-	-	-	-	-	-
Operating Transfers out	-	-	-	-	-	-	-	-	-	-
Total Other Financing Sources (Uses)	-	-	-	-	-	-	-	-	-	-
Excess (Deficiency) of Revenue and Other Sources Over (Under) Expenses & Other Financing Sources	1,107	7,987	3,384	200	105	698	728	(15,340)	87	(4,294)
FUND BALANCE JULY 1	5,338	6,445	14,432	17,816	18,016	18,121	18,819	19,547	4,207	4,294
FUND BALANCE JUNE 30	6,445	14,432	17,816	18,016	18,121	18,819	19,547	4,207	4,294	(0)
All FUND BALANCES	248,429	296,336	317,385	320,957	263,333	268,961	274,953	298,825	306,818	308,826

City of Clayton
Community Facilities Development Fees 304-5323
FY 1999 - FY 2020

ATTACHMENT 4(e)

Date	Receipt	Paid By	Amount	Balance
10/4/1999	8437	Pedersen	450	
1/20/2000	8467	Presley	2,700	
4/14/2000	9272	Wm Lyon Homes-Diablo Village	3,150	
5/11/2000	9289	Wm Lyon Homes-Diablo Village	3,600	
6/22/2000	9312	Wm Lyon Homes-Diablo Village	450	
5/23/2000	9293	Wm Lyon Homes-Diablo Village	4,050	
5/23/2000	9291	L. Afford-8106 Marsh Ck Rd	450	
5/31/2000	9296	S. Carvajal-989 Oak St	450	
5/31/2000	9295	Wm Lyon Homes-Diablo Village	900	
6/30/2000		General Ledger Balance		16,200
9/22/2000	9352	Smith Quality Homes-Oakwood Cir	450	
11/3/2000	9379	Ocean West-Post Office	3,565	
11/6/2000	9383	B&B Properties	3,326	
12/11/2000	9399	Clyde Miles- 115 Oak	450	
4/4/2001	10634	Aspen Valley-Oakwood Cir	450	
5/30/2001	10660	Lemke-Oakwood Cir	450	
6/30/2001		General Ledger Balance		24,891
11/26/2001	10731	Diamond Terrace	10,750	
6/30/2002		General Ledger Balance		35,641
8/28/2002	12368	Larwin Vintage Clayton-Bridlewood	1,350	
11/1/2002	13452	Larwin Vintage Clayton-Bridlewood	6,750	
3/21/2002	13509	Larwin Vintage Clayton-Bridlewood	450	
6/30/2002		CIP Projects-Corp Yard	(67,976)	
11/27/2002	13467	Lydia Assoc.-Rachael Ranch	3,600	
6/30/2003		General Ledger Balance		(20,185)
6/30/2004		General Ledger Balance		(20,185)
6/30/2004		Interest	(997)	
3/24/2005		Transfer from CIP (Corp Yard)	9,141	
6/30/2005		Interest	(382)	
6/30/2005		General Ledger Balance		(12,423)
5/9/2006	18577	Pine Hollow Estates	3,600	
6/30/2006		Interest	(169)	
6/30/2006		General Ledger Balance		(8,992)
6/30/2007		Interest	(230)	
6/30/2007		General Ledger Balance		(9,222)
8/31/2007	20008	Mitchell Creek Place	4,050	
10/2/2007	20691	Longs Drug Stores	6,932	
10/3/2007	20698	Oak Center Project-Flora Square	7,486	
12/27/2007	20959	Village Market	573	
6/30/2008		Interest	329	
6/30/2008		General Ledger Balance		10,148
3/12/2009		Transfer to Endeavor Hall (Shutters)	(5,024)	
6/30/2009		Interest	214	
6/30/2009		General Ledger Balance		5,338
6/30/2010		Interest	-	
6/30/2010		General Ledger Balance		5,338

Date	Receipt	Paid By	Amount	Balance
6/30/2011		Interest	1,107	
6/30/2011		General Ledger Balance		6,445
8/6/2011		Toll Bros- Diablo Estates	450	
1/3/2012		Toll Bros- Diablo Estates	2,250	
3/19/2012		Toll Bros- Diablo Estates	3,600	
4/17/2012		Toll Bros- Diablo Estates	1,350	
6/30/2012		Interest	337	
6/30/2012		General Ledger Balance		14,432
8/8/2012		Toll Bros- Diablo Estates	900	
8/30/2012		Toll Bros- Diablo Estates	450	
10/29/2012		Toll Bros- Diablo Estates	900	
11/16/2012		Toll Bros- Diablo Estates	450	
1/14/2013		Toll Bros- Diablo Estates	450	
6/30/2013		Interest	234	
6/30/2013		General Ledger Balance		17,816
6/30/2014		Interest	200	
6/30/2014		General Ledger Balance		18,016
6/30/2015		Interest	105	
6/30/2015		General Ledger Balance		18,121
5/23/2016		Mitchell Canyon Dr. Accessory Dwelling Unit	450	
6/30/2016		Interest	248	
6/30/2016		General Ledger Balance		18,819
7/18/2016		Easley Dr. Accessory Dwelling Unit	450	
6/30/2017		Interest	278	
6/30/2017		General Ledger Balance		19,547
8/11/2017		Southbrook Drive-Butticci Management	900	
9/30/2017		Transfer to CIP 10443 (City Hall ADA Access)	(19,000)	
10/27/2017		Verna Way-North San Ramon Development	2,700	
6/30/2018		Interest	60	
6/30/2018		General Ledger Balance		4,207
6/30/2019		Interest	87	
6/30/2019		General Ledger Balance		4,294
6/30/2020		Interest	24	
6/30/2020		Keller House Roof Repair Project	(4,318)	
6/30/2020		Adjusted Year-End Balance		(0)



**CITY OF CLAYTON
CITY COUNCIL
NOTICE OF AVAILABILITY OF INFORMATION**

**AB 1600 Account Information Related to Covered
Development Impact Fees
Notice Issue Date: Tuesday February 16, 2021**

Notice is hereby given that as of the date noted above the City of Clayton has made available to the public a draft report entitled "Annual Report on Development Fees for the Fiscal Year Ending June 30, 2020 in Compliance with the Reporting Requirements of *California Government Code* Section 66006." This notice has been made publicly available on the City's website at www.ci.clayton.ca.us as well as on public posting boards fifteen (15) days in advance of the public meeting at which the Annual Report will be presented in accordance with *California Government Code* Section 66006(b)(2).

The final report shall be considered by the City Council at a regularly-scheduled City Council meeting on March 2, 2021, beginning at 7:00 pm or thereafter utilizing teleconferencing and electronic means consistent with the State of California Executive Order N-29-20 dated March 17, 2020, regarding the Covid-19 pandemic. In accordance with this order, the public may view/listen to the meeting online at www.ci.clayton.ca.us where a link to Zoom will be provided.

The proposed Annual Report on Development Fees may be examined on the City's website at www.ci.clayton.ca.us. Due to the Covid-19 pandemic, City Hall is closed to the public.

Interested citizens are invited to attend and participate in the meeting and present written and/or oral testimony concerning the Annual Report. If one cannot attend the hearing, one may send written comments to the City Clerk prior to the hearing at the address above or via email to jcalderon@ci.clayton.ca.us. If one has questions concerning the proposal, please contact the Finance Director at 925-673-7300 or via email to prodrigues@ci.clayton.ca.us.

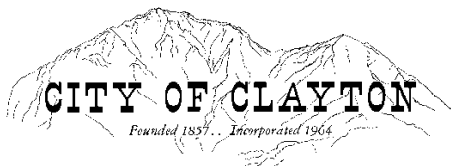
Paul L. Rodrigues, CPA
Finance Director

CITY OF CLAYTON
AB 1600 DEVELOPMENT IMPACT FEES
- NOTE ALL FEES LISTED ARE SUBJECT TO CHANGE -

ATTACHMENT 6

Fee	Single-Family Residential	Multi-Family Residential	Non-Residential	Authority	Payment Date	Account Number
Community Facilities Development	\$450.00 / Unit	\$125.00 / Unit	Commercial/ Industrial: \$0.50/Gross sq ft	Municipal Code § 3.16.020	Residential: Occupancy Permit	304-5323-00
					Commercial/Industrial: Zoning Clearance for Building Permit	
Offsite Arterial Street Improvement	\$1,456.00 / Unit	\$1,019.00 / Unit	Commercial/ Business: \$3.37/Gross sq ft	City Council Resolution Nos. 36-81 & 14-86	Zoning Clearance for Building Permit	304-5314-00
Childcare ¹	\$205.00 / Unit	\$205.00 / Unit	\$0.10/Gross sq ft	Municipal Code § 16.60.050	Zoning Clearance for Building Permit	304-5307-00
Parkland Dedication	\$2,569.00 / Unit	\$1,666.00 / Unit (Duplex \$2,180.00/ Unit)	\$0.00	Municipal Code § 16.12.010	Subdivision/Parcel Maps: Final Map Approval	304-5312-00
					Individual Parcels: Zoning Clearance for Building Permit	
Fire Development Protection	\$300.00 / Unit (Mobile Home: \$200.00 / Unit)	\$200.00 / Unit	\$0.20/Gross sq ft	Municipal Code § 3.18.040	Occupancy Permit	304-5317-00

¹ Senior housing units, second-dwelling units, affordable housing units, and churches are exempt.
Last Revised: April 10, 2009



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: Reina Schwartz, City Manager

BY: Matthew Feske, Community Development Director

DATE: March 2, 2021

SUBJECT: The naming of the RORY RICHMOND MEMORIAL GARDEN

RECOMMENDATION

It is recommended that the City Council adopt a Resolution to approve the naming of the "Rory Richmond Memorial Garden" in the City's vacant and undeveloped property between the short, white picket fence to the right of the entrance into the City's parking lot next to the Clayton Historical Society Museum & Garden and the sidewalk on Main Street.

BACKGROUND

On January 26, 2021, the Clayton Planning Commission approved the new garden and memorial on the vacant property between entrance into the City parking lot, Clayton Historical Society Museum and Garden and the sidewalk on Main Street.

ENVIRONMENTAL:

The proposed naming is not considered a "project" per Section § 21065 of the California Environmental Quality Act

FISCAL IMPACTS

No city funding is anticipated.

ATTACHMENTS

- A. Draft Council Resolution
- B. Planning Commission Report and Attachments, January 26, 2021
- C. Planning Commission Presentation (PowerPoint), January 26, 2021

ATTACHMENT A
RESOLUTION NO. ###-2021

A RESOLUTION APPROVING THE NAMING OF THE ‘RORY RICHMOND MEMORIAL PARK’ IN THE CITY’S VACANT AND UNDEVELOPED PROPERTY BETWEEN THE SHORT, WHITE PICKET FENCE TO THE RIGHT OF THE ENTRANCE INTO THE CITY’S PARKING LOT NEXT TO THE CLAYTON HISTORICAL SOCIETY MUSEUM & GARDEN AND THE SIDEWALK ON MAIN STREET

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

WHEREAS, the applicant has proposed the name “Rory Richmond Memorial Garden” in the city's vacant and undeveloped property between the short, white picket fence to the right of the entrance into the city's parking lot next to the Clayton Historical Society Museum & Garden and the sidewalk on Main street; and

WHEREAS, on January 26, 2021, the Planning Commission conducted a public meeting and voted 4-0 to approve the proposed Garden.

NOW, THEREFORE, BE IT RESOLVED, as follows:

SECTION 1: The foregoing recitals are true and correct; and

SECTION 2. The Clayton City Council hereby finds, on the basis of the whole record before it, that the proposed name “Rory Richmond Memorial Garden” is in the public interest; and

SECTION 3. The proposed naming is not considered a “project” per Section § 21065 of the California Environmental Quality Act; and

SECTION 4. This Resolution is effective upon its adoption

PASSED, APPROVED and ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 2nd day of March, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTACHMENT A

THE CITY COUNCIL OF CLAYTON, CA

Carl Wolfe, Mayor

ATTEST:

Janet Calderon, City Clerk



AGENDA REPORT

TO: HONORABLE CHAIR AND PLANNING COMMISSIONERS

FROM: MATTHEW FESKE, COMMUNITY DEVELOPMENT DIRECTOR

DATE: JANUARY 26, 2021

SUBJECT: RORY RICHMOND MEMORIAL GARDEN

RECOMMENDATION

It is recommended that the Planning Commission adopt a Resolution to approve the concept and installation of the Rory Richmond Memorial Garden in the City's vacant and undeveloped property between the short, white picket fence to the right of the entrance into the City's parking lot next to the Clayton Museum & Garden and the sidewalk on Main Street.

BACKGROUND

The Rory Richmond Memorial Garden would be in honor of a very active Clayton community volunteer, Rory Richmond, who passed away recently. Rory was a member of most of the civic groups in Clayton, including the Clayton Valley Garden Club, the Clayton Historical Society (who maintains the Clayton Museum) and the Clayton Business and Community Association (CBCA), chairing and growing the very popular Clayton CBCA Barbecue Cook-Off into a major community event.

Rory was an avid succulent gardener and this Memorial Garden is proposed to focus on succulents, particularly local varieties, and could serve as the western-themed succulent "leg" of the Clayton Museum Educational / Demonstration Garden. These types of plants provide low-water, drought-tolerant landscaping and would set a good example by promoting water conservation and be an appropriate addition to our western-themed, historic downtown area. The Garden would also illustrate local geology with varied rock, stone, mining-related materials and artifacts, and plants that grow naturally in the Mt. Diablo region and Clayton Valley area.

Source of Garden Plants

The initial plants for the Garden would include succulents from Rory's own garden and those donated by the Clayton Valley Garden Club and Rory's many friends in the community. Additional plantings will be provided in the future from volunteer donations and as needed.

No City Maintenance or Expense Needed:

Irrigation for the Garden would be provided from the Clayton Museum's garden water system from an independent valve and timer based at the museum, using industry-standard drip or micro spray delivery, and watered as appropriate. Maintenance of the garden would be provided by local volunteers from the Clayton Valley Garden Club and the Clayton Historical Society and the local community. A low, wood fence would be erected surrounding the garden, and this fence would also be maintained by the two clubs involved. As a result, the garden would be self-sustaining and no City maintenance or expense would be required.

Timing of the Garden Development:

The volunteer group that will be developing the Garden would like to initiate plant donations and begin the Garden planting this Spring, so City approval is being requested at this time.

ANALYSIS

The proposed Garden is consistent with and is considered as landscaping for the parking area. The proposed Garden consists mostly of landscaping and a memorial. The proposed does not rise to the level of a structure or building and the land use does not change. The proposed Garden is in conformance with the General Plan and is consistent with the underlying zone and Town Center Specific Plan land use.

ENVIRONMENTAL:

The proposed Garden is considered to be a project by the California Environmental Quality Act. The proposed Rory Richmond Memorial Garden is Categorically Exempt per Section 15304 – Minor Alterations to Land, Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. (b) New gardening or landscaping, including the replacement of existing conventional landscaping with water efficient or fire-resistant landscaping.

FISCAL IMPACTS

No city funding is anticipated.

ATTACHMENTS

1. Resolution
2. Rory Richmond Memorial Garden Description and Plans

RESOLUTION NO. ###-2021

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLAYTON APPROVING THE CONCEPT AND INSTALLATION OF THE RORY RICHMOND MEMORIAL GARDEN IN THE CITY'S VACANT AND UNDEVELOPED PROPERTY BETWEEN THE SHORT, WHITE PICKET FENCE TO THE RIGHT OF THE ENTRANCE INTO THE CITY'S PARKING LOT NEXT TO THE CLAYTON MUSEUM & GARDEN AND THE SIDEWALK ON MAIN STREET

WHEREAS, the applicant has proposed the Rory Richmond Memorial Garden in the city's vacant and undeveloped property between the short, white picket fence to the right of the entrance into the city's parking lot next to the Clayton Museum & Garden and the sidewalk on Main street;

WHEREAS, on January 26, 2021, the Planning Commission conducted a public meeting on the proposed Garden;

WHEREAS, at the public meeting the Planning Commission considered the staff report, oral and written, and testimony and materials presented; and

WHEREAS, the Planning Commission has reviewed and considered the exemption determination under the California Environmental Quality Act ("CEQA") prior to taking any approval actions on this Resolution and recommends approval of such exemption.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Clayton:

Section 1. The recitals set forth above are true and correct, and are hereby incorporated herein by this reference as if fully set forth in their entirety.

Section 2. The Planning Commission hereby finds that the proposed Rory Richmond Memorial Garden is in the public interest with the following conditions:

- A. City Council must approve the name 'Rory Richmond Memorial Garden' prior to officially naming the memorial garden.
- B. The volunteers of the Rory Richmond Memorial Garden install and maintain the garden area, including but not limited to the plants, fence, memorial, and other landscape material.
- C. The Clayton Museum approve and install an irrigation line and irrigation heads and maintain the irrigation system.
- D. A park bench re-installed upon request.

Section 3. The proposed has been reviewed with respect to applicability of the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines (California Code of

Regulations, Title 14, Sections 15000 et seq.). The project is exempt from CEQA as it can be seen with certainty that there is no impact on the environment. (See CEQA Guidelines 15304 (b) as described in the staff report.

Section 4. This Resolution is effective upon its adoption.

AYES:

NOES:

ABSENT:

ABSTAIN:

THE PLANNING COMMISSION OF
CLAYTON, CA

A.J. Chippero, Chair

ATTEST

Matthew Feske
Planning Commission Secretary

Description of Proposed Rory Richmond Memorial Garden

Garden Concept: The Rory Richmond Memorial Garden is proposed to be developed on Clayton's Main Street, in the City's vacant, dirt, undeveloped property between the short, white picket fence to the right of the entrance into the City's parking lot next to the Clayton Museum & Garden and the sidewalk on Main Street. A picture of the proposed area and a conceptual Garden design are attached. The garden would be in honor of a very active Clayton community volunteer, Rory Richmond, who passed away recently. Rory was a member of most of the civic groups in Clayton, including the Clayton Valley Garden Club, the Clayton Historical Society (who maintains the Clayton Museum) and the Clayton Business and Community Association (CBCA), chairing and growing the very popular Clayton CBCA Barbecue Cook-Off into a major community event.

Rory was an avid succulent gardener and this Memorial Garden is proposed to focus on succulents, particularly local varieties, and could serve as the western-themed succulent "leg" of the Clayton Museum Educational / Demonstration Garden. These types of plants provide low-water, drought-tolerant landscaping and would set a good example by promoting water conservation and be an appropriate addition to our western-themed, historic downtown area. The Garden would also illustrate local geology with varied rock, stone, mining-related materials and artifacts, and plants that grow naturally in the Mt. Diablo region and Clayton Valley area.

Source of Garden Plants: The initial plants for the Garden would include succulents from Rory's own garden and those donated by the Clayton Valley Garden Club and Rory's many friends in the community. Additional plantings will be provided in the future from volunteer donations and as needed.

No City Maintenance or Expense Needed: Irrigation for the Garden would be provided from the Clayton Museum's garden water system from an independent valve and timer based at the museum, using industry-standard drip or micro spray delivery, and watered as appropriate. Maintenance of the garden would be provided by local volunteers from the Clayton Valley Garden Club and the Clayton Historical Society and the local community. A low, wood fence would be erected surrounding the garden, and this fence would also be maintained by the two clubs involved. As a result, the garden would be self-sustaining and no City maintenance or expense would be required.

Timing of the Garden Development: The volunteer group that will be developing the Garden would like to initiate plant donations and begin the Garden planting this Spring, so City approval is being requested at this time.

PARKING SPACE

PARKING SPACE

PARKING SPACE

**PROPOSED RORY
RICHMOND MEMORIAL
GARDEN SITE**

MUSEUM
GARDEN

WALK

SIDEWALK

PARKING

SIDEWALK

STAMPED
CONCRETE

PLANTER

DRIVEWAY

MAIN STREET

UTIL
BOX

SIGN
POST

PICKET
FENCE

UTIL
BOX

CURRENT VACANT,
DIRT PATCH

EXISTING
BENCH

1

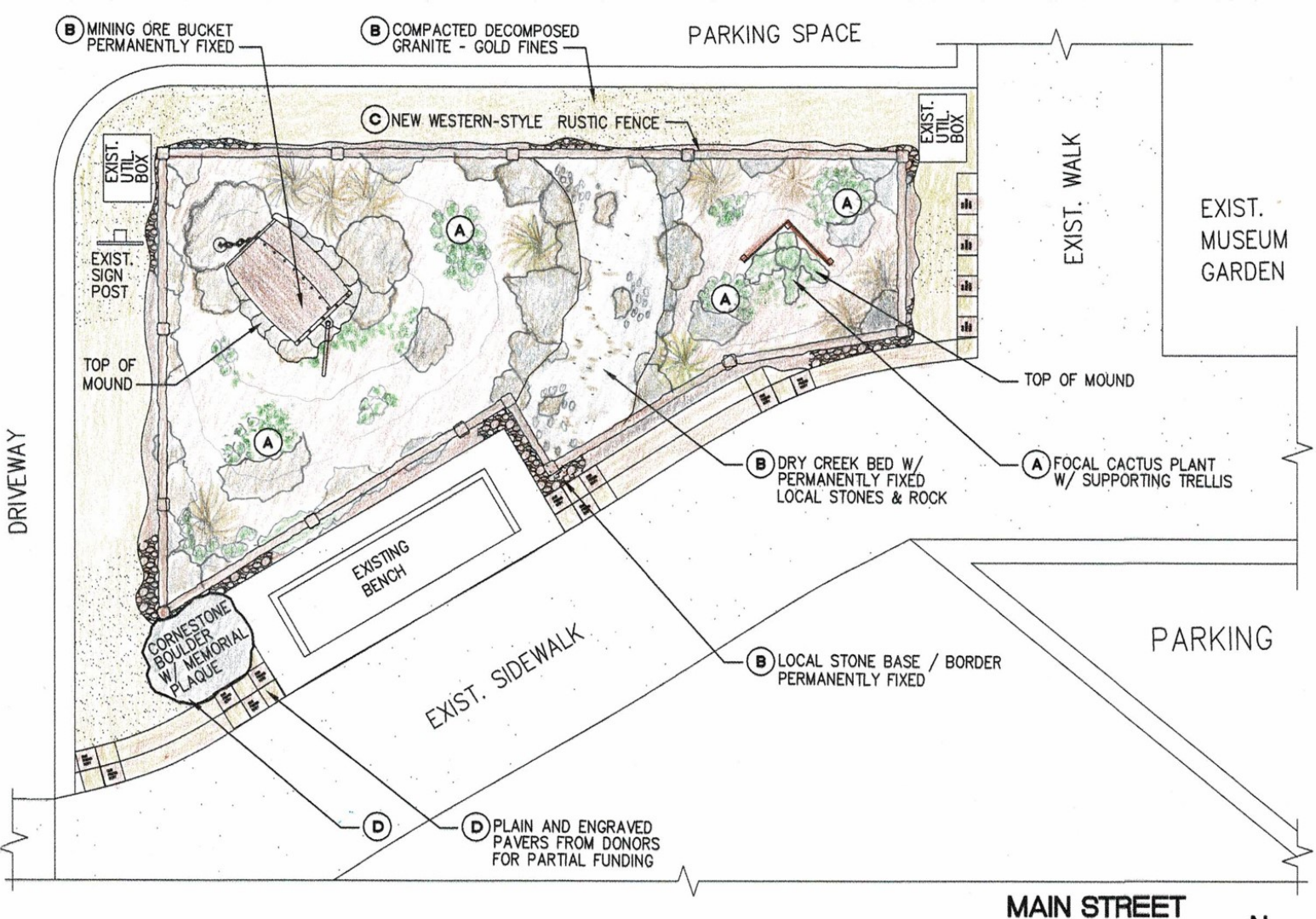
PROPOSED RORY RICHMOND MEMORIAL GARDEN - EXIST. COND.

3/16" = 1'-0"

1/18/21







3

PROPOSED RORY RICHMOND MEMORIAL GARDEN -

1/4"=1'-0"

CONCEPTUAL PLAN

1/18/2021



CONCEPTUAL DESIGN FEATURES:

A

SUCCULENT AND DROUGHT TOLERANT PLANTS AND GRASSES WITH INTERESTING:



FORM



VARIATION



GEOMETRY



COVERAGE



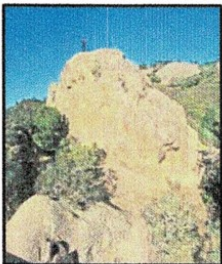
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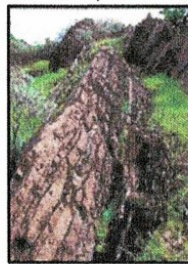
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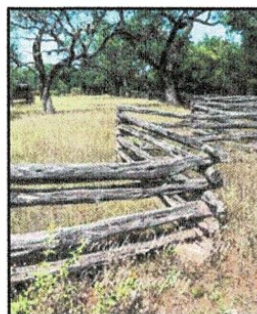
INTERESTING LOCAL BOULDERS, ROCKS AND LOCAL GEOLOGICAL AND MINING INFORMATION & ARTIFACT:



LOCAL BOULDERS



LOCAL ROCK



HISTORIC MINING
ORE BUCKET

C

RUSTIC, WESTERN-STYLE PROTECTIVE FENCE:

D

MEMORIAL PLAQUE AND ENGRAVED PAVERS FOR RORY RICHMOND - FRIEND OF THE CLAYTON COMMUNITY



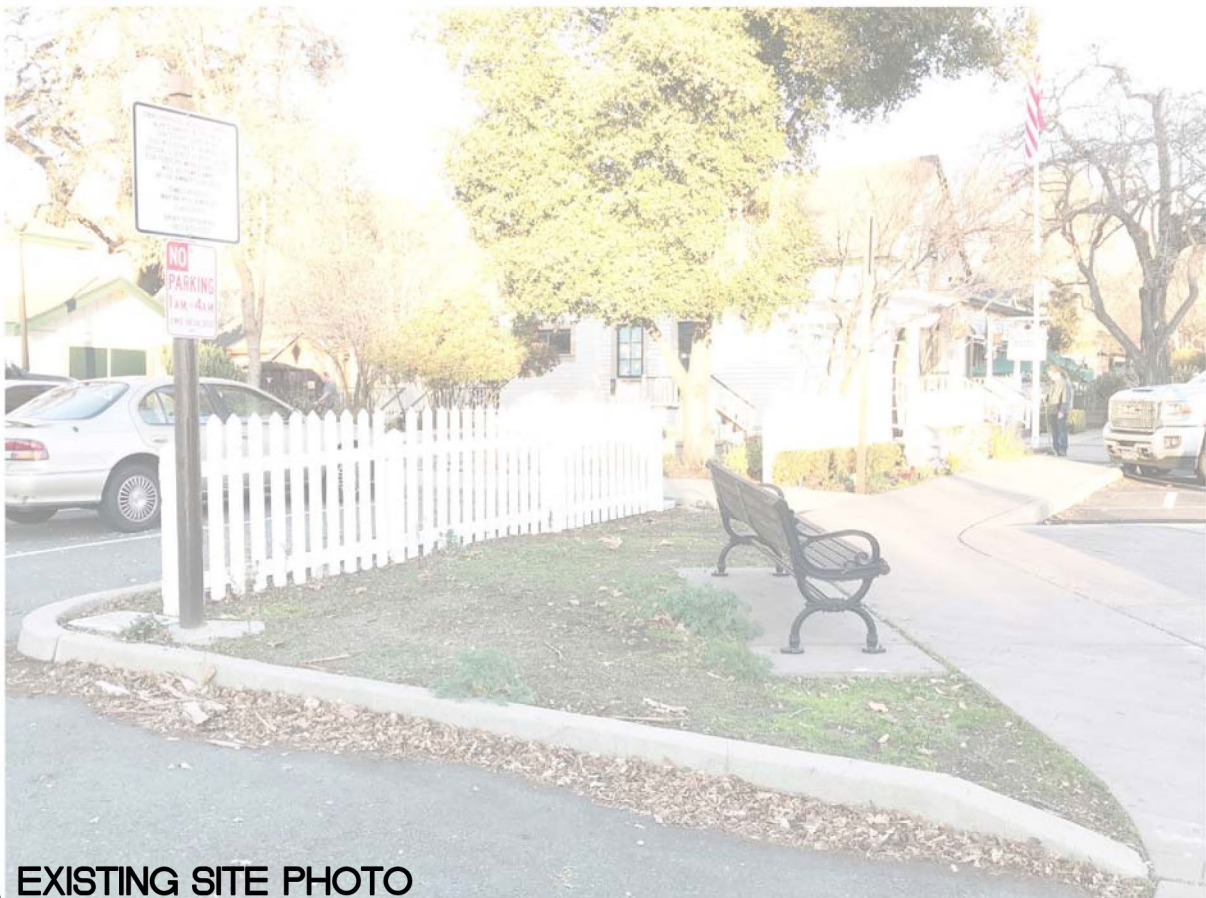
4

PROPOSED RORY RICHMOND MEMORIAL GARDEN -

1/4"=1'-0"

CONCEPTUAL ILLUSTRATION

1/18/2021



5

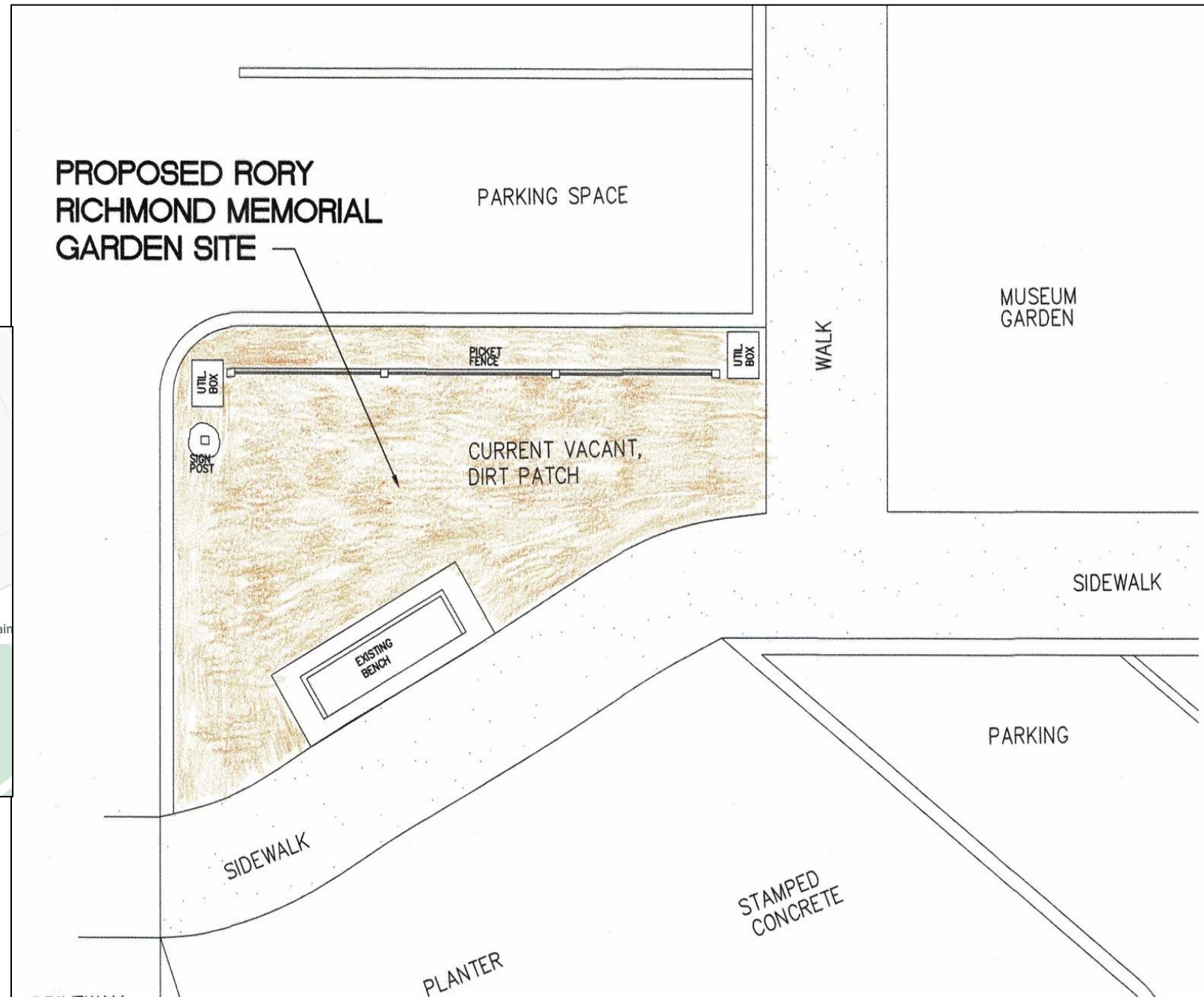
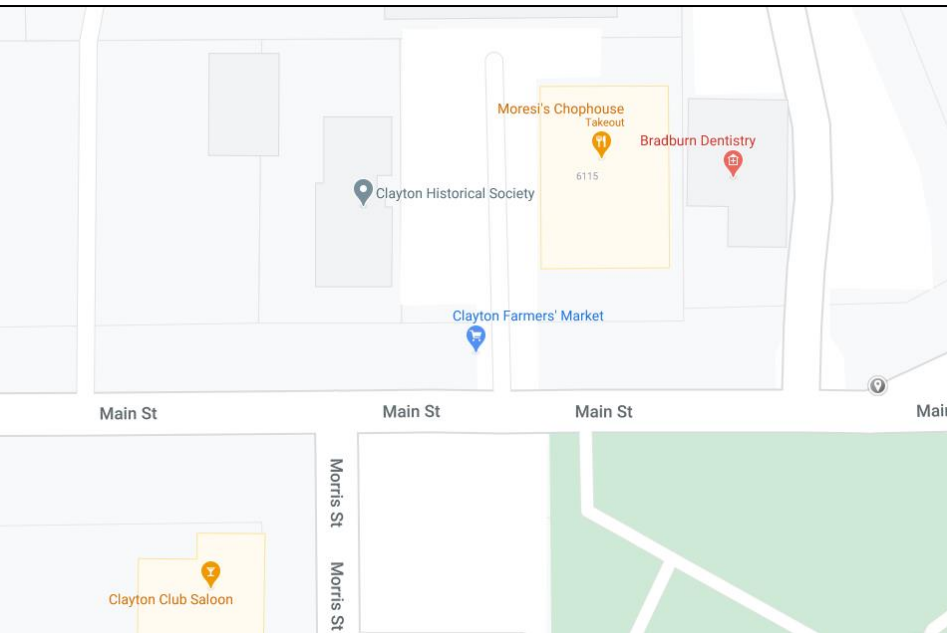
EXISTING SITE PHOTO

1/18/2021

Planning Commission Regular Meeting

January 26, 2021

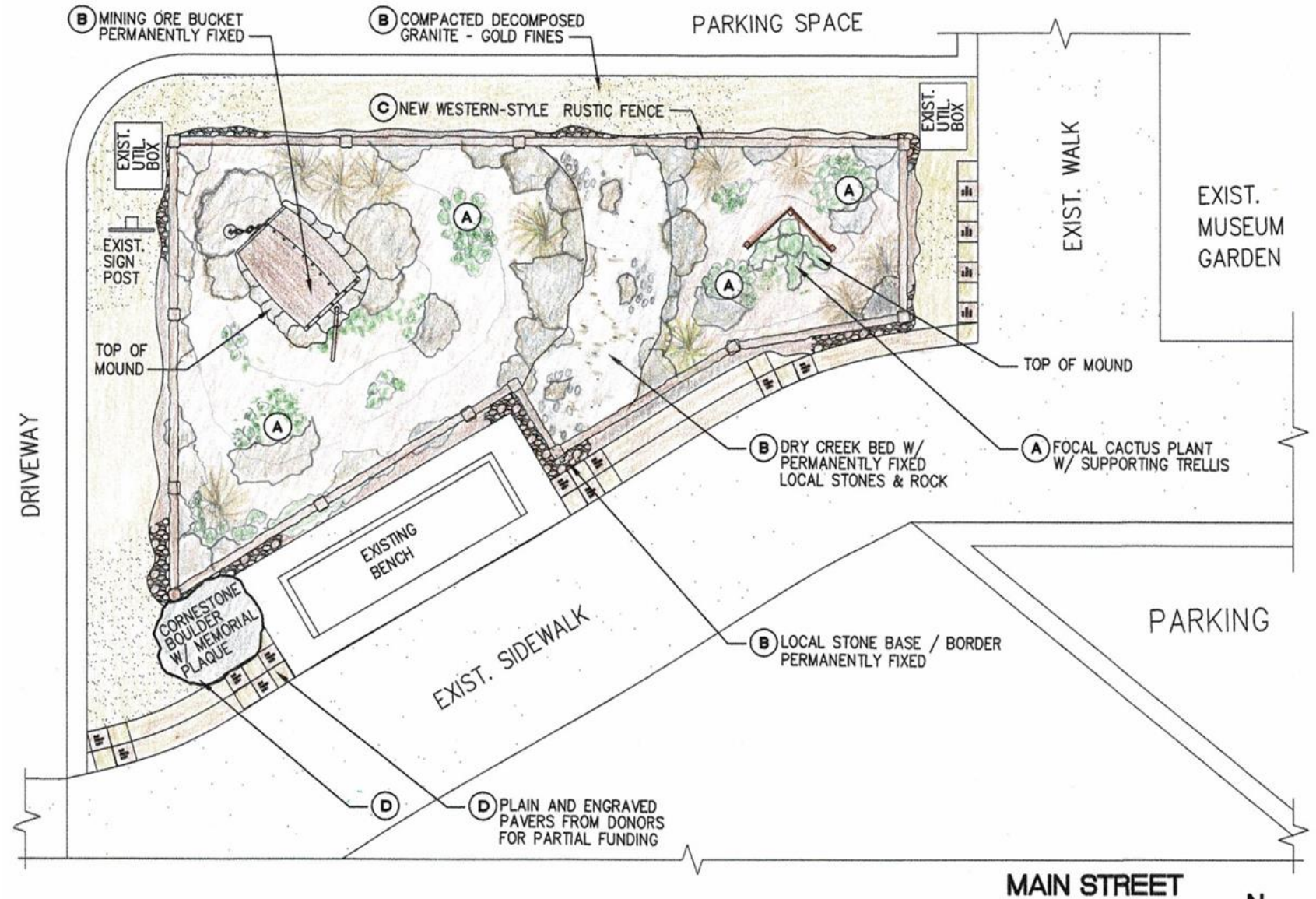
Proposed Location



Current Condition



Proposed



3

PROPOSED RORY RICHMOND MEMORIAL GARDEN -

1/4"=1'-0"

CONCEPTUAL PLAN

1/18/2021



Proposed

CONCEPTUAL DESIGN FEATURES:

A

SUCCULENT AND DROUGHT TOLERANT PLANTS AND GRASSES WITH INTERESTING:



FORM



VARIGATION



GEOMETRY



COVERAGE



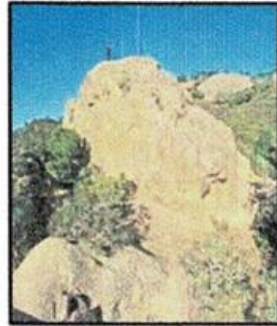
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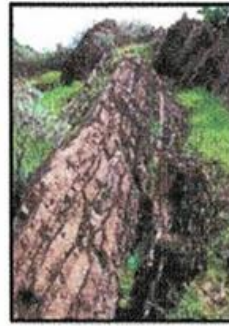
TEXTURE

B

INTERESTING LOCAL BOULDERS, ROCKS AND LOCAL GEOLOGICAL AND MINING INFORMATION & ARTIFACT:



LOCAL BOULDERS



LOCAL ROCK



HISTORIC MINING
ORE BUCKET

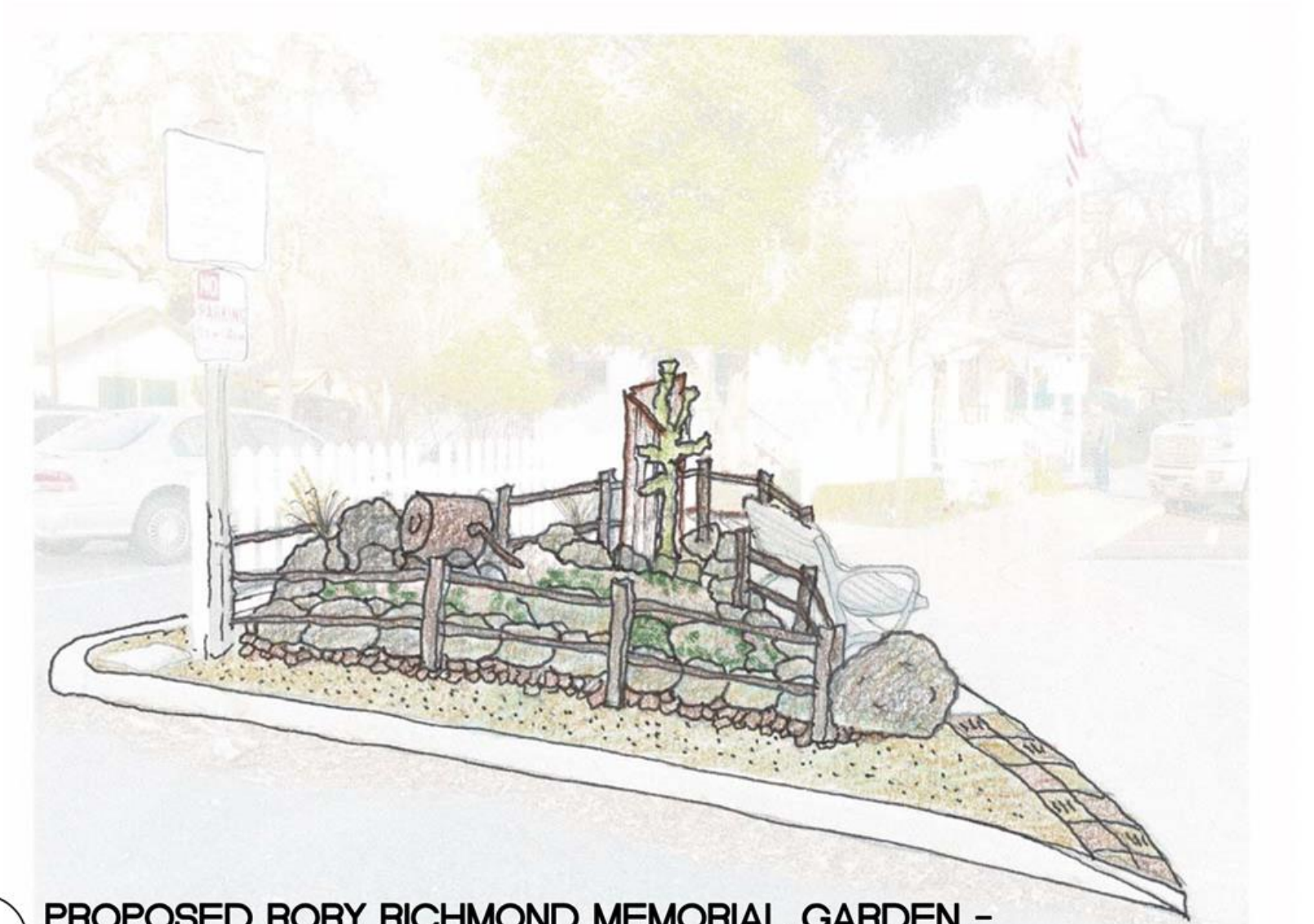
C

RUSTIC, WESTERN-STYLE PROTECTIVE FENCE:

D

MEMORIAL PLAQUE AND ENGRAVED PAVERS FOR RORY RICHMOND - FRIEND OF THE CLAYTON COMMUNITY

Conceptual



4

PROPOSED RORY RICHMOND MEMORIAL GARDEN -

1/4"=1'-0"

CONCEPTUAL ILLUSTRATION

1/18/2021



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: Reina Schwartz, City Manager

DATE: March 2, 2021

SUBJECT: Ratification of Letter Requesting Support for Proposed Federal Reconciliation Bill on Phase V COVID-19 Pandemic Economic Stimulus Relief Financial Assistance for Local Cities/Government

RECOMMENDATION

It is recommended that the City Council ratify the attached letter that was submitted on Thursday February 25th in support of federal funding direct to local jurisdictions in response to the COVID-19 pandemic.

DISCUSSION

Under a recently adopted Legislative Policy, the Clayton City Council approved a process whereby legislative action requests within the scope of the Council's priorities that are time-sensitive and there is insufficient time to schedule for action at a Council meeting, the Mayor is authorized to sign on behalf of the City Council, to be brought back for ratification at the next available meeting. In the case of the availability of funding for Clayton to respond to the COVID-19 pandemic, it is in the City's interest to support this legislation.

Federal "PHASE 5" COVID-19 Economic Stimulus Package - STATUS

The COVID-19 pandemic has created a major impact on local cities and local governments. A proposed "Phase V COVID-19 Economic Stimulus Funding Reconciliation Bill" (Phase V Final Reconciliation Bill) is in its final stages at the U.S. Congress, previously introduced by the U.S. Congress, and revised by the Biden Administration with the label the "American Rescue Plan" in January 2021.

This Phase V Final Reconciliation Bill is deemed essential so that local governments can continue to provide the necessary economic support to address the following disparities

caused by the COVID-19 pandemic, such as: increase in unemployment, minimize the economic impact of business closures, ensure all students have access to education, meet the child care and housing needs of residents, and maintain public transportation agencies and social welfare programs. The Federal “Phase V” COVID-19 Economic Stimulus Package is currently being negotiated by the U.S. Congress.

Any new Phase V Federal Economic Stimulus Funding should focus on stemming the following challenges to local cities, including but not limited to, the following:

- Continued direct payments to taxpayers with a cost-of-living adjustment for states with higher average costs of living
- Unemployment insurance provided to workers, including individuals who are unemployed, partially unemployed, or unable to work due to COVID-19
- Continued economic relief for small businesses
- Personal Protective Equipment (PPE) for all front line and gig workers who have been deemed essential personnel
- General fund reimbursement to cover budget deficits/shortfalls from the loss of critical City revenues
- Sick Leave reimbursement for workers who are unable to work due to COVID-19

According to NLC and LCC representatives, without additional federal aid and an appropriate, fair, and equitable allocation of this aid to all local city and county governments, a preventable setback in household and economic stability services, and vaccination distribution, would be unavoidable. The following principles are key to the success of any federal relief effort:

- Emergency funding should be fair and appropriate for each and every local government, with no minimum population threshold for eligibility.
- Aid should be directly allocated through familiar and proven government revenue sharing programs.
- Entanglement of state and local funding should be minimized.

Phase V Final Reconciliation Bill Package - STATUS

The Phase V Final Reconciliation Bill package ended in the U.S. Senate voting in the early morning hours on February 5, 2021, on a 50-51 vote (with Vice President Harris casting the tie-breaking vote), adopting a U.S. Senate Budget Resolution that sets the framework for the Phase V Final Reconciliation Bill Package. However, the Senate Budget Resolution will not go to President Biden for his signature. Instead, its main purpose is to outline a special procedure for passing federal fiscal legislation, without needing 60 Senate votes to get around a proposed Republican filibuster. Democrats are hoping to finalize an overall package by March 14, 2021 which is the final day that federal unemployment assistance runs out.

It is anticipated that the U.S. House of Representatives will be taking the measure up for a floor vote on Thursday or Friday (2/25 or 2/26), hence the urgency behind sending a letter of support for this legislation.

FISCAL IMPACTS

While the City of Clayton has suffered less than many other communities in terms of lost revenue and/or increased costs associated with the COVID-19 pandemic, there have been and continue to be financial impacts to the City. Support for broad, flexible funding directly to cities will help ensure that the City can mitigate negative financial impacts of the pandemic.

ATTACHMENTS

- A. Draft Letter to Federal Legislative Representatives Requesting Support for the proposed Federal Reconciliation Bill on Phase V COVID-19 Pandemic Economic Stimulus Relief Financial Assistance for Local Cities/Government



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

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

City Council
CARL "CW" WOLFE, MAYOR
PETER CLOVEN, VICE MAYOR
JIM DIAZ, COUNCILMEMBER
HOLLY TILLMAN, COUNCILMEMBER
JEFF WAN, COUNCILMEMBER

February 25, 2021

The Honorable Mark DeSaulnier
U.S. House of Representatives
Washington, DC 20515

RE: Support for Federal Relief Package for Cities

Dear Representative DeSaulnier:

The City of Clayton writes today to offer our strong endorsement of the budget reconciliation language providing \$350 billion in direct and flexible aid for our states, cities, counties, tribes, and territories. We encourage the U.S. House of Representatives to swiftly pass this urgently needed aid and distribute it to cities immediately.

Our country's economic crisis from the pandemic is not over, and our cities are still waiting to receive meaningful levels of federal aid. By separating, and ultimately dropping, state and local aid from the omnibus appropriations and emergency spending bill in December, Congress has injected significant uncertainty into the capability of local governments to carry out their operations, just as a third wave of COVID-19 infections threatened to spread uncontrollably.

Based on the most recently available fiscal data and updated survey results from the National League of Cities, municipal governments nationwide are facing a \$90 billion shortfall to their current year revenues.

For nearly a year, California cities have been on the front lines taking action to protect their residents and maintain the delivery of essential city services, despite the substantial unplanned expenses and revenue shortfalls caused by the pandemic. Cities are managing resources to support the efforts of first responders, coordinating regionally with other leaders across jurisdictional lines, enacting difficult and fiscally challenging emergency measures to slow the coronavirus epidemic, passing ordinances to limit the worst economic outcomes for residents and small businesses on the margins, and spending as necessary to protect public health and the economy in this extraordinary time.

At the same time, the still urgent, unmet need for federal aid has struck at the heart of local capacity to both carry out emergency response and participate in economic

Do The Right Thing
Integrity - Responsibility - Inclusion - Courage - Kindness - Self-Discipline - Respect
Because It's The Right Thing To Do!

recovery. Without support, cities have been forced to cut budgets, services, and jobs. Sadly, across the state, more than 165,000 local government jobs have already been lost during the pandemic.

Without additional emergency funding in appropriate, fair, and equitable allocations for all cities, counties, and states, a preventable setback to response, recovery, and vaccination distribution, will be unavoidable. We urge you to maintain the following provisions in the reconciliation bill to reverse the fiscal shortfalls resulting from the pandemic:

- Emergency funding should be fair and appropriate for each and every local government, with no minimum population threshold for eligibility.
- Aid should be directly allocated through familiar and proven government revenue sharing programs.
- Entanglement of state and local funding should be minimized.

To be clear, our cities are not asking for a "bail-out" of local governments. Rather, we are seeking an emergency lifeline so local governments can delay and ultimately avoid making temporary cuts permanent at a time when our communities need local services most, laying-off furloughed city and county employees who comprise a large share of America's middle class, and indefinitely cancelling capital projects that will further impact economic recovery.

Ultimately, we are seeking emergency federal assistance that will ensure local leaders are part of the solution to our country's economic recovery.

We appreciate the thoughtful work of the drafting committees to ensure that aid to our states, cities, counties, tribes, and territories will be distributed fairly, so communities of all sizes can receive the help they need. As the House and Senate consider this legislation we ask that you maintain the \$350 billion fund that will get aid quickly to all corners of the country including your constituents.

Sincerely,



Carl "CW" Wolfe
Mayor
City of Clayton, CA

Cc: Sam Caygill, East Bay Division, League of California Cities, scaygill@cacities.org
League of California Cities, SupportLocalRecovery@cacities.org

declaring

March 11, 2021

as

"Bob and Eldora Hoyer Day"

Whereas, Robert "Bob" Hoyer and his wife Eldora, built their home in Clayton in 1956, and became leaders in the drive to incorporate Clayton as a city; and

Whereas, Bob became the first Mayor of Clayton in March 1964, and again in 1970, serving on the City Council until 1980; and

Whereas, Bob was instrumental in helping create our now much traveled, award winning, trail system; and

Whereas, Bob and Eldora were part of the committee to create the Clayton Historical Society (CHS), chartered in 1976; and

Whereas, Bob, having served on committees including, The Grove Park Blue Ribbon Task Force, the Keller Ranch Master Plan Committee, and many others; and

Whereas, Bob and his family donated the flagpoles at City Hall, The Grove Park, and the CHS Museum, to the City of Clayton; and

Whereas, Bob, celebrating his 100th birthday, continues to be an active force both in and for Clayton; and

Whereas, Bob, with official Clayton Post Office box #1, remains #1 in our hearts.

Now therefore, I, Carl "CW" Wolfe, Mayor, on behalf of the Clayton City Council and community do hereby thank Robert "Bob" Hoyer for his leadership and on-going commitment to the City of Clayton, and recognize his late wife Eldora for all her contributions, do hereby declare March 11, 2021 to be "Bob and Eldora Hoyer Day" in the City of Clayton, California.

Happy Birthday Bob!



STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: PAUL RODRIGUES, FINANCE DIRECTOR

DATE: MARCH 2, 2021

SUBJECT: FY2020/21 MID-YEAR BUDGET REVIEW

RECOMMENDATION

Following staff report and presentation, staff recommends the following actions:

1. Adopt the attached resolution amending the FY2020/21 budget of the City of Clayton for mid-year adjustments in the General Fund, Rainy-Day Fund, CERF Fund, HUTA and RMRA Gas Tax Funds, and Capital Improvement Fund.
2. Adopt the attached resolution approving the FY2020/21 City Employee Salary Schedule.

BACKGROUND

Following a Public Hearing, on June 30, 2020 the City's Budget for fiscal year 2020/21 was adopted by the City Council on June 30, 2020. The adopted budget for the City's General Fund was balanced with projected revenues of \$4,844,231, and total operating expenditures of 4,843,806. This resulted in an initial General Fund budgetary operating surplus of \$425. Total appropriations, which include the use of prior fiscal years' surplus for capital outlay, other one-time expenditures and transfers from the newly created Rainy Day Fund were \$5,253,288, resulting in a budgeted decrease of \$409,057 to the General Fund balance, with a projected ending fund balance of \$5,471,061.

On February 18, 2021 Staff met with the Audit and Budget Subcommittee to review the 2020/21 mid-year budget. The Subcommittee unanimously recommended forwarding the FY2020/21 Mid-year Budget Review to the City Council for formal action.

DISCUSSION

For the six months ended December 31, 2020, revenues and expenditures were analyzed and projected through June 30, 2021, to determine if the City was on track to be within its 2020/21 adopted budget (Attachment 4).

A list of unbudgeted expenditures was compiled by Staff (Attachment 5) with recommendations to appropriate authority to meet those increased expenditures through increasing budgeted revenues and transfers from the Rainy-Day Fund.

1. General Fund

Due primarily to an increase in projected sales tax revenues, General Fund revenues are expected to increase by \$43,543 (Attachment 3). Staff is recommending appropriating \$33,940 of the increase in revenues to cover increased operating expenses (Attachment 5). To cover the additional unanticipated expenses, staff recommends appropriating \$118,774 from the Rainy-Day fund to cover the one-time expense of completing the contractual obligations for the prior City Manager (Attachment 6).

General Fund public safety operating costs are projected to be reduced by \$48,694 due to the transfer of eligible public safety costs to the CARES Act grant. Staff is recommending transferring these funds, as well as an additional \$16,306 from the Rainy-Day Fund, for a total of \$65,000 to the CERF (vehicle replacement) fund to purchase an additional, previously unbudgeted replacement police vehicle. City policy has been to purchase one replacement police vehicle per year. Several years ago, due to budget constraints caused by the last recession, no replacement police vehicle was purchased, resulting in the police vehicle replacement program falling behind. With the additional funds transferred to the CERF fund, an additional vehicle would be budgeted for the 2020/21 fiscal year (a total of two vehicles) to bring the program more current.

2. Other Governmental Fund Revenues and Expenditures

With the exception of two Capital Improvement Projects (CIPs) all other City funds are projected to be at or under their 2020/21 budgeted expenditures.

Landscape District (LMD)

The Trails and Landscape Committee met in February and reviewed the 2020/21 budget. No additional appropriations are being recommended by the Committee.

HUTA Gas Tax and RMRA Gas Tax Funds

The latest projections from the state show an increase of \$33,643 and \$32,888 in HUTA and RMRA gas tax revenues (Attachment 7), while expenditures remain at or below budget.

Capital Improvement Projects (CIPs)

Two completed CIPs, the Collector Street Rehab Project (CIP10425) and the 2018 Neighborhood Street Project (CIP10436) previously recorded CalTrans and CalRecycle grant revenues in excess of what was actually received (Attachment 8). Staff recommends transferring a portion of the increased HUTA gas tax revenues to these projects to backfill the shortfall created by the decreased CalTrans and CalRecycle grant revenues.

3. Rainy-Day Fund/City Council Direction on Use of FY 2019/20 General Fund Surplus

On February 2, 2021 the City Manager, Finance Director and City's independent auditors, Cropper Accountancy Corporation, presented the City's audited CAFR for fiscal year 2019/20. In this presentation it was highlighted that when backing out non-operational special project expenditures funded by prior City Council approved earmarks of excess reserves, as well as the portion of the increase in fund balance due to unrealized gains on the investment portfolio, the

General Fund reported a FY 2019/20 adjusted operating surplus of \$290,592. Assignment of the full FY 2019/20 General Fund adjusted operating surplus would result in projected General Fund reserve of \$5,518,236 at June 30, 2021 which is 1.14 times the size of the City Council approved General Fund operating budget for FY 2020/21, providing evidence that the City remains in a stable position with respect to long-term financial reserves.

Staff recommends that the \$290,592 surplus be transferred to the Rainy-Day Fund created in 2020/21. With the recommended one-time expenditure as well as the transfer of the June 30, 2020 adjusted operating surplus, the Rainy-Day Fund has a projected June 30, 2021 ending fund balance of \$508,475 (Attachment 6).

Additional recommendations and discussion on priorities for one-time spending from the Rainy-Day fund balance of \$508,475 will be brought forward to City Council in the near future.

4. FY 2020/21 City Employee Salary Schedule

In addition to the financial update, as part of the Mid-year review, staff is requesting that City Council formally adopt the entire City Employee Salary Schedule for FY2020/21 (Attachment 9). While City Council has approved all of the underlying agreements and contracts supporting those salary schedule amounts, state law requires that the City Council at least annually approve the full salary schedule.

FISCAL IMPACT

The actions recommended to the City Council by staff as outlined above will have the following fiscal impacts if ultimately approved:

- 1) Increases appropriations of General Fund Operating Revenues and Expenditures by \$33,940 (Attachment 3).
- 2) Authorizes the transfer of \$290,592 in surplus fund balance to the Rainy-Day Fund for future allocations by City Council.
- 3) Increases appropriations from the Rainy-Day Fund by \$118,774 for completion of prior City Manager contractual obligations and \$16,306 for transfer to CERF fund for purchase of additional replacement police vehicle (Attachments 5 & 6).
- 4) Authorizes transfer of HUTA Gas Tax Revenues to Capital Improvement Fund to make up for CalTrans and CalRecycle grant revenue shortfall (Attachments 7 & 8).

Attachments

Attachment 1: Resolution of the City Council of the City of Clayton Amending the Annual Operating Budget for the FY2020/21 Fiscal Year

- Attachment 2: Resolution of the City Council of the City of Clayton Adopting the City of Clayton's Salary Schedule Effective January 1, 2021 In Conformance with CalPERS Requirements to Provide a Publicly Available Salary Schedule
- Attachment 3: General Fund Revenues
- Attachment 4: General Fund Departmental Operating Budgets
- Attachment 5: Resource Allocation to Cover Expenditure Increases
- Attachment 6: Rainy-Day Fund Summary
- Attachment 7: Gas Tax Revenues
- Attachment 8: Allocation of Gas Tax Revenues to Cover Previously Recorded Grant Revenues Shortfall
- Attachment 9: FY2020/21 City Employee Salary Schedule

RESOLUTION NO. ##-2021

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAYTON
AMENDING THE ANNUAL OPERATING BUDGET OF
THE CITY OF CLAYTON FOR THE 2020/21 FISCAL YEAR**

THE CITY COUNCIL
City of Clayton, California

WHEREAS, on June 30, 2020 the City Manager and the Finance Director did prepare, submit and present to the Clayton City Council the proposed budgets for operation of the City of Clayton in Fiscal Year 2020/21 commencing July 1, 2020; and

WHEREAS, on June 30, 2020, a Public Hearing was set and duly held on the proposed budgets whereat opportunities were provided accordingly for members of the public to offer comments and provide input on the fiscal plans presented; and

WHEREAS, on June 30, 2020, following Public Hearing the City Council did adopt a Resolution approving the budget for operation of the City of Clayton in Fiscal Year 2020-21; and

WHEREAS, following the Finance Director's Mid-Year Budget Report, the City Manager has recommended amendments to the City of Clayton Adopted Budget for Fiscal Year 2020/21; and

WHEREAS, the amendments reflect the updated fund balances available as determined in audited comprehensive annual financial report of the City of Clayton for the prior fiscal year ended June 30, 2020; and

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

Section 1. Approves the recommendations of the City Manager with regard to amendments to the City's Budget for Fiscal Year 2020/21, as shown in FY2020/21 Mid-Year Budget Review Staff Report.

Section 2. This Resolution shall become effective immediately upon its passage and adoption.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California held on the 2nd day of March, 2021 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

Carl "CW" Wolfe, Mayor

ATTEST:

Janet Calderon, City Clerk

RESOLUTION NO. ##-2021

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAYTON
ADOPTING THE CITY OF CLAYTON'S SALARY SCHEDULE EFFECTIVE
JANUARY 1, 2021 IN CONFORMANCE WITH CALPERS REQUIREMENTS
TO PROVIDE A PUBLICLY AVAILABLE SALARY SCHEDULE**

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

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

WHEREAS, the information contained in the salary schedule effective as of January 1, 2021 for FY2020/21 has previously been approved by City Council within the adopted budget, employee contracts, memoranda of understanding with the City's labor group and various City Resolutions;

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

WHEREAS, no salary changes are being implemented through the adoption of this resolution.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Clayton hereby adopts the salary schedule effective January 1, 2021 for FY2020/21 as shown in Exhibit A.

ADOPTED ON March 2, 2021 by the City Council of the City of Clayton by the following vote count:

AYES:

NOES:

ABSENT:

ABSTAIN

THE CITY COUNCIL OF CLAYTON, CA

Carl Wolfe, Mayor

ATTEST

Janet Calderon, City Clerk

	2020-2021 Budget	2020-2021 Projected Actual	Variance
General Fund Revenues:			
Sales Taxes	467,527	556,886	89,359
Other Revenues	4,376,704	4,330,888	(45,816)
Total	4,844,231	4,887,774	43,543

GENERAL FUND DEPARTMENTAL OPERATING BUDGETS

DEPARTMENT	2019-20 Actual	2020-21 Adopted Budget	2020-21 Actual 12/31/2020	2020-21 Projected	2020-21 Variance Budget vs. Projected
LEGISLATIVE	65,168	66,334	33,546	68,069	1,735
ADMIN / FINANCE / LEGAL	966,517	968,539	647,853	1,029,890	61,351
PUBLIC WORKS	200,978	189,608	129,028	202,508	12,900
COMMUNITY DEVELOPMENT	254,127	344,161	158,451	332,561	(11,600)
GENERAL SERVICES	245,814	191,248	95,270	185,248	(6,000)
POLICE	2,363,112	2,525,923	1,324,608	2,493,486	(32,437)
LIBRARY	122,606	139,831	48,183	121,277	(18,554)
ENGINEERING	130,316	128,150	49,863	140,100	11,950
COMMUNITY PARK	236,981	290,012	85,424	261,012	(29,000)
					-
TOTAL	4,585,619	4,843,806	2,572,226	4,834,151	(9,655)

	Resource Allocation to Cover Expenditure Increases		
	Total	Rainy Day Fund	Revenue Surplus
General Fund Expenditure Increases:			
Completion of Prior City Manager Contractual Obligation	118,774	118,774	
Unbudgeted Portion of Salary Increase	12,690		12,690
Traffic Calming/Speed Limit Signs	3,000		3,000
Tuition Reimbursement	5,000		5,000
Regency/Rialto Parking	3,750		3,750
"Do the Right Thing" Campaign	2,210		2,210
HdL Property Tax Consulting	<u>7,290</u>	<u></u>	<u>7,290</u>
Resource Allocation to Cover Expenditure Increases:	<u><u>152,714</u></u>	<u><u>118,774</u></u>	<u><u>33,940</u></u>
 Recommended Transfer to CERF Fund For Purchase of Additional Police Vehicle			
General Fund Expenditure Decrease - Transfer of Eligible Public Safety Salaries to CARES Act Grant Fund			48,694
Rainy Day Fund Transfer to CERF Fund			<u>16,306</u>
Total Recommended Transfers to CERF Fund			<u><u>65,000</u></u>

Summary of Recommended Transfers to(from) Rainy Day Fund:		Rainy Day Fund
Fund Balance at December 31, 2020		367,116
Interest Earnings	Jan - June	2,382
2020-21 Projected Budgeted Expenditures:		
Election Services		9,835
Janitorial Service - Additional COVID 19 Costs		2,500
Crossing Guard - Additional (3rd) Crossing Guard at School		<u>4,200</u>
		(16,535)
Transfer of Fiscal Year Ended June 30, 2020 Operating Surplus to Rainy Day Fund		290,592
General Fund Unbudgeted Expenditure Increases:		
Completion of Prior City Manager Contractual Obligation		(118,774)
Rainy Day Fund Transfer to CERF Fund for Purchase of Additional Police Vehicle		<u>(16,306)</u>
Projected Fund Balance at June 30, 2021		<u><u>508,475</u></u>

	2020-2021 Budget	2020-2021 Projected Actual	Variance
HUTA Gas Tax Fund 201			
State Gas Taxes:			
2105	66,743	62,158	(4,585)
2106	48,677	42,403	(6,274)
2107	83,936	78,897	(5,039)
2107.5	3,000	3,000	-
2103	40,639	90,180	49,541
Other Revenues	44,200	44,200	-
Total	287,195	320,838	33,643

	2020-2021 Budget	2020-2021 Projected Actual	Variance
RMRA Gas Tax Fund 202			
State Gas Tax 2030	178,271	207,959	29,688
Interest Earnings	1,000	4,200	3,200
Total	179,271	212,159	32,888

	CIP 10425 Collector St Rehab Project	CIP 10436 2018 Neighborhood Street Project	Total Grant
June 30, 2019 CIP Grant Revenues Recorded as Accounts Receivable and Grant Revenues:			
CalRecycle Grant			
Original Amount Recorded	25,775	60,778	86,553
Amount Actually Received	6,619	63,545	70,164
	<hr/>		<hr/>
Deficit (Surplus)	19,156	(2,767)	16,389
CalTrans Grant			
Amount Originally Recorded	385,000	-	385,000
Amount Actually Received	374,215	-	374,215
	<hr/>		<hr/>
Deficit (Surplus)	10,785	-	10,785
Total Deficit (Surplus)	29,941	(2,767)	27,174
	<hr/> <hr/>		<hr/> <hr/>

Transfer to CIP 10425 to Backfill Deficit:

	CIP10425	CIP10436
Project Fund Balance June 30, 2020	-	-
Adjust Grant Revenues to Actual		
CalRecycle Grant	(19,156)	2,767
CalTrans Grant	(10,785)	-
Transfer HUTA Gas Tax Surplus from CIP10436	2,767	(2,767)
Transfer from HUTA Gas Tax Fund 201	27,174	-
	<hr/>	
Project Fund Balance December 31, 2020 (projects are completed and closed)	-	-
	<hr/> <hr/>	

City of Clayton - Employee Compensation Schedule

Fiscal Year 2020/21

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	\$ 14,123	\$ 14,830	\$ 15,572	\$ 16,351	\$ 17,169
Assistant to the City Manager	\$ 6,911	\$ 7,256	\$ 7,619	\$ 8,000	\$ 8,400
City Clerk / HR Manager	\$ 6,121	\$ 6,427	\$ 6,748	\$ 7,086	\$ 7,440
Finance	A	B	C	D	E
Finance Director	\$ 9,290	\$ 9,755	\$ 10,242	\$ 10,755	\$ 11,292
Accounting Technician	\$ 4,796	\$ 5,036	\$ 5,288	\$ 5,552	\$ 5,830
Office Assistant / Code Enforcement Officer	\$ 3,993	\$ 4,193	\$ 4,403	\$ 4,623	\$ 4,854
Public Works	A	B	C	D	E
Maintenance Supervisor	\$ 5,834	\$ 6,125	\$ 6,432	\$ 6,753	\$ 7,091
Maintenance Senior	\$ 4,813	\$ 5,054	\$ 5,306	\$ 5,572	\$ 5,850
Maintenance Worker I	\$ 3,984	\$ 4,183	\$ 4,392	\$ 4,612	\$ 4,843
Maintenance Worker II	\$ 4,393	\$ 4,613	\$ 4,843	\$ 5,086	\$ 5,340
Community Development	A	B	C	D	E
Community Development Director	\$ 9,290	\$ 9,755	\$ 10,242	\$ 10,755	\$ 11,292
Assistant Planner	\$ 5,995	\$ 6,295	\$ 6,609	\$ 6,940	\$ 7,287
Police	A	B	C	D	E
Chief of Police	\$ 10,080	\$ 10,584	\$ 11,113	\$ 11,668	\$ 12,252
Police Sergeant	\$ 7,027	\$ 7,379	\$ 7,748	\$ 8,135	\$ 8,542
Police Officer	\$ 5,981	\$ 6,280	\$ 6,594	\$ 6,924	\$ 7,270
Police Office Coordinator	\$ 4,512	\$ 4,738	\$ 4,975	\$ 5,224	\$ 5,485
Police Admin Clerk	\$ 3,993	\$ 4,193	\$ 4,403	\$ 4,623	\$ 4,854

- Schedule incorporates base salary ranges as per the terms of the two-year Miscellaneous Group labor negotiation agreement adopted by the City Council on October 6, 2020 and effective through June 30, 2022.
- 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, 2021 and presented to the City Council for approval at the regularly scheduled June 19, 2018 City Council meeting.
- Schedule incorporates base salary ranges as per the terms of the City Manager contract effective December 14, 2020 as approved by the City Council on November 17, 2020.
- Uniform allowance for all sworn public safety officers: \$450 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.



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: Reina Schwartz, City Manager

DATE: March 2, 2021

SUBJECT: Consideration of Letter with an Oppose Unless Amended Position Regarding SB 9 (Atkins) - Increased Density in Single-Family Zones

RECOMMENDATION

It is recommended that the City Council discuss and provide direction to staff regarding sending a letter to State legislative representatives with an Oppose Unless Amended position on SB 9 (Atkins) – Increased Density in Single-Family Zones.

DISCUSSION

The City of Clayton is a member of the League of CA Cities (Cal Cities) which advocates on behalf of cities across the state on a wide variety of issues.

The following information is provided by Cal Cities regarding the background and requirements of legislation recently introduced that could have a profound affect on housing in Clayton and across the state.

California is a geographically and demographically diverse state, and that is reflected in its 482 cities and 58 counties. Local elected officials are charged by the California Constitution with protecting their citizens' welfare. One significant way local governments do this is by exercising control over what gets built in their community.

Local officials balance the need for additional housing against the concerns and desires of their constituents. Where appropriate, cities enact ordinances to shape their communities based on local conditions and desires. Moreover, these planning actions and decisions take place within the confines of state laws that require local governments to plan and zone for new housing, subject to certification by the California Housing and Community Development Department (HCD), and under threat of fines for improper denial as a result of recent legislation.

What Does SB 9 Specifically Do?

- Requires a local government to ministerially approve a housing development containing two residential units in single-family residential zones.
- Requires a local government to allow a developer to convert an existing single-family home into a duplex and then add an accessory dwelling unit (ADU) and a junior accessory dwelling unit (JADU) to the same parcel.
- Requires a local government to ministerially approve a single-family lot split, creating two lots, and allowing the construction of one single-family home, one ADU, and one JADU on each lot for a total of six units on a parcel originally zoned for one single-family home.

Cal Cities is Seeking the Following Amendments to SB 9:

- Clarify that a property owner using SB 9 is limited to constructing two residential units, not two residential units and additional accessory dwelling units (ADUs) on the same parcel.
- Require a housing developer to acquire a building permit within one year of a lot split, so that speculators do not sell lots and never build homes;
- Allow local governments to require adequate access for police, fire and other public safety vehicles and equipment;
- Prohibit developers from using SB 9 in very high fire hazard severity zones;
- Allow cities to determine a range of lot sizes suitable for SB 9 development projects;
- Ensure HCD provides Regional Housing Needs Allocation (RHNA) credit for production of SB 9 units;
- Allow local governments to take into account local conditions such as hillsides, lot dimensions, natural hazards, available infrastructure, etc. when approving or denying housing project applications;
- Allow local governments to continue to determine parking standards; and
- Ensure large-scale investors and builders do not exploit SB 9 provisions.

FISCAL IMPACTS

There are no direct fiscal impacts to sending the letter.

ATTACHMENTS

- A. Draft Letter to State Legislative Representatives re: SB 9 (Atkins) – Increased Density in Single-Family Zones
- B. SB 9 (As Introduced): Detailed Analysis by Renne Public Policy Group

March 3, 2021

The Honorable Toni Atkins
President pro Tempore, California State Senate
State Capitol Building, Room 205
Sacramento, CA 95814

**RE: SB 9 (Atkins) Increased Density in Single-Family Zones
Oppose Unless Amended (As Introduced 12/7/2020)**

Dear Senate President pro Tempore Atkins,

The City of Clayton writes to express an Oppose Unless Amended position on your SB 9, which would require a local government to ministerially approve a housing development containing two residential units in single-family residential zones. Additionally, this measure would require local governments to ministerially approve urban lot splits.

Housing affordability and homelessness are among the most critical issues facing California cities. Affordably priced homes are out of reach for many people and housing is not being built fast enough to meet the current or projected needs of people living in the state. Cities lay the groundwork for housing production by planning and zoning new projects in their communities based on extensive public input and engagement, state housing laws, and the needs of the building industry.

While your desire to pursue a housing production proposal is appreciated, unfortunately, SB 9 as currently drafted would not spur much needed housing construction in a manner that supports local flexibility, decision-making, and community input. State driven ministerial or by-right housing approval processes fail to recognize the extensive public engagement associated with developing and adopting zoning ordinances and housing elements that are certified by the California Department of Housing and Community Development (HCD).

The City of Clayton requests the following amendments in order to address our concerns and remove our opposition:

- Clarify that a property owner using SB 9 is limited to constructing two residential units, not two residential units and additional accessory dwelling units (ADUs) on the same parcel;
- Require a housing developer to acquire a building permit within one year of a lot split, so that speculators do not sell lots and never build homes;
- Allow local governments to require adequate access for police, fire and other public safety vehicles and equipment;
- Prohibit developers from using SB 9 in very high fire hazard severity zones;
- Allow cities to determine a range of lot sizes suitable for SB 9 development projects;
- Ensure HCD provides Regional Housing Needs Allocation (RHNA) credit for production of SB 9 units;
- Allow local governments to take into account local conditions such as hillsides, lot dimensions, natural hazards, available infrastructure, etc. when approving or denying housing project applications;
- Allow local governments to continue to determine parking standards; and
- Ensure large-scale investors and builders do not exploit SB 9 provisions.

The City of Clayton is committed to being part of the solution to the housing shortfall across all income levels and will continue to work collaboratively with you to spur much needed housing construction. Thank you for considering the above amendments.

For these reasons, the City of Clayton opposes SB 9 (Atkins) unless it is amended to address our concerns.

Sincerely,

Carl "CW" Wolfe
Mayor
City of Clayton, CA

cc. CA State Assembly Member Tim Grayson (District 14)
CA State Senator Steven M. Glazer (District 7)
Sam Caygill, East Bay Division, League of California Cities, scaygill@cacities.org
League of California Cities (Via email: cityletters@cacities.org)

Senate Bill (SB) 9 (Atkins) Detailed Analysis

*****Prepared by RPPG Senior Policy Advisor, Dan Carrigg***

SB 9 (Atkins) Statewide Rezoning of Single-Family Neighborhoods & Urban Parcel Splits

Rezones by state statute virtually all parcels within single-family residential zones¹ in California allowing for the creation of (when combined with state Accessory Dwelling Unit (ADU) law) up to six,² eight³ or even 10⁴ units; and further authorizes urban parcel splits^{5,6}, without any local discretionary hearing or review, including compliance with the California Environmental Quality Act (CEQA)⁷, as follows:

¹ US Census data indicates there are nearly 6.9 million detached homes in California. State and local historic zones are proposed to be exempted, but most other limitations are of relatively minor impact to the massive and sweeping scope of this bill. This measure is silent on how/if it applies to homes within common interest developments, or homeowner's associations, where development is tightly regulated by codes, covenants, and restrictions (CC&R's) that are agreed to by contract and administered by local association boards under the Davis-Stirling Act. California homeowners can take little comfort in the reliability of any potential exceptions in this bill. The Legislature's objective of eliminating single-family zoning statewide is clear, so this law can be expected to be amended in the future to further its intent. The passage of multiple bills in recent years to expand ADU laws are an example of how the Legislature can be expected to quickly widen this law once it is established.

² At a minimum a developer could create six units by doing the following: (1) First add a junior and separate accessory dwelling units as permitted by recently-enacted state ADU law; then (2) use Sec. 65852.21 in SB 9 to split the single-family home into two units; then (3) apply for an urban parcel split under Sec. 66411.7 of SB 9, and build an additional two units on the newly created parcel.

³ A developer could potentially create even two more accessory dwelling units connected to the subdivision of the original single-family home if the division of the main dwelling is considered a condominium. It could then be argued that each condominium is a separate "lot," so each separate unit is entitled to the development of both junior and separate ADU's. While such an interpretation may seem farfetched, SB 9 only says (Sec. 6582.21 (e)) that ADU's need not be permitted by a local agency when the developer also proposes the parcel to be split. However, the urban parcel split section of SB 9 (Sec. 66411.7) contains no mention of Section 65852.21-, or single-family homes, or ADU's that may be on the parcel prior to a proposed split. Thus, a savvy developer can exploit this by first maximizing and completing development of the parcel prior to requesting a split. Given SB 9's objective is to preempt local zoning, and prohibit related local public hearings and discretionary decisions, the total amount of allowed units on a parcel will likely trigger litigation over how to interpret SB 9's interactions between dividing single-family homes, adding ADU's and splitting parcels.

⁴ Yes, potentially 10 units. There is an omission in the draft of SB 9 that raises the question whether a developer could create two junior accessory dwelling units in addition to the two new dwelling units on the split parcel, because Section 67411.7 (h) in SB 9 only refers to a prohibition on accessory dwelling units per Sec. 65852.2, which applies to accessory dwelling units, but does not also reference Sec. 65852.22 which specifically applies to junior accessory dwelling units. This concern is further bolstered by language in SB 10 (Wiener) which implies that each section contains separate authority and reads as follows: *"(2) Paragraph (1) shall not apply to a project to create no more than two accessory dwelling units and no more than two junior accessory dwelling units per parcel pursuant to Sections 65852.2 and 65852.22 of the Government Code."*

⁵ SB 9 prohibits local agencies from requiring the dedication of a right of way to a newly created parcel created in a backyard. Easements for public services and facilities, or access to a public right of way may be required. Presumably, for a parcel with no access to the street, the residents would park on the street and cross the front parcel on a path along the property line.

⁶ Section 66411.7 in SB 9, which enables urban parcel splits, contain no reference to single family homes, thus enabling a multifamily parcel to be also split.

⁷ It is hard to imagine a bigger CEQA exemption than proposed by SB 9. If a city or county proposed such zoning changes locally CEQA analysis would apply. SB 9 is designed to work around environmental analysis by dictating specific zoning criteria in state statute, and requiring locals to approve applications "ministerially" without public review. Thus, the state Legislature is avoiding environmental reviews in a proposal that rezones virtually all of the single-family lots in the state.

- **Single-Family Residential Zones:** Permits the division, partial or full tear down of an existing single-family home to create two separate residential units, eligible to be sold separately⁸. Since SB 9 also operates in conjunction with ADU law, it will allow even more units to be built on the parcel without public review. All local ordinances⁹ that would physically preclude construction of the two units cannot be enforced. ADU law has separate authority enabling the construction of additional units. Parking is limited to one space per unit¹⁰, and must be eliminated entirely if within one-half mile of transit or if there is a car share vehicle within one block.
- **Urban Parcel Splits:** Permits urban lot splits in residential zones to create two equal parcels of a minimum of 1,200 square feet¹¹. Prohibits the application of local requirements that would physically preclude the construction of two units to be built on each split lot. (Applies to all residential parcels, not just single-family)¹²
- **Area Limitations:** Parcels must be located in a US Census designated urban area or urban cluster.¹³ Parcels within the Coastal Zone are also included¹⁴. Parcels cannot be located

⁸ It is not legally necessary to formally divide the parcel to create two units. Condominiums or townhouses could be created that can be sold separately.

⁹ Many local ordinances that can be ignored by developers under this law can result in significant environmental and community impacts. Applying such an edict statewide with no understanding of the myriad of conditions that may apply to an individual existing parcel makes no sense. For example, some communities have ordinances seeking to preserve heritage trees, maintain views, or allow space for a community bike path. SB 9 preempts the application of such any such ordinances that physically preclude the development of units.

¹⁰ Vehicle ownership in the US average two cars per household. Under SB 9, a developer is able to tear down and convert an existing garage as part of dividing a single-family home into two units. If the developer decides to also build ADU's then this could result in eight or more cars parking on the street. Not requiring adequate parking for new units or eliminating parking entirely will impose a significant burden on adjacent homeowners when residents of the new units' park in front of neighboring properties. Allowing for such major impacts on adjacent property owners statewide in violation of local zoning without opportunity for a public discussion and due process will exacerbate political tensions.

¹¹ Major social equity issues are raised with this provision. 1,200 square foot parcels are shockingly small and will be further limited by four-foot setbacks for ingress and fire access. This will result in rental units crammed together with no green space and certainly no parking. This small square footage will have the most impact in poor neighborhoods that are already densely developed. Executive homes on larger parcels, however, will be less impacted. For instance, a half-acre parcel that is split in half, will still enable separation between units, and areas for greenspace and parking.

¹² SB 9 prohibits a lot that has been split pursuant to its provisions from being split again. It also prohibits an owner of a parcel, or, and any person acting in concert with the owner, to split adjacent lots. These provisions are of absolutely no comfort to those concerned about retaining neighborhood integrity. Unlike a local city or county, the Legislature is removed from any direct implications from what this bill actually means to a neighborhood or a homeowner. If SB 9 is allowing parcels as small as 1,200 square feet, why wouldn't legislators entertain changes next year to this provision on behalf of developers who have their eyes on larger lots? Also, for those who think that 1,200 square feet is a minimum, consider that SB 9 requires locals to allow two units on that lot. Also, the limitation on a developer splitting adjacent lots enables multiple work arounds for savvy investors and attorneys who can maintain separate ownership of adjacent parcels, and nothing stops an investor from freely targeting every other parcel for this activity. And other investors can focus on the rest.

¹³ This exception will increase demand for living on rural parcels outside of these urban census tracts and contribute to further sprawl. Those that have more resources will likely pay a premium to live on parcels not subject to the uncertainties of SB 9. Realtors will likely have to disclose whether a property is within an SB 9 zone.

¹⁴ It is surprising that the Coastal Act is included in this bill. How this measure interacts with the application of the Coastal Act, approved by the voters, deserves additional examination.

within a fire hazard zone¹⁵, hazardous waste site, on land designated for conservation, or within a historic district, as those various terms are defined. If parcel is located in an earthquake fault zone, floodplain or regulatory floodway, the development shall be constructed in compliance with applicable state and local requirements.

- **Parcel Occupancy Limitations:** The affected development cannot affect units occupied by a tenant within the prior three years,¹⁶ units subject to local rent control, units that have been withdrawn (Ellis Act) from rental housing within the prior 15 years, or units restricted by covenant for low- and moderate-income households.
- **Single-Family Home Demolishing:** A single family home may be demolished entirely if a tenant has not lived in the home during the prior three years, otherwise only 25 percent may be demolished, unless a greater percentage is allowed by local ordinance.
- **Setbacks:** Provides that local building setbacks cannot be greater than what is applied to an existing structure and requires those same setbacks to be applied to a structure constructed in the same location and the same dimension as the existing structure.¹⁷ Related conditions include:
 - i. Stipulates that a proposal shall not be rejected solely because it proposes adjacent or connected structures that meeting building code safety standards and are sufficient to allow a separate conveyance.¹⁸
 - ii. Permits local governments to require four-foot setbacks from the rear and side lot lines in other circumstances.¹⁹
 - iii. Requires units that are proposed to be connected to an on-site waste treatment system to have a percolation test completed within the prior five years, or if percolation has been recertified, within 10 years.
- **Parking:** Authorizes a local agency to require parking of one space per unit, but prohibits a parking requirement if:

¹⁵ There are various exceptions to this prohibition where state building standards and state fire hazard mitigation measures have been applied. The cross-referenced definition reads as follows: *"Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development."*

¹⁶ This limitation is of minor relevance. The economic potential offered by SB 9, far exceeds the impacts of purchasing a desired property and living in for several years, while plans to develop it are prepared. Still given the delay, developers will likely avoid a rental occupied home in a neighborhood and focus on owner-occupied homes, which will accelerate the conversion of a neighborhood to rental properties.

¹⁷ This allows for the full teardown, including the garage.

¹⁸ "Conveyance" in real estate terminology means "sale."

¹⁹ This allows the entire back half of the property to be used without any open space, other than walking paths. This also will create privacy issues when windows look onto adjoining properties, or other disputes when building remove heritage trees and block views.

- i. The project is within one-half mile of a high-quality transit corridor or a major transit stop, as defined²⁰.
 - ii. There is a car-share vehicle²¹ located within one block of the parcel.
- **Zoning:** Authorizes the proposed development to comply with local “objective” zoning, subdivision, and design standards, but states that such standards cannot have the effect of precluding²² the development of two units. Defines these terms to mean standards that are uniformly verifiable by reference to an external and uniform benchmark or criterion and involve no personal and subjective judgement by a public official. Stipulates that local agencies shall require that any units constructed under this provision that are to be rented shall be for a term longer than 30 days. (Avoids vacation rentals)²³
 - Prohibits a local agency from being required to permit an accessory dwelling unit on parcels where an applicant constructs units in compliance with this section and also subdivides the lot into two separate parcels.²⁴
 - Authorizes a local agency to adopt an ordinance to implement these provisions but stipulates that the adoption of the ordinance shall not be considered a project under the California Environmental Quality Act (CEQA).²⁵

D. Consultant Comments:

- 1) ***Voters Deserve a Voice on Proposed Elimination of Single-Family Zoning:*** It is difficult to conceive of a more aggressive law the Legislature could attempt to pass affecting the nearly seven million California homeowners who have scrimped and saved to acquire and maintain their piece of the California Dream, a single-family home. The Legislature should not leap blindly to the enactment of a sweeping statewide law, without the proper reflection, due diligence, and true public transparency on what such a proposal really means for millions of Californians and the state’s future economy. Enacting such a law without consultation with the voters would be massively reckless. The origins of this bill supposedly are based on recent experiments in Minneapolis and Oregon and fueled by the unfair characterization

²⁰ Corridor with bus service at 15-minute intervals during peak commute hours, and includes existing rail or bus transit stations, ferry terminals served by bus or rail transit, or major transit stops included in regional transportation plan. These distances bear no real correlation with reality. Most residents living in units subject to SB 9 will have cars. Most Californians need cars to get to work, take children to school, shop, visit doctor’s offices etc. In most areas of California, outside of urban core areas, transit is insufficient for the variety of most needs. Many also consider transit to be unsafe, and (more recently with COVID) unhealthy.

²¹ This reference in the bill only mentions a “car share vehicle” within one block but does not mention a car share parking space. A clever developer could park a car share vehicle permanently on the property, or on the street in front of it, and argue that no other parking is required.

²² There is no way of fully knowing what this exemption from applicable local ordinances really means. Such an exemption means that the laws of a community will apply unequally. For instance, a family that wants to add more room to an existing house cannot do so because of a view ordinance, but a developer who buys the property next door is free to use SB 9 to split the lot and put multiple units on the property blocking the views of others in violation of the ordinance. How is this equitable?

²³ Likely difficult to enforce with numerous tenants inhabiting properties.

²⁴ Footnotes 2, 3 and 4 describe ways this can be worked around.

²⁵ Locals are provided little real authority in this measure. No doubt, they will be heavily blamed by residents for the widespread impacts of SB 9 and the absence of any due process for those affected.

that single-family homes and (and, therefore, their owners) are racists, deserves much more public sunshine than is permitted in the COVID-impacted Legislature where public transparency and access has become even more limited. If such a radical proposal has merit, then all affected Californian's deserve an opportunity to fully understand it and weigh in via an advisory ballot measure put to the voters in November 2022.

- 2) ***Governor's Position on SB 9 Will Determine Outcome:*** Governor Newsom holds all the power on this measure. Last year, SB 1120, a virtually identical bill, made it all the way through the Legislature. It passed both the Senate and the Assembly, and only stalled from being taken up on the last night of session because of a midnight floor deadline. SB 9 is authored by the Senate Pro Tem Atkins; it already made it through the Legislature once, as SB 1120, and is anticipated to do so again. That means the fate of this measure come down to a decision by Governor Newsom. While the Governor clearly supports additional housing production, he has opted to do so in a measured way, by increasing accountability for cities and counties to adopt state approved housing element plans and allocating billions in state funding to address homelessness and support affordable housing development. In his most recent budget proposal, he also proposed a special unit at the Department of Housing and Community Development to monitor local housing activities. Moreover, the Governor's own life choices support the referral of the SB 9 proposal for an advisory vote by California voters. When Governor Newsom was inaugurated, he opted to purchase a single-family home on several acres in the suburbs, reported to be the most expensive home ever sold within the region, rather than living in the Governor's mansion in downtown Sacramento. California voters deserve a similar opportunity to decide at the ballot box whether they want to continue to have the opportunity to achieve and maintain benefits of single-family home and associated quality of life for their own families.
- 3) ***Lack of Due Process and Transparency:*** Much is made in the Legislature of the value of public engagement and transparency when local governments make decisions. Local officials must comply with rigorous transparency requirements under the Brown Act. The benefits of CEQA are also strongly defended, to ensure that both the public and decision makers are fully informed and have the opportunity to mitigate environmental impacts. Yet, SB 9 tosses both public transparency and environmental principles aside. Without any due process for those affected, including an opportunity for local hearings or input, or even compliance with CEQA, the Legislature will allow most single-family neighborhoods to become the target of "buy, flip and split" speculators who are free to demolish homes and replace them with units jammed up against four-foot setbacks, with little to no parking, while avoiding compliance with local laws and ordinances that apply to others. It is inequitable to upend single family zoning and destabilize existing neighborhoods without adequate due process to those locally affected.
- 4) ***Inequitable Impacts:*** It is likely that the disruption caused by SB 9 will have inequitable impacts depending on wealth. Flipping homes to duplexes and splitting parcels down to 1,200 square feet are likely to affect middle class and lower income neighborhoods and homeowners more than wealthier individuals. The wealthy, as always, will have more options, including moving to larger estates.

- 5) ***SB 9 Only the Beginning:*** The premise behind SB 9 is that single family zoning must be eliminated. If so, then SB 9 is only the beginning. While SB 9 does not mention new subdivisions, it would be surprising if eliminating new single-family developments is not the next step. It is inconsistent to upend existing single-family neighborhoods, while allowing new subdivisions to be created. The state would also need to reconsider its own single-family home purchase programs and the mortgage interest tax deduction. State housing policies that mention single-family homes in a positive way, would also need to be revised or repealed, such as Section 50007 (HSC) : *The Legislature finds and declares that the large equities that the majority of California residents in most economic strata have now accumulated in single-family homes must be protected and conserved.*"

- 6) ***Upends State Housing Element Planning:*** The state already has numerous housing laws in place that ensure that the states' housing needs are incorporated in to local plans, via local zoning. These plans, in turn, must be state approved by the Department of Housing and Community Development. Over 98 percent of cities and counties have obtained such approvals, and the state recently significantly strengthened enforcement provisions to ensure full accountability. Any city and county that has obtained state approval for their local housing plan should be completely exempted from SB 9.

- 7) ***Destabilizing Economic Impacts:*** The purchase of a home is typically an individual's largest investment. Establishing a state policy that permits unlimited and radical developments on adjacent parcels with no public process will destabilize single-family neighborhoods. Those concerned about protecting the value of their investment, and/or seeking to obtain/preserve the traditional benefits of single-family neighborhoods (less noise, traffic, etc.) will opt to move to more rural settings—contributing to additional sprawl—or add to economic and social divisions by increasing demand for living in homeowner's associations where such activities would be prohibited via CC&R's or is the final straw that accelerates a move out of state. Business location and retention decisions will likely be affected as well, since local quality-of-life for those making the decision is often a major factor.

###



**** Dan Carrigg is a Senior Policy Advisor with the [Renne Public Policy Group](https://www.rennepublicpolicygroup.com). As the retired Deputy Executive and Legislative Director with the League of California Cities, Carrigg brings a wealth of experience to the firm in legislative analysis, policy development, strategy, and advocacy on a wide range of issues affecting local government. His expertise in California housing and land use policy is truly unmatched—having spent nearly 30 years as a land use legislative advocate and former Assembly Housing and Community Development Policy Committee Consultant.**



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: Reina J. Schwartz, City Manager

DATE: March 2, 2021

SUBJECT: Set Date for City Council Special Meeting: Council – Manager Goal Setting

RECOMMENDATION

Staff recommends the City Council discuss and by motion order direct staff to set a Special City Council meeting for a specific date and time for the purpose of discussing current and future Goals.

BACKGROUND

Typically, the Clayton City Council meets at least once per year with its City Manager to discuss progress on prior City Council goals and to establish new and/or modified goals for the upcoming year. The last goal-setting session was February 19, 2020.

DISCUSSION

While this session has often taken place in January or February and been focused on a calendar year basis, funding for goals will generally be aligned on a fiscal year basis. This year the focus will be on setting up goals for FY2021/22 and beyond.

Based on a survey regarding potential available dates for this session, the City Manager is recommending that the Special Meeting be scheduled for 4pm on Monday March 22, 2021 and it will be held virtually.

FISCAL IMPACTS

In past years, the City Manager has typically facilitated these sessions. This year the City Manager is recommending that the City use the services of an outside facilitator, Patrick Ibarra with The Mejorando Group (gettingbetterallthetime.com). Bringing in an outside facilitator with expertise leading these types of sessions will increase the effectiveness of the session, particularly as we have two new Council members as well as a City Manager who is new to Clayton. Within Contra Costa County, Mr. Ibarra is already working with San Ramon,

Martinez, Pittsburg, Antioch and San Pablo. The total cost of the facilitation is expected to be less than \$5,000 and can be accommodated within the existing budget. The proposal from Mr. Ibarra is shown as Attachment 1.

ATTACHMENTS

1. Proposal from The Mejorando Group for Goal-Setting Facilitation Services



mejorando group

Revised Proposal

February 24, 2021



Mayor & City Council Goal-Setting Facilitation Services

Submitted By:

Patrick Ibarra
The Mejorando Group
7409 North 84th Avenue
Glendale, AZ 85305
925-518-0187

www.gettingbetterallthetime.com



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February 24, 2021

Reina Schwartz
City Manager
City of Clayton
6000 Heritage Trail
Clayton, CA 94517

Dear Reina:

On behalf of the Mejorando Group, I am pleased to offer my expertise to the City of Clayton as a partner engaged to assist your efforts at establishing the City Council's Priorities.

Maintaining a healthy balance between the status quo and innovation is hard work. Striking the right balance between sustaining a legacy organization and building for the future requires judgment. In fact, it has been my experience there are **three types of communities**: First are those who are busy running on a **treadmill** with no progress being realized, the second are those who run around a **track** and arrive at where they started, but they feel progress was made (but none was) and the third are those who run across the **terrain**, adapting to shifting circumstances recognizing community building is a journey they never finish. The City of Clayton chooses to continue adapting to change realizing that refreshing the series of goals/priorities is an enabler of reaching your collective potential.

Priority-setting is a process to toggle between being responsive and proactive while recognizing the limited capacity for City finances and staff time. It's a priority-setting process to enhance the quality of life for your residents and operationalizing intent into action. A **brief summary** of my approach includes: obtaining input from stakeholders (i.e. members of the governing body and executive team) and guiding them through a process during which the governing body can establish a shared understanding about each member's perspectives on the future of Clayton, foster trust among the group and with the executive leadership team, emerging trends are examined, goals and objectives designed to move toward the vision are established and a schedule adopted to accomplish the goals and objectives.

The Mejorando Group, a Certified Minority-Business Enterprise (MBE) – Hispanic owned, has performed similar engagements for several municipalities. While our experience in designing and facilitating is extensive from when our firm was established in 2002, ***we have worked with scores of governing bodies*** helping them sharpen their collective focus and create and/or revise their strategic plan. These include the cities of **Alhambra (CA)**, Chandler (AZ), **Indio (CA)**, McKinney (TX), Missouri City (TX), **Norwalk (CA)**, Oro Valley (AZ), **Pittsburg (CA)**, Richland (WA) and **San Pablo (CA)**. The Mejorando Group considers [strategic planning facilitation services](#) to be a core competency of our overall consulting practice.

Offering consultation, facilitation, and training, our firm brings fresh thinking, innovation and “next practices” to help governments succeed in the 21st century. We take our name from the Spanish word, Mejorando, which means *“Getting Better All the Time.”* This reflects our commitment to our approach with clients who are seeking new ways to improve constantly. **As a former city manager, and a person who invested over 15 years of my career in local government**, I am accustomed to the issues and constraints confronted by those dedicated individuals, within organizations who choose daily to recommit themselves to high quality public service.

Please contact me at 925-518-0187 or via e-mail at patrick@gettingbetterallthetime.com with any questions.

Sincerely,



Patrick Ibarra
Co-Founder and Partner
The Mejorando Group

A. BACKGROUND AND UNDERSTANDING

Organizations, such as the City of Clayton, are continually presented with unexpected opportunities and unanticipated problems. Hard choices must be made, sometimes quickly, often under conditions in which little is certain; in particular, the challenges resulting from the COVID-19 pandemic. It can be easy to become distracted by these challenges expending time, money, and energy on activities that divert people's attention from the organization's principal goals. To avoid these distractions, organization members – including staff from top to bottom – need to understand clearly what the organization's goals are and what it will take to achieve them.

This is where convening members of the governing body and the executive leadership team in a process to determine organizational priorities into the foreseeable future, is beneficial. Assembling these groups allows city leaders to make fundamental decisions that guide them to a developed vision of the future. An effective and robust process will fortify relationships among members and increase a shared understanding about the future of Clayton, serve to prioritize services and resources, and determine the best path forward in the collective quest to deliver high quality public services and programs towards a stronger community.

Local governments directly affect the daily existence and quality of life for residents within the community. Political leadership of local government is about making things happen that might not otherwise happen and preventing things from happening that ordinarily might happen. It is a process that helps transform intentions into positive actions, visions into reality. In their role as community builders, Mayor and Council have adopted the following as segments of their success architecture to help the community pursue their potential:

Mission statement

Enhance Clayton by providing quality of service through: Responsible Stewardship, Effective Collaboration and Continuous Progress.

Values:

- Excellence
- Integrity
- Respect
- Teamwork

Vision Statement

The City of Clayton organization will be recognized as a premier small city. Customer service will be our hallmark; organizational processes will be a

model of efficiency and effectiveness; innovation will be commonplace; and excellence of work product will be the norm. The employees will enjoy their work environment, and each will be a valued and respected member in his or her field of work. All residents and the City Council will be proud of their City government

There are several purposes for holding this meeting.

- Policy makers and senior City staff participate in collegial discussions about the future of Clayton.
- Reaffirm the Vision and Mission statement(s).
- Examine the roles (i.e., lanes) and clarify expectations of the Mayor, Councilmembers, City Manager, department directors, City staff and community members.
- Fortify relationships among elected officials to ensure the clarity necessary to achieve success.
- A shared understanding is reinforced between the governing body and executive management enabling clarity and cohesion about priorities (i.e., key goals and objectives) and time commitments for the foreseeable future
- To craft a unified approach to building a stronger, more vibrant, and prosperous community.

More than a project, strategic planning serves as a catalyst to shepherd precious resources towards the desired goals. Indeed, for any organization, the ability to concurrently run the business (i.e., government is in the business of public service) and reinvent it has become a determinant of long-term success.

B. WORK PLAN

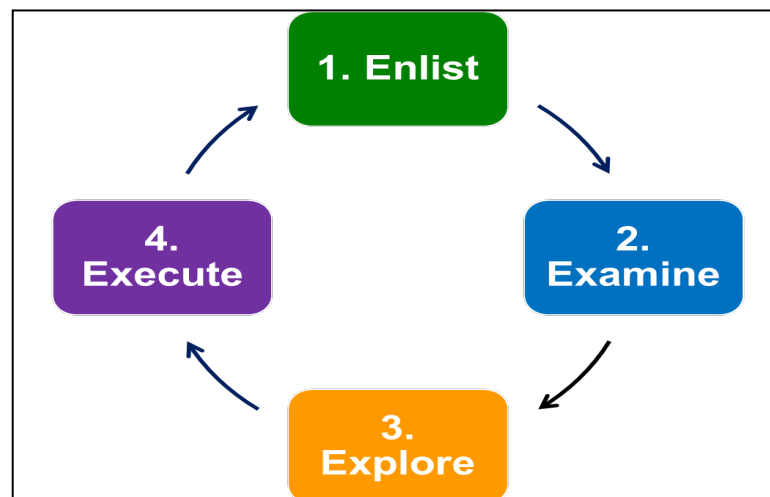
The process will involve the City of Clayton asking and responding to the following questions:

- What profound trends are or will influence our future?
- What needs to be preserved (the 'roots' – traditions that are sources for emotional energy) and what needs to be changed (the 'anchors' weighing down progress)?
- What is our direction and response to these shifts?
- How will we describe our desired results in measurable terms?
- What are the best ways and means to get there?

Our approach and accompanying work plan in developing the refreshed list of priorities satisfies the criteria by which successful priority-setting efforts are evaluated and the City is seeking:

- ☑ Evaluates current conditions to identify opportunities to maximize and potential issues to mitigate.
- ☑ Leads to action that is both innovative and effective.
- ☑ Serves to organize and prioritize City initiatives and resources.
- ☑ Goals for the time frame identified.
- ☑ Implementation plan that includes timelines and group or individual assignments.

Our work plan merges the experience and insight from key stakeholders along with a reliable process and the capable facilitation and consulting services from the Mejorando Group. Our Approach is based on the **Four E's**:



- 1) **Enlist** (prior to the advance/retreat) key stakeholders by obtaining their input about expectations for the process and topics/areas to be strongly considered at the gathering of the group.

At the actual retreat/advance:

- 2) **Examine** – the focus of this segment of the session with policy makers and senior executive staff, is to examine the role of local government in general, City of Clayton in particular, discuss the foundations of healthy governing bodies in their pursuit as community builders, reaffirm the role and value of priority setting and examine the impacts from emerging trends.
- 3) **Explore** – the intent of this segment of the session is to explore the future of the community by refreshing the vision and mission and identifying critical goals and objectives to consider for the next year and possibly beyond.

The City Manager, working with senior staff, though not during the actual Advance workshop but afterward, will then add a proposed schedule (including a progress update timetable) for each item identified in the draft strategic plan and provide it for the governing body to consider. At that time, any adjustments will be made, and the draft should be transitioned into final version for the creation of a Strategic Plan.

- 4) **Execute** – Implement the Priorities and provide periodic progress updates.

More specific details are as follows:

1. Enlist - Obtain Input

- 1) Essential to ensure the content of the process is aligned with the expectations of members of the governing body, individual interviews/meetings will be held with each member of the governing body, the City Manager and department directors (in small groups). The purpose of each one-on-one meeting is to elicit their perspectives about a variety of issues that will/may serve as the focus of the retreat/advance, specifically their expectations, opinions about past efforts at creating key priorities and identifying goals he/she would like to be accomplished in the next few years.

Relying on the “no one washes a rental car” approach the intent is for each elected official to “have skin in the game” about the success of the process. This begins prior to the meeting, during the interviews, and the actual flow of the group meeting.

2. & 3. Examine & Explore Design & Facilitate Advance Workshop

- 2) Facilitate a two-hour Advance Workshop involving members of the governing body, City Manager, and department directors.

4. Execute – Implement

Subsequent to the Advance, the Mejorando Group partnering with City staff, will produce a written summary that summarizes the Council's deliberations, including an overview document that lists City Council priorities. Based on the plan adopted by the City Council, implementation will ensue. Periodic progress updates on the various items in the Plan will be provided by the City Manager.

C. OUR APPROACH TO FACILITATION

Taking control of uncertainty and successful steering the organization and community through frequent bends in the road is the fundamental leadership challenge of our time. And it will call for a distinctly different type of leadership than traditionally expected. The advantage now goes to those who don't just learn to live with change, but who create change and fashion themselves as catalysts.

At its core, priority-setting is about results and our view is that in that pursuit, it must be **both a process and a product**. As a process, it can be a thought-provoking, introspective, and comprehensive register of the key issues confronting the community as well as a perspective on the resolution of the issues. Moreover, consistent with the "painting the bridge" analogy priority-setting is a never-ending process. As a product, it captures the analysis of the information gathered and aspirations of "blue sky thinking" into a document to guide short- and long-term decision making.

A passionate curiosity and relentlessly inquisitive mind are the hallmarks of success in interpreting the changes occurring. Increasingly, leaders are reconsidering their approach by referencing the following shift in mindset:

Old Mindset	Modern Mindset
<ul style="list-style-type: none"> • Adoption of the plan is the strategy. • Change is dangerous. • An event. • Wish list – the longer the better. • Assumption that existing advantages will persist. • Community is static • Conversations that reinforce existing perspectives. • Precise but slow. • Prediction oriented. 	<ul style="list-style-type: none"> • Execution if the strategy. • Stability is dangerous. • A process. • Prioritize list – less is more. • Assumption that existing advantages will come under pressure. • Community is dynamic • Conversations that candidly question the status quo. • Fast and roughly right • Discovery driven

In brief, the benefits of our approach to successful priority-setting are to address the key ingredients:

- **Council management** – Is a springboard for helping the governing body be intentional, purposeful, and deliberate.
- **Goals and objectives** – Are a plan for what to do.

- **Decision aid** – Serves as a guide for making tough decisions in difficult situations such as where to invest energy, where to invest capital, and how to adjust to a rapidly changing environment.
- **Inspiration** – Acts as a tool for generating organization and community motivation and excitement.

As a **former city manager** who invested over fifteen years in local government management, and consultant for over eighteen years collaborating with leaders of public-sector agencies nationwide, I consider myself extremely effective as a catalyst partnering with groups by utilizing my in-depth understanding about local government operations with a highly interactive, stimulating, and practical approach to group facilitation. The result is a group recommitted to tackling, with a laser-like focus, today's toughest challenges confronting local government leaders.

Beyond meeting facilitation, I bring expertise partnering with city managers and elected officials in navigating the priority-setting process – blending an efficient and productive process with valuable and contemporary insight on how local governments nationwide are leveraging the headwinds of change into a tailwind.

We refer to the gatherings of elected and appointed officials we design and facilitate as an **Advance** as opposed to a Retreat the commonly referred term applied to these types of meetings. Our work is aimed at helping governing bodies perform better while satisfying individual needs at the same time.

My role as **meeting facilitator** is an essential element to a successful process and achieving desired outcomes. These key skill sets reflect my philosophy and approach:

- ✓ Effective facilitation skills and meeting management
- ✓ Extensive knowledge of local government
- ✓ Add value during the discussion and throughout the process
- ✓ Fair, objective, and impartial to all participants
- ✓ Stimulate and encourage discussion and creative ideas

Selection of an experienced facilitator is key as they ensure all points of view are aired and considered. Consequently, I will utilize thought-provoking and relevant exercises to actively engage the group, use consensus decision-making techniques, guide group discussions to stay on track, manage conflict using a collaborative approach, and create an environment where members enjoy a positive, growing experience while they work to attain group goals. I possess a certification in Facilitation by Development Dimensions International, one of the leaders in the marketplace.

I will facilitate the meeting by utilizing an approach that encourages the full participation of attendees, creates a relaxed and productive meeting environment, and keeps the group on-track with accomplishing agreed upon objectives.

D. FEE

The Fee to provide services (i.e., conduct interviews, design agenda, and facilitate one two-hour virtual meeting) is \$4,500.

E. REPRESENTATIVE EXPERIENCE

City of Pittsburg, California (pop. 72,141)

In 2019 and 2020, facilitated a Strategic Planning Advance session with the Mayor and Councilmembers. Three of five new members were elected in November of 2018. The purpose was to help the group coalesce in their governance role and identify priorities for the balance of the year. Update held January 23, 2021. **Reference:** Garrett Evans, City Manager, 925-252-4034, GEvans@ci.pittsburg.ca.us

City of Alhambra, California (pop. 85,474)

Each of the last three years, designed and facilitated a Strategic Planning Advance meeting with members of the governing body, city manager and department directors. The purpose was to help clarify a shared direction including goal setting. Update scheduled for March 11, 2021.

City of Indio, California (pop. 89,488)

From 2017 through 2019, facilitated a Goal Setting Advance workshop with the Mayor and Councilmembers. Indio has a significant seasonal population which produces certain challenges. Those challenges along with other persistent opportunities were examined to create short- and long-term goals/priorities included in a revised Strategic Plan.

City of Rio Rancho, New Mexico (pop. 93,820)

In 2017 and 2018, designed and facilitated a Strategic Planning process that included a cross-functional Task Force Chaired by Mayor Hull. The result was a forward-looking Strategic Plan to enable a rapidly growing community to sharpen its focus and proactively plan for its future.

City of Minnetonka, Minnesota (pop. 53,953)

In 2020, facilitated a strategic planning update process that was exclusively in a virtual setting. Patrick was also responsible for a majority of the design process for agendas, as well as facilitating the meetings. **Reference:** Geralyn Barone, City Manager, gbarone@minnetonkamn.gov

City of Carrollton, Texas (pop. 136,789)

In June of 2020, designed and facilitated the annual strategic planning update process involving Mayor and Council. The outcome was an agreed upon set of priorities for the near- and short-term.

City of McKinney, Texas (pop. 172,238)

Each year from 2016 thru 2019, facilitated a Strategic Planning/Goal-Setting session with the Mayor and Councilmembers. McKinney was ranked in 2014 by Money magazine as the number one Place to Live. Focus of the session was to identify goals in the upcoming year and prioritize city resources in that pursuit.

Town of Oro Valley, Arizona (pop. 44,350)

In early 2019, and again in 2020, designed and facilitated a Strategic Planning Advance workshop with the Mayor and Councilmembers. Four of seven new members were elected in November of 2018. Prior to the two-day Advance, two community meetings were held to gather public input. Oro Valley has a large seasonal population which creates unique challenges. Those challenges along with other pressing opportunities were examined to generate short- and long-term goals/priorities included in a revised Strategic Plan.

City of Waukesha, Wisconsin (pop. 72,663)

In 2018, designed a strategic planning process that included several community forums and a two-day Advance workshop involving a fifteen-member governing body, City Administrator, and department directors. The primary focus was on revising the Strategic Plan which included the following areas of focus: land-use, economic development, infrastructure improvements, creating a stronger downtown and prioritizing quality of life amenities.

City of Richland, Washington (pop. 54,989)

In 2018, designed and facilitated a Strategic Planning Advance meeting with members of the governing body, city manager and department directors. The purpose was to help clarify a shared direction including goal setting and a revised "Strategic Leadership Plan."

City of Kennewick, Washington (pop. 80,454)

In 2018, designed and facilitated a Strategic Planning Advance process with members of the governing body, city manager and department directors. The purpose was to help clarify a shared direction including goal setting and a revised strategic plan.

City of Chandler, Arizona (pop. 249,146)

In 2015 and again in 2019, designed and facilitated a Strategic Planning Advance workshop with members of the governing body, city manager and department directors. The purpose was to unify a newly formed governing body towards a shared approach in building a stronger community. Update scheduled for March 4-5, 2021.

Town of Queen Creek, Arizona (pop. 33,752)

In 2012, 2015, 2017 and 2018 designed and facilitated a Strategic Planning Advance meeting with the Mayor, Councilmembers, and members of the Town's executive team (i.e., Town Manager and department directors) who serve in a growing community. The purpose was to update the current Strategic Plan with a special emphasis on economic development, public improvements, recreational amenities, and growth strategies.

Reference: John Kross, Town Manager, 480-358-3000, John.kross@queencreek.org

Since January of 2018, a partial list of other cities in which strategic planning and goal setting facilitation services have been provided for elected officials include:

- 1) City of Aberdeen, South Dakota (pop. 28,415) – February 2018
- 2) City of Brookings, South Dakota (pop. 23,938) – May 2018
- 3) City of Fillmore, California (pop. 15,664) – January and February 2021
- 4) City of Manhattan Beach, California (pop. 35,924) – October 2019 and January of 2021
- 5) City of Martinez, California (pop. 38,373) – March 2019
- 6) City of Monterey Park, California (pop. 60,401) - July 2020
- 7) City of Missouri City, Texas (pop. 74,497) – September 2019 and January 2020
- 8) City of Norwalk, California (pop. 106,084) – March 2019 and October 2020
- 9) City of Palmdale, California (pop. 157,519) – June 2019 and February 2020
- 10) City of San Pablo, California (pop. 31,124) – February 2021
- 11) City of Tulare, California (pop. 63,547) – January 2021

F. QUALIFICATIONS OF THE MEJORANDO GROUP

Founded in 2002, the Mejorando Group, a Hispanic owned and Certified Minority-Business Enterprise (MBE), is a consulting practice focused on improving the management and operation of government organizations. Offering consultation, facilitation, and training services the Mejorando Group values building and sustaining customer relationships by helping align your most important resource – your people – so that your organization moves faster and more successfully toward accomplishing your goal of high-quality public service. **We take our name from the Spanish word, Mejorando, which translated means “Getting Better All The Time.” This reflects our commitment to our approach with clients who are seeking new ways to improve constantly.**

Against a backdrop of changing mission requirements, shifting workforce demographics and increased public expectations of what the government can deliver, local governments are striving to attain the next level of performance – incorporating mission changes while they implement new technologies, equip an emerging workforce, adapt operating practices, and maintain stable budgets and respond to fluctuating budgets. These multiple challenges are having a profound effect on the resources public sector agencies require, creating a need for organizations to adjust the size and mix of their workforce, leverage alternate workforce resources, and strengthen workforce capabilities.

We have earned a national reputation by delivering quality work products to our clients helping them accelerate high performance. We feature a proven record of partnering with organizations through the myriad of issues influencing individual performance, group/team interactions, and overall organizational effectiveness. Our “hands-on” approach and ability to collaborate with all levels, from field personnel to executive management, enable us to integrate strategy, structure, process, quality, and culture to the desired end: optimal performance.

The Mejorando Group is comprised of professionals that have served as executives and managers in organizations from both the public and private sector, and together have several years of experience working in all aspects of local government management. As a result, we bring you extensive experience, breadth of expertise, strong people management skills, seasoned judgment and a valuable perspective that provides for an immediate connection with your organization’s employees.

Our full range of services includes the following:

- **Facilitation Services** – Our approach to facilitation, from group development to strategic planning, enables a group to focus on future conditions and generate progressive strategies and innovative tactics to effectively anticipate and respond to those often-changing circumstances. This results in a proactive and dynamic

approach to sustaining a high-quality, high-performance organization. We are certified in Facilitation Skills from Development Dimensions International (DDI).

- **Talent Management Programs and Services:**

- **Succession Planning Programs** – We are one of the country’s leading experts in effectively addressing the impacts from the changing workforce and designing succession planning programs. We design and implement all aspects of a robust Succession Planning Program which focuses on establishing job-level Competencies and recommending targeted improvements to Recruitment, Selection, Leadership Development, Workforce Learning/Training, and Promotional processes – in which all are synchronized towards equipping an agency’s workforce with the skills and capabilities to maintain high-quality service delivery and effective local government.
- **Learning/Training – Design and Delivery** - We develop learning/training strategies, design workshops, deliver and evaluate training, and provide coaching to executives and managers. Our “instructor-led, participant centered” approach to training limits lecture and focuses on using a variety of instructional methods (e.g., discussions, video-clips, case studies, small group exercises, handouts to complete, skill-practices, and group discussions) to maximize the use of Adult Learning. Our goal is for participants to master the knowledge, skills and behaviors emphasized in the training program and apply them to their day-to-day activities. We feature over forty (40) competency-based training workshops for workforce members from all areas of your organization, front-line to executives.
- **Leadership and Management Academy(ies)** – We design and implement Leadership and Management Academies including assisting with candidate selection processes, curriculum development, training delivery including an on-line/web-based component, and facilitation of action learning teams.
- **Performance Coaching** – We provide coaching services to middle and senior level managers and seasoned executives designed to improve individual performance and organizational effectiveness. We are certified in Performance Assessment (i.e., 360-degree feedback processes) from the Center for Creative Leadership.
- **Knowledge Transfer** – We provide leading edge practices enabling organizations to effectively transfer high value tacit knowledge essential for business continuity. Knowledge Transfer is a rapidly growing

occurrence within forward-thinking organizations concerned about the mitigating the impacts of the departure of seasoned employees.

- **Organizational Analysis and Process Improvement** – We review and analyze various functional areas within an organization to help discover more effective ways to manage and perform management and organizational activities. The Mejorando Group helps organizations succeed in their efforts to excel by utilizing a results-oriented approach that assesses the current effectiveness of existing strategies, structures, programs, work processes, and measurement systems. Strategies and tactics are provided to disrupt the status quo, and breakthrough practical solutions are implemented to align the organization's people and work processes toward high performance
- **Change Management** - Managing change is the most important aspect of any effort to improve employee performance and organizational effectiveness. We view change management as a process and help to guide implementation of change initiatives by utilizing and engendering in others the methods, tools, and expertise which focus on both the human and organizational aspects of the change. We provide a series of sequenced actions that will effectively disrupt the status quo and implement sustainable change.

Ours is a virtual consulting firm in which we blend our expertise and experience with that of other boutique-type firms to benefit our clients. This arrangement generates multiple dividends, including the application of extensive subject-matter experts and seasoned organizational development practitioners combined with the vast experience and expertise of former local government executives. Together, we help to effectively disrupt the status quo and bring leading-edge solutions to improve employee performance and organizational effectiveness.

Beyond our website which provides general information on our firm, services we provide, list of clients, and resources such as articles we have authored, we are extremely active in social media, providing relevant and timely content to those persons who are vigilant about “getting better all the time.” Finally, each quarter we author an e-newsletter, “Moving Forward” distributed to over 4,000 public sector professionals providing a path forward through the turbulent times impacting government.

G. PROFILE/RESUME

Patrick Ibarra

Co-Founder and Partner, The Mejorando Group

As co-founder and partner, Patrick Ibarra is responsible for Talent Management (i.e., Workforce and Succession Planning), Strategic Planning Processes and Facilitation and Organizational Effectiveness services. As a Consultant and Manager in both public and private sector organizations, ***including as a city manager and human resource director***, Mr. Ibarra brings organizations over 35 years of experience and a shared understanding of the particular demands and constraints placed on organizations and their employees.

Patrick has **facilitated** scores of governing body and executive leadership team strategic planning and goal-setting workshops, along with a number of formal and informal community group meetings. He offers a balance of viewpoints with a practitioner's perspective and a demonstrated record of effective consulting engagements. This experience gives him an understanding that produces positive outcomes. Each of his projects is customized to the unique needs of the client.

A Speaker, Author and Conference Presenter, Mr. Ibarra also serves on the adjunct faculty staff at Arizona State University. He teaches courses on organizational change.

Employment History

- The Mejorando Group Consulting Practice, Co-Founder and Partner
- City of Port Angeles, Washington City Manager
- City of Mason, Ohio Assistant City Manager/Human Resource Director
- City of Emporia, Kansas, Management Assistant, Office of the City Manager
- City of Phoenix, Arizona, Management Assistant, Public Works Department

Education

- Master of Human Resources and Organization Development, University of San Francisco
- Master of Public Administration, Arizona State University
- Bachelor of Science degree, Political Science, Central Missouri State University
- Graduate of the University of Virginia Senior Executive Institute for Public Service
- Certified to administer Assessment and Performance Support tools, Center for Creative Leadership
- Certified Facilitator, Development Dimensions International

Publications

- “We’ve Always Done It That Way Is Over: Part Four – Innovating Your Future” – December 2020 issue of Public Management by ICMA.
- “We’ve Always Done It That Way Is Over: Part Three – Reimagining Your Community” August 2020 issue of Public Management by ICMA
- “We’ve Always Done It That Way Is Over: Part Two - Building a Talent Centric Workforce” May 2020 issue of Public Management by ICMA
- “We’ve Always Done It That Way Is Over: Part One - What’s Next; Leading Change is a Process, not an Event” February 2020 issue of Public Management by ICMA
- “Every Employee is a Chief Experience Officer” November 2019 issue of Public Management by ICMA
- “How to Create a Performance-Driven Workforce” July 2019 issue of Public Management by ICMA
- “Drivers of High Performance - Pay Attention to Your Rock Stars” April 2019 issue of Public Management by ICMA
- “Must Reads for Leaders – Part 2” December 2018 issue of Public Management by ICMA
- “Must Reads for Leaders - Part 1” September 2018 issue of Public Management by ICMA
- “Quality Government” June 2018 issue of Public Management by ICMA
- “The Recipe for Success” March 2018 issue of Public Management by ICMA
- “The Future of Leadership Has Arrived” February 2018 issue of Texas Town and City published by the Texas Municipal League
- “Crafting a Healthy Workplace Culture” November 2017 issue of Public Management published by ICMA
- “The Changing Workplace” June 2017 issue of Public Management published by ICMA
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Conference Presentations - 2021

- **California Municipal Treasurers’ Association**
- **California State Association of County Auditors**
- International City/County Management Association Regional Conferences
- Minnesota City/County Management Association