



AGENDA

REGULAR MEETING

* * *

CLAYTON CITY COUNCIL

* * *

TUESDAY, May 18, 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 – May 18

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

To follow or participate in the meeting:

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

https://us02web.zoom.us/webinar/register/WN_bVID0Hu8Q_qaj8HU0uQ23A

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

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

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

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

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

Location:

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

To join this virtual meeting on-line click here:

https://us02web.zoom.us/webinar/register/WN_bVID0Hu8Q_qaj8HU0uQ23A

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

*** CITY COUNCIL ***

May 18, 2021

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

2. **MEETING PROTOCOL VIDEO**– City Clerk

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

4. **CONSENT CALENDAR**

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

- (a) Approve the minutes of the City Council's regular meeting of May 4, 2021.
(City Clerk) ([View Here](#))
- (b) Approve the Financial Demands and Obligations of the City. (Finance) ([View Here](#))
- (c) Adopt a Resolution Ordering the Levying of a Special Tax for FY 2021/22 within the High Street Permanent Road Division for the Repayment of Funds Advanced for the Reconstruction of the Bridge and Future Maintenance Pursuant to the Streets and Highway Code, Article 3, Section 117, et seq. (City Engineer)
([View Here](#))
- (d) Adopt a Resolution Confirming the Levy of Assessments for FY 2021/22 within the Lydia Lane Sewer Assessment District for the Repayment of Bonds Issued for the Construction of Municipal Sanitary Sewers. (City Engineer) ([View Here](#))
- (e) Adopt a Resolution Ordering the Levy of a Special Tax for FY 2021/22 within the Oak Street Permanent Road Division for the Repayment of Funds Advanced for the Reconstruction of the Bridge and Future Maintenance Pursuant to the Streets and Highway Code, Article 3, Section 1173, et seq. (City Engineer) ([View Here](#))
- (f) Adopt a Resolution Confirming the Levying of Assessments for FY 2021/22 within the Oak Street Sewer Assessment District for the Repayment of Bonds Issued for the Construction of Municipal Sanitary Sewers. (City Engineer) ([View Here](#))
- (g) Receive and File the Letter of Support for Assembly Bill 988, known as the Miles Hall Lifeline Act to Implement the National 988 Mental Health Emergency Response System in California. (City Manager) ([View Here](#))

5. **RECOGNITIONS AND PRESENTATIONS**

- (a) Proclamation recognizing June as "LGBTQI+ Pride Month" in the City of Clayton.
(Mayor Wolfe) ([View Here](#))

- (b) Recognition of Clayton Students Qualified for Finals of Odyssey of the Mind Competition. (Mayor Wolfe)

6. REPORTS

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

7. 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.

8. PUBLIC HEARINGS – None.

9. ACTION ITEMS

- (a) Adopt a Resolution Awarding a Professional Services Agreement to MIG for Update to Clayton Housing Element and Appropriating up to \$330,000 from the Rainy Day Fund for the Project. (City Manager) ([View Here](#))
- (b) Introduce and Waive First Reading of an Ordinance Amending Section 2.04.070 of the *Clayton Municipal Code*, Entitled “Order of Business” and Adopt a Resolution Establishing the Order of Business for City Council Meeting Agendas. (City Manager) ([View Here](#))

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

11. CLOSED SESSION – None.

12. ADJOURNMENT

The next regularly scheduled meeting of the City Council will be June 1, 2021.

#

MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL
TUESDAY, May 4, 2021

6:00 P.M.

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 6:00 p.m. by Mayor Wolfe on a virtual web meeting and telephonically (877) 853-5257. Councilmembers present: Mayor Wolfe, Vice Mayor Cloven, and Councilmember Diaz joined at 6:03 p.m., Councilmember Tillman, and Councilmember Wan joined at 6:03 p.m. Councilmembers absent: None. Staff present: City Manager Reina Schwartz, City Attorney Mala Subramanian, and City Clerk/HR Manager Janet Calderon.

2. **CLOSED SESSION**
 - (a) Conference with Legal Counsel – Anticipated Litigation
Significant Exposure to Litigation
Government Code section 54956.9(d)(2) (1 case)

 - (b) Government Code Section 54957.6, Conference with Labor Negotiator
Instructions to City-designated labor negotiator: City Manager
Employee Organization: Clayton Police Officers Association (CPOA)

Report out from Closed Session:

Mayor Wolfe reported there was no reportable action.

- Short Recess -
* * * * *

7:00 P.M. REGULAR PUBLIC MEETING

3. **CALL TO ORDER THE CITY COUNCIL** – The meeting was called to order at 7:06 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, Finance Director Paul Rodrigues, City Attorney Mala Subramanian and City Clerk/HR Manager Janet Calderon.

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

6. CONSENT CALENDAR

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

- (a) Approved the minutes of the City Council's regular meeting of April 20, 2021. (City Clerk)
- (b) Approved the Financial Demands and Obligations of the City. (Finance)
- (c) Authorized the East Contra Costa HCP/NCCP Fee Update Defense and Indemnification Agreement. (City Manager)
- (d) Authorized the Fifth Amendment to Tolling Agreement Extending the Limitations Period to File Legal Challenge by West Coast Homebuilders, Inc. (City Attorney)
- (e) Council Appointed Michelle Berman to the Contra Costa Advisory Council on Aging as Clayton's representative for the term through September 30, 2023. (City Clerk)

7. RECOGNITIONS AND PRESENTATIONS

- (a) Proclamation declaring the month of May as "Jewish American Heritage Month" in the City of Clayton. (Mayor Wolfe)

Mayor Wolfe briefly read the proclamation declaring May as "Jewish American Heritage Month" in the City of Clayton.

- (b) Proclamation declaring the month of May as "Asian Pacific Islander Heritage Month" in the City of Clayton. (Mayor Wolfe)

Mayor Wolfe briefly read the proclamation declaring May as "Asian Pacific Islander Heritage Month" in the City of Clayton.

- (c) Proclamation declaring "Cinco de Mayo" on May 5th in the City of Clayton. (Mayor Wolfe)

Mayor Wolfe briefly read the proclamation declaring May 5th as "Cinco de Mayo" in the City of Clayton.

- (d) Proclamation Declaring "Peace Officer Memorial" on May 15th in the City of Clayton. (Mayor Wolfe)

Mayor Wolfe briefly read the proclamation declaring May 15th as "Peace Officer Memorial" in the City of Clayton.

- (e) Proclamation Declaring "Armed Forces Day" on May 15th in the City of Clayton. (Mayor Wolfe)

Mayor Wolfe briefly read the proclamation declaring May 15th as "Armed Forces Day" in the City of Clayton.

8. REPORTS

- (a) Planning Commission – Vice Chair Terri Denslow stated at the Commission’s meeting of April 27, 2021, included a Public Hearing regarding Clayton Community Church requests for Environmental Review, Use Permit, Site Plan Review Permit and Tree Removal Permit. The Planning Commission approved two resolutions on a vote of 5-0. Chair Chippero announced he will not be submitting an application for the upcoming vacancy on the Planning Commission.

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

- (c) City Manager/Staff

City Manager Reina Schwartz announced Contra Costa County is expected to stay in the Orange Tier until June 15. She also advised the Local Hazard Mitigation Plan will soon be posted to the City’s website, and CalFire announced it is Fire Season advising the City will begin its weed abatement this week.

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

Councilmember Diaz was a judge at the Clayton Club’s Annual Chili Cook-Off, met with The Concerts in The Grove committee to review potential Clayton Community Park site requirements due to current COVID restrictions, and met with the City Manager, Police Chief and various citizens.

Vice Mayor Cloven attended the Contra Costa County Hazardous Materials Commission and watched the Planning Commission meeting.

Councilmember Wan emailed and called constituents.

Councilmember Tillman met with the City Manager, met with various residents, the Mt. Diablo Unified School District LCAP input meeting, attended the Opportunity Junction Gala, attended the Clayton Speaks Webinar, the Clayton Business and Community Association General Membership meeting, and visited the Cemex Quarry site.

Mayor Wolfe met with the City Manager, emailed constituents, attended East Contra Costa Habitat Conservancy meeting, provided the City report at the Clayton Business and Community Association General Membership meeting, met with the Memorial Day Committee, attended the State COVID and Wild Fire Briefing, met with the Clayton Post Master regarding weed abatement, and advised support of Miles Hall Lifeline Act and will have a letter drafted and mailed this week.

9. PUBLIC COMMENT ON NON - AGENDA ITEMS

John T requested the City Council consider adding April 24th as Armenian Genocide Remembrance Day to its list of Cultural Heritage recognitions

Scott Denslow expressed support of the Armenian Genocide Remembrance Day to be added to the Cultural Heritage recognitions.

Dee Vieira expressed support of the Armenian Genocide Remembrance Day to be added to the Cultural Heritage recognitions.

Meredith Yalenty also expressed support of the Armenian Genocide Remembrance Day to be added to the Cultural Heritage recognitions.

Terri Denslow expressed support of the Armenian Genocide Remembrance Day to be added to the Cultural Heritage recognitions.

Roy Correa requested the outcome of the recent Council-Manager Goals and Objectives for FY2021/22, and status of the usual rotation regarding key positions on the City Council and Planning Commission.

Jonathan Lee commented on the activities of Council members.

Mayor Wolfe closed public comment.

10. PUBLIC HEARINGS – None.

11. ACTION ITEMS

- (a) Provide Direction to Staff Regarding the Purchase of Additional Library Hours for FY2021/22 (City Manager)

City Manager Reina Schwartz presented the report.

Alison McKee with Contra Costa County Librarian was available to answer questions about the proposal.

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

Jeanne Boyd expressed she is not in support of the Contra Costa County Library Proposal as it does not serve community needs.

Karen Amos is not in support of the Contra Costa County Library Proposal.

Rosemary Harwood does not feel the Contra Costa County Library Proposal supports its long serving volunteers.

Mayor Wolfe closed public comment.

It was moved by Councilmember Tillman, seconded by Vice Mayor Cloven, to provide direction to the City Manager to notify the Contra Costa County Library that Clayton will not be purchasing additional library hours for FY2021/22. (Passed 5-0).

- (b) Provide Direction to Staff Regarding Potential Amendments to the City Municipal Code Regarding Outdoor Cannabis Cultivation. (City Manager)

City Manager Reina Schwartz presented the report.

Jenny Yeh presented a brief PowerPoint.

Amanda Charne, Attorney with the firm of Best, Best, and Krieger was available to answer any legal questions regarding this item.

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

Scott Denslow urged the City Council to consider amending the City Municipal Code to allow for Outdoor Cannabis Cultivation.

Martin Barbano expressed support of Outdoor Cannabis Cultivation.

Katherine Lewis added the financial burden of growing cannabis indoors and urged the City Council to consider Outdoor Cannabis Cultivation.

Dee Vieira expressed support for Outdoor Cannabis Cultivation.

Mike on behalf of his neighbor who is currently going through treatment expressed support for Outdoor Cannabis Cultivation.

Karen Case is not in support of cannabis as a mental health and substance abuse counselor.

Charles Albertson expressed support for Outdoor Cannabis Cultivation.

Mayor Wolfe closed public comment.

It was moved by Councilmember Wan, seconded by Councilmember Tillman, to direct City staff to amend the City's Ordinance regarding Cannabis to allow up to six plants per property and to allow both indoor and outdoor cultivation. (Passed 5-0).

12. **RECESS THE CITY COUNCIL MEETING** – Mayor Wolfe.
(until after the conclusion of the Clayton Financing Authority meeting)

Mayor Wolfe announced the City Council will adjourn to a Clayton Financing Authority Meeting [10:16 p.m.].

11. **RECONVENE THE CITY COUNCIL MEETING** – Mayor Wolfe

Mayor Wolfe announced the City Council will reconvene the City Council meeting [10:20 p.m.].

14. **COUNCIL ITEMS**

Councilmember Tillman requested addition of Armenian Genocide Remembrance Day to the Cultural recognitions and how to obtain community feedback regarding Clayton Community Library hours.

15. **CLOSED SESSION** – None.

16. **ADJOURNMENT**– on call by Mayor Wolfe, the City Council adjourned its meeting at 10:22 p.m.

The next regularly scheduled meeting of the City Council will be May 18, 2021.

#

Respectfully submitted,

Janet Calderon, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL

Carl Wolfe, Mayor

#



STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: JENNIFER GIANTVALLEY, ACCOUNTING TECHNICIAN

DATE: 05/18/2021

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	5/11/2021	\$ 177,208.92
Cash Requirements Report	Payroll, Taxes	5/5/2021	\$ 75,778.02
	Total Required		\$ 252,986.94

Attachments:

1. Open Invoice Report, dated 05/11/21 (5 pages)
2. Cash Requirements report PPE 05/02/21 (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
Advanced Elevator Solutions, Inc								
Advanced Elevator Solutions, Inc	5/1/2021	5/1/2021	43358	Elevator service	\$124.00	\$0.00		\$124.00
				<i>Totals for Advanced Elevator Solutions, Inc</i>	<i>\$124.00</i>	<i>\$0.00</i>		<i>\$124.00</i>
All City Management Services, Inc.								
All City Management Services, Inc.	4/21/2021	4/21/2021	70087	School Crossing guard svcs 4/4/21-4/17/21	\$433.98	\$0.00		\$433.98
				<i>Totals for All City Management Services, Inc.</i>	<i>\$433.98</i>	<i>\$0.00</i>		<i>\$433.98</i>
American Fidelity Assurance Company								
American Fidelity Assurance Company	5/2/2021	5/2/2021	6000898	FSA PPE 5/2/21	\$128.45	\$0.00		\$128.45
				<i>Totals for American Fidelity Assurance Company</i>	<i>\$128.45</i>	<i>\$0.00</i>		<i>\$128.45</i>
ASCAP								
ASCAP	4/20/2021	4/20/2021	100005677556	Concert licensing 5/01/21-4/30/22	\$192.58	\$0.00		\$192.58
				<i>Totals for ASCAP</i>	<i>\$192.58</i>	<i>\$0.00</i>		<i>\$192.58</i>
Authorize.net								
Authorize.net	4/30/2021	4/30/2021	April2021	Online credit card gateway fee April 2021	\$33.25	\$0.00		\$33.25
				<i>Totals for Authorize.net</i>	<i>\$33.25</i>	<i>\$0.00</i>		<i>\$33.25</i>
Break Point Investigations								
Break Point Investigations	5/4/2021	5/4/2021	009	POST Background PD	\$1,744.70	\$0.00		\$1,744.70
				<i>Totals for Break Point Investigations</i>	<i>\$1,744.70</i>	<i>\$0.00</i>		<i>\$1,744.70</i>
CalPERS Retirement								
CalPERS Retirement	5/2/2021	5/2/2021	050221	Retirement PPE 5/2/21	\$16,677.56	\$0.00		\$16,677.56
				<i>Totals for CalPERS Retirement</i>	<i>\$16,677.56</i>	<i>\$0.00</i>		<i>\$16,677.56</i>
Cintas Corporation								
Cintas Corporation	4/29/2021	4/29/2021	4082894469	PW uniforms 4/29/21	\$50.72	\$0.00		\$50.72
Cintas Corporation	5/6/2021	5/6/2021	4083591084	PW uniforms 5/6/21	\$50.72	\$0.00		\$50.72
				<i>Totals for Cintas Corporation</i>	<i>\$101.44</i>	<i>\$0.00</i>		<i>\$101.44</i>
City of Antioch								
City of Antioch	4/30/2021	4/30/2021	1742	Service to PD veh #1742	\$265.61	\$0.00		\$265.61
City of Antioch	4/30/2021	4/30/2021	1741	Service to PD veh #1741	\$563.69	\$0.00		\$563.69
				<i>Totals for City of Antioch</i>	<i>\$829.30</i>	<i>\$0.00</i>		<i>\$829.30</i>
City of Concord								
City of Concord	4/30/2021	4/30/2021	88246	Dispatch svcs June 2021	\$24,418.92	\$0.00		\$24,418.92
				<i>Totals for City of Concord</i>	<i>\$24,418.92</i>	<i>\$0.00</i>		<i>\$24,418.92</i>
Comcast Business								
Comcast Business	5/5/2021	5/5/2021	050521	Internet 5/10/21-6/9/21	\$386.16	\$0.00		\$386.16
				<i>Totals for Comcast Business</i>	<i>\$386.16</i>	<i>\$0.00</i>		<i>\$386.16</i>

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Contra Costa County - Office of the Sheriff								
Contra Costa County - Office of the She	4/21/2021	4/21/2021	CLPD-121	Blood withdrawals Q3 FY21	\$218.40	\$0.00		\$218.40
<i>Totals for Contra Costa County - Office of the Sherif.</i>					<i>\$218.40</i>	<i>\$0.00</i>		<i>\$218.40</i>
Dillon Electric Inc								
Dillon Electric Inc	5/1/2021	5/1/2021	4030	Streetlight repairs 10/28/19	\$457.40	\$0.00		\$457.40
Dillon Electric Inc	5/1/2021	5/1/2021	4062	Streetlight repairs 12/17/19	\$677.46	\$0.00		\$677.46
Dillon Electric Inc	4/29/2021	4/29/2021	4384	Streetlight repairs 4/29/21	\$707.32	\$0.00		\$707.32
Dillon Electric Inc	4/23/2021	4/23/2021	4380	Streetlight repairs 4/27/21	\$746.01	\$0.00		\$746.01
Dillon Electric Inc	4/23/2021	4/23/2021	4377	Streetlight repairs 2/5/21	\$1,124.27	\$0.00		\$1,124.27
Dillon Electric Inc	4/23/2021	4/23/2021	4378	Streetlight repairs 3/25/21	\$638.18	\$0.00		\$638.18
Dillon Electric Inc	4/23/2021	4/23/2021	4379	Repair bollard lights @ The Grove Park 3/30/	\$645.41	\$0.00		\$645.41
Dillon Electric Inc	5/5/2021	5/5/2021	4388	Streetlight repairs 5/3/21	\$591.20	\$0.00		\$591.20
<i>Totals for Dillon Electric Inc</i>					<i>\$5,587.25</i>	<i>\$0.00</i>		<i>\$5,587.25</i>
Geoconsultants, Inc.								
Geoconsultants, Inc.	4/26/2021	4/26/2021	19164	Well monitoring April 2021	\$1,546.50	\$0.00		\$1,546.50
<i>Totals for Geoconsultants, Inc.</i>					<i>\$1,546.50</i>	<i>\$0.00</i>		<i>\$1,546.50</i>
Globalstar LLC								
Globalstar LLC	4/16/2021	4/16/2021	14277813	Sat phone 4/16/21-5/15/21	\$113.19	\$0.00		\$113.19
<i>Totals for Globalstar LLC</i>					<i>\$113.19</i>	<i>\$0.00</i>		<i>\$113.19</i>
Mark Graham								
Mark Graham	5/6/2021	5/6/2021	21-23	Polygraph PD	\$300.00	\$0.00		\$300.00
<i>Totals for Mark Graham</i>					<i>\$300.00</i>	<i>\$0.00</i>		<i>\$300.00</i>
Hammons Supply Company								
Hammons Supply Company	4/28/2021	4/28/2021	116607	CCP janitorial supplies	\$446.67	\$0.00		\$446.67
Hammons Supply Company	4/28/2021	4/28/2021	116611	Library janitorial supplies	\$150.82	\$0.00		\$150.82
Hammons Supply Company	4/28/2021	4/28/2021	116609	Library janitorial supplies	\$573.95	\$0.00		\$573.95
Hammons Supply Company	4/28/2021	4/28/2021	116608	The Grove Park janitorial supplies	\$162.34	\$0.00		\$162.34
<i>Totals for Hammons Supply Company</i>					<i>\$1,333.78</i>	<i>\$0.00</i>		<i>\$1,333.78</i>
Harris & Associates, Inc.								
Harris & Associates, Inc.	5/10/2021	5/10/2021	48328	Engineering svcs 4/4/21-5/1/21	\$10,004.03	\$0.00		\$10,004.03
Harris & Associates, Inc.	5/10/2021	5/10/2021	48329	Project engineering svcs 4/4/21-5/1/21	\$27,035.00	\$0.00		\$27,035.00
Harris & Associates, Inc.	5/10/2021	5/10/2021	48330	CIP engineering svcs 4/4/21-5/1/21	\$6,840.00	\$0.00		\$6,840.00
<i>Totals for Harris & Associates, Inc.</i>					<i>\$43,879.03</i>	<i>\$0.00</i>		<i>\$43,879.03</i>
ICMA Retirement Corporation								
ICMA Retirement Corporation	5/2/2021	5/2/2021	050221	457 Plan contributions PPE 5/2/21	\$2,209.62	\$0.00		\$2,209.62
<i>Totals for ICMA Retirement Corporation</i>					<i>\$2,209.62</i>	<i>\$0.00</i>		<i>\$2,209.62</i>
Michael Baker International, Inc								

City of Clayton

Open Invoice Report

Obligations

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Michael Baker International, Inc	12/14/2020	12/14/2020	1102785	Project professional svcs through 11/27/20	\$3,325.00	\$0.00		\$3,325.00
Michael Baker International, Inc	12/14/2020	12/14/2020	1102784	Project professional svcs through 11/29/20	\$315.00	\$0.00		\$315.00
Michael Baker International, Inc	5/11/2021	5/11/2021	1115803	Project professional svcs through 5/2/21	\$4,550.00	\$0.00		\$4,550.00
Michael Baker International, Inc	3/8/2021	3/8/2021	1109917	Project professional svcs through 2/28/21	\$4,200.00	\$0.00		\$4,200.00
Michael Baker International, Inc	2/10/2021	2/10/2021	1107802	Project professional svcs through 1/31/21	\$3,850.00	\$0.00		\$3,850.00
Michael Baker International, Inc	3/8/2021	3/8/2021	1109913	Project professional svcs through 2/28/21	\$2,800.00	\$0.00		\$2,800.00
Michael Baker International, Inc	4/8/2021	4/8/2021	1112507	Project professional svcs through 4/4/21	\$3,290.00	\$0.00		\$3,290.00
<i>Totals for Michael Baker International, Inc</i>					<i>\$22,330.00</i>	<i>\$0.00</i>		<i>\$22,330.00</i>
MPA								
MPA	5/10/2021	5/10/2021	INV001181	Unmet liability deductible April, 2021	\$666.60	\$0.00		\$666.60
<i>Totals for MPA.</i>					<i>\$666.60</i>	<i>\$0.00</i>		<i>\$666.60</i>
MSR Mechanical, LLC								
MSR Mechanical, LLC	4/29/2021	4/29/2021	SVC001309	EH HVAC maintenance 4/21/21	\$295.50	\$0.00		\$295.50
MSR Mechanical, LLC	4/23/2021	4/23/2021	SVC001209	Library HVAC maintenance 3/22/21	\$527.17	\$0.00		\$527.17
MSR Mechanical, LLC	4/23/2021	4/23/2021	SVC001211	CH HVAC maintenance 3/22/21	\$350.00	\$0.00		\$350.00
MSR Mechanical, LLC	4/27/2021	4/27/2021	SVC001273	CH Svc call 4/12/21	\$800.00	\$0.00		\$800.00
<i>Totals for MSR Mechanical, LLC</i>					<i>\$1,972.67</i>	<i>\$0.00</i>		<i>\$1,972.67</i>
Nationwide								
Nationwide	5/2/2021	5/2/2021	050221	457 Plan contributions PPE 5/2/21	\$500.00	\$0.00		\$500.00
<i>Totals for Nationwide</i>					<i>\$500.00</i>	<i>\$0.00</i>		<i>\$500.00</i>
Nutrien Ag Solutions, Inc								
Nutrien Ag Solutions, Inc	2/4/2021	2/4/2021	44282714	Landscape chemicals	\$3,563.59	\$0.00		\$3,563.59
<i>Totals for Nutrien Ag Solutions, Inc</i>					<i>\$3,563.59</i>	<i>\$0.00</i>		<i>\$3,563.59</i>
Pacific Office Automation								
Pacific Office Automation	4/22/2021	4/22/2021	214538	Copier usage 3/20/21-4/19/21	\$42.14	\$0.00		\$42.14
<i>Totals for Pacific Office Automation</i>					<i>\$42.14</i>	<i>\$0.00</i>		<i>\$42.14</i>
Paychex								
Paychex	5/2/2021	5/2/2021	2021050301	Payroll fees PPE 5/2/21	\$246.34	\$0.00		\$246.34
<i>Totals for Paychex.</i>					<i>\$246.34</i>	<i>\$0.00</i>		<i>\$246.34</i>
Paysafe Payment Processing								
Paysafe Payment Processing	4/30/2021	4/30/2021	April2021	Online bankcard fees April 2021	\$236.71	\$0.00		\$236.71
Paysafe Payment Processing	4/30/2021	4/30/2021	April 2021	OTC bankcard fees April 2021	\$357.76	\$0.00		\$357.76
<i>Totals for Paysafe Payment Processing</i>					<i>\$594.47</i>	<i>\$0.00</i>		<i>\$594.47</i>
Raney Planning & Management, Inc.								
Raney Planning & Management, Inc.	3/15/2021	3/15/2021	2040E-9	Clayton Comm Church prof svcs February 20	\$4,494.85	\$0.00		\$4,494.85
Raney Planning & Management, Inc.	4/9/2021	4/9/2021	2040E-10	Clayton Comm Church prof svcs March 2021	\$1,662.50	\$0.00		\$1,662.50
Raney Planning & Management, Inc.	3/15/2021	3/15/2021	2043E-7	Diablo Canyon prof svcs February 2021	\$1,338.49	\$0.00		\$1,338.49

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 Raney Planning & Management, Inc.</i>					\$7,495.84	\$0.00		\$7,495.84
Rex Lock & Safe, Inc.								
Rex Lock & Safe, Inc.	5/4/2021	5/4/2021	129527	Keys made	\$10.43	\$0.00		\$10.43
Rex Lock & Safe, Inc.	4/23/2021	4/23/2021	130998	Repair lock @ The Grove Park	\$1,073.26	\$0.00		\$1,073.26
<i>Totals for Rex Lock & Safe, Inc.</i>					\$1,083.69	\$0.00		\$1,083.69
Site One Landscape Supply, LLC								
Site One Landscape Supply, LLC	4/28/2021	4/28/2021	108494387-001	Irrigation parts	\$42.53	\$0.00		\$42.53
Site One Landscape Supply, LLC	4/27/2021	4/27/2021	108455945-001	Irrigation parts	\$375.19	\$0.00		\$375.19
Site One Landscape Supply, LLC	4/28/2021	4/28/2021	108494412-001	Irrigation parts	\$199.19	\$0.00		\$199.19
<i>Totals for Site One Landscape Supply, LLC</i>					\$616.91	\$0.00		\$616.91
Sprint Comm (PD)								
Sprint Comm (PD)	4/29/2021	4/29/2021	703335311-233	PD cell phones 3/26/21-4/25/21	\$715.52	\$0.00		\$715.52
<i>Totals for Sprint Comm (PD)</i>					\$715.52	\$0.00		\$715.52
Stericycle Inc								
Stericycle Inc	5/1/2021	5/1/2021	3005525718	Medical waste disposal	\$65.00	\$0.00		\$65.00
<i>Totals for Stericycle Inc</i>					\$65.00	\$0.00		\$65.00
Swenson's Mobile Fleet Repair								
Swenson's Mobile Fleet Repair	5/10/2021	5/10/2021	I002929	Service to Toro Groundsmanager	\$1,153.63	\$0.00		\$1,153.63
Swenson's Mobile Fleet Repair	5/6/2021	5/6/2021	I002891	Service to Toro Groundsmanager	\$3,006.76	\$0.00		\$3,006.76
<i>Totals for Swenson's Mobile Fleet Repair</i>					\$4,160.39	\$0.00		\$4,160.39
TRC Environmental Corporation								
TRC Environmental Corporation	4/29/2021	4/29/2021	471674	Project and personnel svcs through 4/23/21	\$5,054.61	\$0.00		\$5,054.61
<i>Totals for TRC Environmental Corporation</i>					\$5,054.61	\$0.00		\$5,054.61
Verizon Wireless								
Verizon Wireless	5/1/2021	5/1/2021	9878806927	PW cell phones 4/2/21-5/1/21	\$189.36	\$0.00		\$189.36
<i>Totals for Verizon Wireless</i>					\$189.36	\$0.00		\$189.36
Waraner Brothers Tree Service								
Waraner Brothers Tree Service	4/28/2021	4/28/2021	15660	Tree work Oak St	\$2,250.00	\$0.00		\$2,250.00
Waraner Brothers Tree Service	4/28/2021	4/28/2021	15661	Tree work Clayton Rd/Lydia Ln	\$450.00	\$0.00		\$450.00
Waraner Brothers Tree Service	4/28/2021	4/28/2021	15662	Tree work The Grove Park	\$9,975.00	\$0.00		\$9,975.00
Waraner Brothers Tree Service	4/28/2021	4/28/2021	15663	Tree work City Hall	\$1,695.00	\$0.00		\$1,695.00
Waraner Brothers Tree Service	4/28/2021	4/28/2021	15665	Tree work Library	\$1,995.00	\$0.00		\$1,995.00
Waraner Brothers Tree Service	4/28/2021	4/28/2021	15664	Tree work CCP	\$7,995.00	\$0.00		\$7,995.00
<i>Totals for Waraner Brothers Tree Service</i>					\$24,360.00	\$0.00		\$24,360.00
Western Exterminator								
Western Exterminator	5/3/2021	5/3/2021	13016C	Pest control April 2021	\$435.95	\$0.00		\$435.95

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 Western Exterminator</i>					<i>\$435.95</i>	<i>\$0.00</i>		<i>\$435.95</i>
Workers.com								
Workers.com	5/7/2021	5/7/2021	129787	Seasonal workers week end 5/02/21	\$1,812.22	\$0.00		\$1,812.22
Workers.com	4/30/2021	4/30/2021	129735	Seasonal workers week end 4/25/21	\$1,045.51	\$0.00		\$1,045.51
<i>Totals for Workers.com</i>					<i>\$2,857.73</i>	<i>\$0.00</i>		<i>\$2,857.73</i>
GRAND TOTALS:					\$177,208.92	\$0.00		\$177,208.92

CASH REQUIREMENTS

CASH REQUIRED FOR NEGOTIABLE CHECKS &/OR ELECTRONIC FUNDS TRANSFERS (EFT) FOR CHECK DATE 05/05/21: \$75,778.02

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)	75,778.02
	CASH REQUIRED FOR NEGOTIABLE CHECKS &/OR EFT	75,778.02
	TOTAL REMAINING DEDUCTIONS / WITHHOLDINGS / LIABILITIES	14,072.12
	CASH REQUIRED FOR CHECK DATE 05/05/21	89,850.14

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
05/04/21	BANK OF AMERICA, NA	xxxxxxx799	Direct Deposit	Net Pay Allocations	57,102.73	
05/04/21	BANK OF AMERICA, NA	xxxxxxx799	Direct Deposit	Deductions with Direct Deposit	603.50	57,706.23
05/04/21	BANK OF AMERICA, NA	xxxxxxx799	Readychex®	Check Amounts	1,485.51	1,485.51
				EFT FOR 05/04/21		59,191.74
05/05/21	BANK OF AMERICA, NA	xxxxxxx799	Taxpay®	Employee Withholdings		
				Social Security	145.70	
				Medicare	1,214.97	
				Fed Income Tax	10,194.96	
				CA Income Tax	3,592.44	
				Total Withholdings	15,148.07	
				Employer Liabilities		
				Social Security	145.70	
				Medicare	1,214.96	
				Fed Unemploy	14.10	
				CA Unemploy	61.10	
				CA Emp Train	2.35	
				Total Liabilities	1,438.21	16,586.28
				EFT FOR 05/05/21		16,586.28
				TOTAL EFT		75,778.02



STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: BILL STRACKER, P.E., CITY ENGINEER

DATE: MAY 18, 2021

SUBJECT: A RESOLUTION ORDERING THE LEVYING OF A SPECIAL TAX FOR FY 2021/22 WITHIN THE HIGH STREET PERMANENT ROAD DIVISION FOR THE REPAYMENT OF FUNDS ADVANCED FOR THE RECONSTRUCTION OF THE BRIDGE AND FUTURE MAINTENANCE PURSUANT TO THE STREETS AND HIGHWAY CODE, ARTICLE 3, SECTION 1173, et seq.

RECOMMENDATION

Approve the attached Resolution.

BACKGROUND

The High Street Permanent Road Division was formed in 1999 providing a mechanism for included property owners to repay funds advanced by the City for the reconstruction of High Street Bridge over Mitchell Creek. In addition to capital repayment, the annual levy includes funds for the long-term maintenance of the bridge.

The City agreed to fund half the cost of the bridge and the remainder was to be paid by the property owners within the Division. The former Clayton Redevelopment Agency (now the "Successor Agency" by state dissolution law) funded the reconstruction of the bridge and repayment was spread over 30 years with a 6% interest rate. In addition, the annual levy includes an amount of \$60 per parcel dedicated to future bridge maintenance. The City has absorbed all of the administrative costs. Through the end of FY 2020-21, \$84,878.44 will have been collected towards the construction and interest costs (including \$5,288.78 from John Morgan in January, 2014 to pay off his bridge assessment), and \$5,400.00 for future maintenance.

In the Resolution it is noted there are varying levy amounts. These amounts were based on a formula negotiated with the property owners when the Division was formed.

The first assessment for the repayment of the bridge construction costs was levied in FY 1999/00 and the final assessment for construction costs will be levied in FY 2028/29. It should be noted the portion of the assessment for bridge maintenance will continue indefinitely.

FISCAL IMPACT

This year's annual assessment will produce \$1,754.00 in FY 2021/22. If this Resolution is not approved, money owed to the Successor Agency by the property owners will not be repaid and funds will not be available for future bridge maintenance.

CONCLUSION

Based upon the above, staff recommends the City Council approve this Resolution levying a special tax in FY 2021/22 on the parcels located within the High Street Permanent Road Division.

Attachments: Resolution Levying a Special Tax [2 pp.]

RESOLUTION NO. XX- 2021

**A RESOLUTION ORDERING THE LEVYING OF A SPECIAL TAX FOR FY 2021/22
WITHIN THE HIGH STREET PERMANENT ROAD DIVISION FOR THE REPAYMENT
OF FUNDS ADVANCED FOR THE RECONSTRUCTION OF THE BRIDGE AND
FUTURE MAINTENANCE PURSUANT TO THE STREETS AND HIGHWAY CODE,
ARTICLE 3, SECTION 1173, et seq.**

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

WHEREAS, by passage of Resolution 34-98, the City Council ordered the formation of the High Street Permanent Road Division for the purpose of reconstructing and maintaining the High Street Bridge over Mitchell Creek; and

WHEREAS, the City Council received petitions, signed by a majority of the property owners within the Division, requesting construction of a new bridge over Mitchell Creek and the levy of a special tax to pay for the construction and for the future maintenance of the bridge; and

WHEREAS, the City Council called for an election on February 26, 1999 to approve the levy of a special tax; and

WHEREAS, the City Clerk and City Engineer then certified that ballots approving the special tax were received from more than two-thirds of the property owners in both number and valuation; and

WHEREAS, said special tax approved must be re-levied each fiscal year;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of Clayton, California as follows:

1. The City Council does hereby order the levy of special taxes for FY 2021/22 on those parcels within the High Street Permanent Road Division for the reconstruction and maintenance of the bridge over Mitchell Creek.

2. The annual tax rates for each parcel for the reconstruction and maintenance shall be as follows:

APN	Current Owner	Reconstruction	Bridge Maintenance	Total
119-050-036	Clayton Community Church, Inc.	\$545.00	\$60.00	\$605.00
119-050-008	City of Clayton	\$0.00	\$60.00	\$60.00
119-040-023	Morgan	\$0.00	\$60.00	\$60.00
119-040-024	Davis	\$364.00	\$60.00	\$424.00
119-040-021	Utley	\$545.00	\$60.00	\$605.00

3. Said special taxes shall be levied and collected by the County of Contra Costa along with the regular property taxes.

PASSED, APPROVED and ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 18th day of May 2021 by the following vote:

AYES:

NOES:

ABSENT:

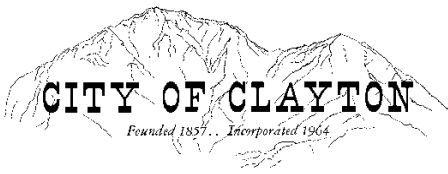
ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Carl Wolfe, Mayor

ATTEST:

Janet Calderon, City Clerk



STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: BILL STRACKER, P.E., CITY ENGINEER

DATE: MAY 18, 2021

SUBJECT: A RESOLUTION CONFIRMING THE LEVY OF ASSESSMENTS FOR FY 2021/22 WITHIN THE LYDIA LANE SEWER ASSESSMENT DISTRICT FOR THE REPAYMENT OF BONDS ISSUED FOR THE CONSTRUCTION OF MUNICIPAL SANITARY SEWERS

RECOMMENDATION

Approve the attached Resolution.

BACKGROUND

The Lydia Lane Sewer Assessment District was formed to fund the installation of sanitary sewers and sewer laterals in the Lydia Lane and Verna Way area south of Clayton Road.

The City issued bonds as funding for district formation and construction of the sewer improvements. The bonds are to be repaid by the real property owners through annual assessments collected by the County with their property taxes. Along with the principal and interest, the assessments also include an administrative fee of \$150.00 per parcel to cover District overhead costs.

The first assessment was levied in FY 2002/03 and the final assessment will be levied in FY 2031/32.

The attached resolution confirms the proposed assessments for fiscal year 2020/21.

FISCAL IMPACT

Annual assessments yield approximately \$16,899.68 for the District for FY 2021/22. If this Resolution is not approved, the City would have to pursue separate action against each real property owner to collect the monies due or default on the bonds.

CONCLUSION

Based upon the above, staff recommends the City Council approve the Resolution confirming the levy of annual assessments for the Lydia Lane Sewer Assessment District.

Attachments: Resolution Confirming Assessments [3 pp.]

RESOLUTION NO. XX-2021

**A RESOLUTION CONFIRMING THE LEVY OF ASSESSMENTS FOR
FY 2021/22 WITHIN THE LYDIA LANE SEWER ASSESSMENT DISTRICT
FOR THE REPAYMENT OF BONDS ISSUED FOR THE CONSTRUCTION
OF MUNICIPAL SANITARY SEWERS**

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

WHEREAS, by passage of Resolution 36-2002, the City Council ordered the formation of the Lydia Lane Sewer Assessment District in accordance with and pursuant to the Municipal Improvement Act of 1913; and

WHEREAS, the City of Clayton issued and sold bonds in the amount of \$228,332.00 to fund the construction of municipal sanitary sewer Improvements in the Lydia Lane Assessment District which must be repaid by the real property owners within the assessment district; and

WHEREAS, the repayment of the bond costs by the real property owners is provided through the levy of annual assessments, for principal, interest and administrative costs, on each real property owner's County property tax bill; and

WHEREAS, the proposed assessments for Fiscal Year 2021/22 are shown on Exhibit A attached hereto;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of Clayton, California as follows:

1. The City Council does hereby order the levy of assessments for FY 2021/22 on those parcels within the Lydia Lane Sewer Assessment District for repayment of bonds issued for the construction of municipal sanitary sewers within the assessment district.

2. The annual assessment for each parcel in each assessment district zone shall be as shown on Exhibit A attached hereto.

3. The assessments shall be levied and collected by the County of Contra Costa along with the regular property taxes.

PASSED, APPROVED and ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 18th day of May 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Carl Wolfe, Mayor

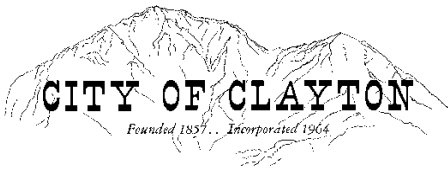
ATTEST:

Janet Calderon, City Clerk

EXHIBIT A

ANNUAL ASSESSMENT AMOUNTS FOR FY 2021/22 FOR THE LYDIA LANE SEWER ASSESSMENT DISTRICT

Lydia Lane Sewer Assessment District	
Parcel ID (APN)	Amount
120-042-005	\$895.28
120-042-006	\$895.28
120-043-007	\$895.28
120-043-009	\$895.28
120-051-007	\$1,109.88
120-051-008	\$1,109.88
120-051-010	\$1,109.88
120-052-003	\$1,109.88
120-052-004	\$1,109.88
120-052-005	\$1,109.88
120-052-006	\$1,109.88
120-052-009	\$1,109.88
120-052-011	\$1,109.88
120-052-015	\$1,109.88
120-052-016	\$1,109.88
120-052-017	\$1,109.88
Total Assessment	\$16,899.68



STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Bill Stracker, P.E., CITY ENGINEER

DATE: May 18, 2021

SUBJECT: A RESOLUTION ORDERING THE LEVY OF A SPECIAL TAX FOR FY 2021/22 WITHIN THE OAK STREET PERMANENT ROAD DIVISION FOR THE REPAYMENT OF FUNDS ADVANCED FOR THE RECONSTRUCTION OF THE BRIDGE AND FUTURE MAINTENANCE PURSUANT TO THE STREETS AND HIGHWAY CODE, ARTICLE 3, SECTION 1173, et seq.

RECOMMENDATION

Approve the attached Resolution.

BACKGROUND

The Oak Street Permanent Road Division was formed in 2000 to provide a mechanism for the included property owners to repay the City for funds advanced for the reconstruction of the Oak Street Bridge over Mitchell Creek. In addition, a portion of the annual levy is set aside to provide funds for the maintenance of the private portion of Oak Street.

The Redevelopment Agency funded the reconstruction of the bridge and repayment was spread over 20 years with a 7% interest rate. In addition, the annual levy has included an amount of \$350 per parcel dedicated to future road maintenance and \$92.01 per parcel for Division administrative fees (10% of the levy for bridge construction and maintenance).

The assessment portion for the bridge construction has been paid. A bridge maintenance cost and District administrative fee remain in the special tax funds. Those costs remain in the Resolution as an annual charge. It is noted that seven parcels have a levy of \$220.00, and two have levies of \$110.00. The original Division included 8 parcels, all levied equally. Since that time, one parcel was subsequently subdivided (Caspar) and that levy was reapportioned equally between the two lots.

The first assessment for the repayment of the bridge construction costs was levied in FY 2000/01 and the final assessment for construction costs was levied in FY 2019/20. It should

be noted the portion of the assessment for maintenance and Division administration will continue indefinitely.

FISCAL IMPACT

If this Resolution is not approved, money owed the Successor Agency for construction of the bridge by the affected property owners will not be repaid. The annual assessment for this fiscal year will produce a total of \$1,760.00.

CONCLUSION

Based upon the above, staff recommends the City Council approve this Resolution levying a special tax in FY 2021/22 on the parcels located within the Oak Street Permanent Road Division.

Attachments: Resolution Levying a Special Tax [2 pp.]

RESOLUTION NO. XX- 2021

**A RESOLUTION ORDERING THE LEVY OF A SPECIAL TAX FOR FY 2021/22
WITHIN THE OAK STREET PERMANENT ROAD DIVISION FOR THE REPAYMENT
OF FUNDS ADVANCED FOR THE RECONSTRUCTION OF THE BRIDGE AND
FUTURE MAINTENANCE PURSUANT TO THE STREETS AND HIGHWAY CODE,
ARTICLE 3, SECTION 1173, et seq.**

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

WHEREAS, by passage of Resolution 66-99, the City Council ordered the formation of the Oak Street Permanent Road Division for the purpose of reconstructing and maintaining the Oak Street Bridge over Mitchell Creek and maintaining the private portion of Oak Street; and

WHEREAS, the City Council received petitions, signed by a majority of the property owners within the Division, requesting construction of a new bridge over Mitchell Creek and the levy of a special tax to pay for the construction and for the future maintenance of the bridge and road; and

WHEREAS, the City Council called for an election on May 1, 2000, to approve the levying of a special tax; and

WHEREAS, the City Clerk and City Engineer then certified that ballots approving the special tax were received from more than two-thirds of the property owners in both number and valuation; and

WHEREAS, the special tax approved must be re-levied each fiscal year;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of Clayton, California as follows:

1. The City Council does hereby order the levy of special taxes for FY 2021/22 on those parcels within the Oak Street Permanent Road Division for the maintenance of the bridge over Mitchell Creek and the maintenance of the private portion of Oak Street.

2. The annual tax rates for each parcel for the maintenance shall be as

follows:

APN	Owner	Construction	Bridge Maintenance	Division Admin.	Total
119-040-027	Law	\$0.00	\$200.00	\$20.00	\$220.00
119-040-028	Schwitters	\$0.00	\$200.00	\$20.00	\$220.00
119-040-029	Gonzalez	\$0.00	\$200.00	\$20.00	\$220.00
119-040-030	Ludlow	\$0.00	\$200.00	\$20.00	\$220.00
119-040-031	Mrozowski	\$0.00	\$200.00	\$20.00	\$220.00
119-040-032	Hemstalk	\$0.00	\$200.00	\$20.00	\$220.00
119-040-033	Webb	\$0.00	\$200.00	\$20.00	\$220.00
119-040-036	Caspar	\$0.00	\$100.00	\$10.00	\$110.00
119-040-037	Caspar	\$0.00	\$100.00	\$10.00	\$110.00

3. The special taxes shall be levied and collected by the County of Contra Costa, California along with the regular property taxes in FY 2021/22.

PASSED, APPROVED and ADOPTED by the City Council of Clayton, California at a regular public meeting of said Council held on May 18, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Carl Wolfe, Mayor

ATTEST:

Janet Calderon, City Clerk



STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: BILL STRACKER P.E., CITY ENGINEER

DATE: May 18, 2021

SUBJECT: A RESOLUTION CONFIRMING THE LEVYING OF ASSESSMENTS FOR FY 2021/22 WITHIN THE OAK STREET SEWER ASSESSMENT DISTRICT FOR THE REPAYMENT OF BONDS ISSUED FOR THE CONSTRUCTION OF MUNICIPAL SANITARY SEWERS

RECOMMENDATION

Approve the attached Resolution.

BACKGROUND

The Oak Street Sewer Assessment District was formed to fund the construction of sanitary sewer improvements to the following real properties:

<u>Parcel ID (APN)</u>	<u>Street Address</u>
119-040-021	5950 High Street
119-040-023	5900 High Street
119-040-024	6000 High Street
119-040-027	929 Oak Street
119-040-028	920 Oak Street
119-040-030	937 Oak Street
119-040-032	949 Oak Street
119-040-033	951 Oak Street
119-040-036	945 Oak Street
119-040-037	(None) Oak Street
119-050-036	1027 Pine Hollow Ct.

The City issued bonds to provide funding for the formation of the District and the construction of the sewer improvements. The bonds are being repaid by the real property owners through annual assessments collected by the County with each real property owner's taxes. In addition

to the principal and interest costs, assessments include an administrative fee of \$150.00 per parcel to cover the District's overhead costs.

In May, 2015, Mr. Morgan paid off the assessment on APN 119-040-023.

The first assessment was levied in FY 2003/04 and the final assessment will be levied in FY 2026/27.

The attached resolution confirms the proposed assessments for fiscal year 2021/22.

FISCAL IMPACT

The FY 2021/22 assessments will yield approximately \$11,309 for the District. If this Resolution is not approved, the City will have to pursue separate action against each property owner for collection or the City will default on the bonds.

CONCLUSION

Based upon the above, staff recommends the City Council approve this Resolution confirming the levying of annual assessments in the Oak Street Sewer Assessment District.

Attachments: Resolution Confirming Assessments [3 pp.]

RESOLUTION NO. XX-2021

**A RESOLUTION CONFIRMING THE LEVYING OF ASSESSMENTS FOR
FY 2021/22 WITHIN THE OAK STREET SEWER ASSESSMENT DISTRICT
FOR THE REPAYMENT OF BONDS ISSUED FOR THE CONSTRUCTION OF
MUNICIPAL SANITARY SEWERS**

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

WHEREAS, by passage of Resolution 62-2002, the City Council ordered the formation of the Oak Street Sewer Assessment District in accordance with and pursuant to the Municipal Improvement Act of 1913; and

WHEREAS, the City of Clayton issued bonds in the amount of \$187,000.00 to fund the construction of municipal sanitary sewers in the Oak Street Assessment District which must be repaid by the real property owners within the assessment district; and

WHEREAS, the repayment of the bond costs by the real property owners is provided through the levy of an annual assessment, for principal, interest and administrative costs, on each property owner's County property tax bill; and

WHEREAS, the proposed assessments for Fiscal Year 2021/22 are shown on Exhibit A attached hereto;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of Clayton, California as follows:

1. The Council hereby orders the levy of assessments for FY 2021/22 on those parcels within the Oak Street Sewer Assessment Districts for repayment of bonds issued for the construction of municipal sanitary sewers within the assessment district.
2. The annual assessment for each parcel in each assessment district shall be as shown on Exhibit A attached hereto.

3. The assessments shall be levied and collected by the County along with the regular property taxes.

PASSED, APPROVED and ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on May 18, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Carl Wolfe, Mayor

ATTEST:

Janet Calderon, City Clerk

EXHIBIT A

ANNUAL ASSESSMENT AMOUNTS FOR FY 2021/22 FOR THE OAK STREET SEWER ASSESSMENT DISTRICT

Oak Street Sewer Assessment District	
Parcel ID (APN)	Amount
119-040-021	\$1,130.91
119-040-024	\$1,130.91
119-040-027	\$1,130.91
119-040-028	\$1,130.91
119-040-030	\$1,130.91
119-040-032	\$1,130.91
119-040-033	\$1,130.91
119-040-036	\$1,130.91
119-040-037	\$1,130.91
119-050-036	\$1,130.91
Total Assessment	\$11,309.10



AGENDA REPORT

TO: Honorable Mayor and Councilmembers

FROM: Reina Schwartz, City Manager

DATE: May 18, 2021

SUBJECT: Receive and File the Letter of Support for Assembly Bill 988, known as the Miles Hall Lifeline Act to Implement the National 988 Mental Health Emergency Response System in California

RECOMMENDATION

Receive and file.

BACKGROUND

At the City Council meeting of May 4, 2021, Mayor Wolfe requested a letter of support for Assembly Bill 988, known as the Miles Hall Lifeline Act, implementing the National 988 Mental Health Emergency Response System in California. The letter was completed and sent on May 6, 2021 and is attached for the City Council's information.

FISCAL IMPACT

None.

Attachments: - Letter of Support



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

May 6, 2021

The Honorable Lorena Gonzalez, Chair
Assembly Appropriations Committee
California State Capitol, Room 2114
Sacramento, CA 95814

RE: AB 988 (Bauer-Kahan) The Miles Hall Lifeline Act – SUPPORT

Dear Chair Gonzalez:

On behalf of the City of Clayton, I write to express strong support for Assembly Bill 988, known as the Miles Hall Lifeline Act, to implement the national 988 mental health emergency response system in California so that everyone experiencing a mental health crisis can access life-saving care.

In October of 2020, both chambers of Congress unanimously passed, and the President signed historic legislation, the National Suicide and Mental Health Crisis Hotline Designation Act, establishing a new phone line (988) for suicide prevention and immediate mental health crisis response nationwide. Before July 2022, when 988 goes live, states must create a framework to receive and respond to calls.

This new emergency response system, which would be implemented in California through AB 988, will connect callers with around-the-clock intervention, including mobile crisis support teams staffed by mental health professionals and trained peers instead of police officers.

Our dysfunctional and disjointed mental health crisis response system relies on law enforcement and confinement and puts people suffering from mental illness through an expensive and traumatizing revolving-door as they shuttle between jails, emergency rooms, and the streets.

AB 988 creates a comprehensive crisis response system that can help break this cycle, save money, and increase access to the right kind of care.

AB 988 provides California with an unprecedented opportunity to leverage funds to transform our mental health crisis response system, save lives, and create significant cost savings to the state and local governments as it:

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

1. Includes a user fee on access lines to fund the critical infrastructure of the 988 system;
2. Draws down on federal reimbursement rates and grants to offset costs to the state and local governments;
3. Builds upon existing investments and makes use of recently enacted parity legislation (SB 855, 2020) to link and expand our existing crisis response system while keeping the user fee low for Californians; and
4. Offers a significant return on investments as high as \$7 to \$1 in law enforcement, EMS, and hospital savings.

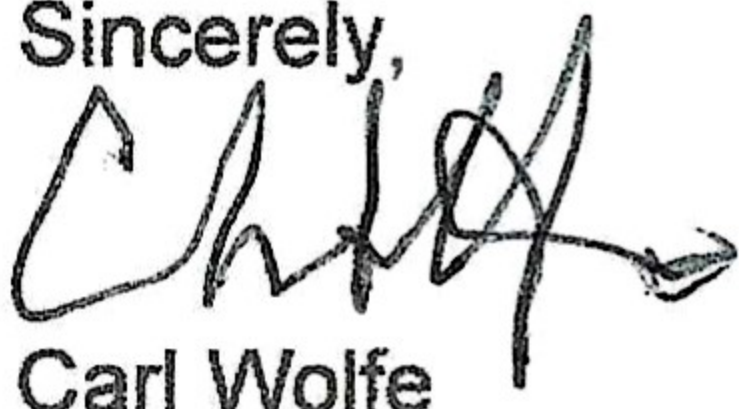
AB 988 enjoys bi-partisan co-authorship from one quarter of the Legislature. The bill is also supported by a wide range of consumer advocates, health care providers, and others including the National Union of Health Care Workers, the National Association of Social Workers, the City of San Diego, NAMI of California, Mental Health America of California, American Foundation for Suicide Prevention, California Psychological Association, and the California Pan-Ethnic Health Network as well as more than 2,500 hundred individuals.

California has an extraordinary opportunity to transform our mental health crisis response system, without typical cost pressures -- in fact, AB 988 will create profound cost savings for the state and local governments. More than simple cost savings, AB 988 will save countless lives by expanding access to vital mental health resources all through one easy-to-remember three-digit number.

The City of Clayton believes this is a critical first step in enhancing assistance to local residents who are in critical need or to provide access to mental health resources and trained professionals in local communities. Further, the bill is consistent with a strong regional effort here in Contra Costa County that is working on ways to improve 24/7 mental health crisis response for those suffering from mental health challenges and their families.

For these reasons, we proudly support AB 988 and respectfully request your strong support when it comes before your committee.

Sincerely,



Carl Wolfe

Mayor, City of Clayton

Cc: Assemblymember Tim Grayson, 14th District
Senator Steve Glazier, 7th District
Clayton City Council
City Manager
Police Chief

**recognizing
June
as
LGBTQI+ Pride Month
in the City of Clayton**

WHEREAS, the City of Clayton is a welcoming community and an exceptional place to live, work and visit; and

WHEREAS, the City of Clayton is strengthened by diversity of ethnic, cultural, racial, gender and sexual identities of its residents, all of whom contribute to the vibrant character of our City; and

WHEREAS, the City of Clayton has a diverse Lesbian, Gay, Bisexual, Transgender, Queer/Questioning, Intersex, Plus (LGBTQI+) community, and is committed to supporting visibility, dignity and equality for all community members so that all residents can live free from discrimination; and

WHEREAS, various advancements have been made with respect to equitable treatment of LGBTQI+ persons throughout the nation, there continues to be some opposition against people from this community and around the world making it important for cities like Clayton to stand up and show support for our residents who are affected; and

WHEREAS, several cities across the United States, in California and in Contra Costa County recognize and celebrate June as LGBTQI+ Pride Month; and

WHEREAS, June has become a symbolic month in which LGBTQI+ people, and supporters come together in various celebrations of pride; and

WHEREAS, the rainbow flag, also known as the LGBTQI+ pride flag or gay pride flag, has been used since the 1970's as a symbol of LGBTQI+ pride and social movements; and

WHEREAS, flying the rainbow flag at City Hall and other City owned and maintained flagpoles throughout the month of June further symbolizes the City's celebration of diversity and support for the LGBTQI+ community.

Now, Therefore, I, Carl Wolfe, Mayor, and on behalf of the entire Clayton City Council, hereby proclaim the month of June as "LGBTQI+ Pride Month" in Clayton, California, and invites everyone to reflect on ways in which we all can live and work together with a commitment to mutual respect and understanding, and further, recognizes Pride Month by flying the rainbow flag at several City flagpoles during the month of June.



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: Reina Schwartz, City Manager

DATE: May 18, 2021

SUBJECT: ADOPT RESOLUTION AWARDING A PROFESSIONAL SERVICES AGREEMENT TO MIG FOR UPDATE TO CLAYTON HOUSING ELEMENT AND APPROPRIATING UP TO \$330,000 FROM THE RAINY DAY FUND FOR THE PROJECT

RECOMMENDATION

It is recommended that the City Council adopt a Resolution awarding a Professional Services Agreement to MIG for an update to the Clayton Housing Element and appropriating up to \$330,000 from the Rainy Day Fund for the Project.

BACKGROUND

Since 1969, the State of California has required each local government to plan for its share of the state's housing needs for people of all income levels. The CA Department of Housing and Community Development (HCD) determines the total number of new homes the Bay Area needs to build, and how affordable those homes need to be, in order to meet the housing needs at all income levels. Through the Regional Housing Needs Allocation (RHNA) process, every local jurisdiction is assigned a number of housing units representing its share of the state's housing needs for an eight-year production cycle.

The State then directs regional agencies, in Clayton's case the Association of Bay Area Governments (ABAG), to develop a methodology for distributing the Bay Area's portion of the state housing needs to local governments within the nine-county region. On October 1, 2020, the ABAG Executive Board selected a methodology using data from the Plan Bay Area 2050 Final Blueprint with 35 long-term strategies to be implemented over the next 30 years. The weights and factors for the draft methodology informed each jurisdiction's RHNA allocation. The three major factors considered were Access to High Opportunity Areas (based on higher income, better performing schools and better quality of life as it relates to air quality, open space, etc.) and job proximity via both auto and transit. Access to High Opportunity Areas was weighted 40% in the allocation of moderate and above moderate units and 70% in the allocation of very low- and low-income units.

Local governments will receive the final allocations in late 2021. The proposed allocation for the City of Clayton includes an anticipated total of 570 units, compared to 141 units in the current RHNA cycle. The breakdown of income categories is as follows:

- | | |
|--|-----|
| • Extremely low-income and very low-income units | 170 |
| • Low-Income units | 97 |
| • Moderate-income units | 84 |
| • Above moderate-income units | 219 |

While the City will have an opportunity to appeal the RHNA allocation to ABAG, based on the experience of other jurisdictions across the state, it is unlikely the City will prevail, and thus, the City should plan to accommodate the RHNA allocation through appropriate amendments to the City's zoning and other housing policies.

DISCUSSION

The Housing Element (a mandatory element of the General Plan) is a set of goals and policies adopted by jurisdictions that guide long-term decision-making around housing. At its core, a housing element is an opportunity to have a community conversation about how to address local housing challenges, develop policies and find solutions. The housing element is the blueprint for how the City will grow and address changing needs for housing development.

Every eight years, all jurisdictions must update their housing element and have it certified by HCD. The upcoming 6th Cycle Housing Element will cover the period of 2023-2031 and must incorporate new state housing laws, the RHNA allocation and public engagement. The 6th Cycle Housing Element will build on the City's previously adopted 2015-2023 Housing Element. This 6th Cycle Housing Element will be more complex as it must respond to the current housing crisis, the Housing Affordability Act (HAA) and the four-fold increase in the number of housing units allocated to Clayton. A housing element analysis includes housing trends, zoning, economic and market constraints, and approaches to meeting housing needs across various income levels. A key component of housing elements is a Sites Inventory where the City will need to identify (as it did in the last cycle) where the City has sufficient land zoned for housing (or available for re-zoning in some circumstances) to meet the future need.

Currently, if the City does not comply with state law to adopt a compliant housing element, it can be sued and lose eligibility for certain funding sources. In addition to facing significant court costs and fines, a court may limit local land use decision-making authority until the jurisdiction brings its housing element into compliance. Additionally, local governments may lose the ability to deny certain projects.

On March 16, 2021, the City Council authorized staff to issue a Request for Proposals ("RFP") in order to solicit Proposals to provide Clayton's 6th Cycle Housing Element Update (2023-2031). By the deadline of April 23, 2021, the City received two proposals: 1) 4Leaf, Inc. and 2) MIG, Inc.. Per the criteria identified in the RFP, the proposals were evaluated on the basis of: Experience; Qualifications; Schedule; Process/Approach; References and Cost Effectiveness.

Both firms have relevant experience, comparable approaches and very similar costs. Staff recommends that the City Council authorize award of the agreement to MIG primarily based

on the familiarity that MIG has with Clayton and the ability to coordinate and leverage the work MIG is already doing for the City on the outreach and charette process for the City's downtown property.

CEQA COMPLIANCE

One component of the work in updating the Housing Element is the required environmental documentation in compliance with the California Environmental Quality Act (CEQA, Public Resources Code Section 21000 *et seq.*) The level of environmental documentation required will depend on the potential environmental impacts of implementing the Housing Element, and it will significantly affect the ultimate cost of the Housing Element update. The environmental review will begin with an Initial Study, which will evaluate whether the Housing Element would have significant environmental impacts and whether those impacts can be mitigated. If no significant environmental impacts are found (or if the impacts can be mitigated), a Negative Declaration (or Mitigated Negative Declaration) can be prepared. If, however there are significant unavoidable environmental impacts that would result from implementing the Housing Element, the City will work with MIG to complete an Environmental Impact Report.

FISCAL IMPACT

The City has received two grants which can assist in funding this project: a State of California Local Early Action Planning (LEAP) grant of \$65,000, and a Regional Early Action Plan (REAP) grant of \$20,000. Beyond these grants, however, there is no General Fund allocation in the FY2020/21 Budget or anticipated to be available in the FY2021/22 Budget to fund the rest of the costs of the project.

At the time the City Council authorized release of the RFP, the total cost of the project was estimated at \$235,000, with an assumption that a Negative Declaration or Mitigated Negative Declaration would be needed. Based on the Proposal from MIG, the cost of the project if a Negative Declaration is sufficient for CEQA compliance is \$236,000. If, however, the full Environmental Impact Report is required, total project cost is anticipated to be \$415,000, or \$180,000 greater than without the EIR.

Based on a range of \$236,000 to \$415,000 for the Housing Element Update, staff recommends that the City Council authorize an appropriation of a minimum of \$151,000 up to a maximum of \$330,000 from the City's "Rainy Day" Fund as a one-time transfer and expense to be combined with the \$85,000 in grant funds to fully fund the project. Staff will work with MIG to minimize costs wherever possible while producing a strong and supportable Housing Element for Clayton. The requested appropriation from the Rainy Day fund will leave approximately \$178,000 available in the Rainy Day fund for additional projects or other City Council priorities.

ATTACHMENTS

- A. Resolution
- B. Professional Services Agreement
- C. Proposal from MIG

RESOLUTION NO. ____-2021

A RESOLUTION AWARDDING A PROFESSIONAL SERVICES AGREEMENT TO MIG, INC. TO UPDATE TO CLAYTON HOUSING ELEMENT, AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT AND APPROPRIATING UP TO \$330,000 FROM THE RAINY DAY FUND FOR THE PROJECT

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

WHEREAS, through the Regional Housing Needs Allocation (RHNA) process, every local jurisdiction is assigned a number of housing units representing its share of the state's housing needs for an eight-year production cycle;

WHEREAS, the proposed allocation for the City of Clayton includes an anticipated total of 570 units, compared to 141 units in the current RHNA cycle;

WHEREAS, on March 16, 2021 the City Council authorized the release of a Request for Proposals to assist Clayton in preparing its next Housing Element Update;

WHEREAS, on April 23, 2021 Clayton received two proposals in response to the RFP;

WHEREAS, staff have evaluated the proposals and recommend awarding the agreement to MIG;

WHEREAS, Clayton has received two grants to assist with the cost of the Housing Element Update; and

WHEREAS, additional funding will be required to complete the Housing Element Update.

NOW THEREFORE, BE IT RESOLVED, the City Council of the City of Clayton does determine the foregoing recitals are true and correct and hereby:

1. Authorizes the City Manager to execute a Professional Services Agreement with MIG, Inc. for Clayton's 6th Cycle Housing Element Update;
2. Appropriates a State of California Local Early Action Planning (LEAP) grant of \$65,000, and a Regional Early Action Plan (REAP) grant of \$20,000; and
3. Appropriates a minimum of \$151,000 up to a maximum of \$330,000 from the Rainy Day Fund to fully fund the project.

ADOPTED by the City Council of Clayton, California at a regular public meeting held on the 18th day of May, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Carl Wolfe, Mayor

ATTEST:

Janet Calderon, City Clerk

**CITY OF CLAYTON
PROFESSIONAL SERVICES AGREEMENT**

This Agreement is made and entered into on May 18, 2021 by and between the City of Clayton, a municipal corporation organized and operating under the laws of the State of California with its principal place of business at 6000 Heritage Trail, Clayton, California 94517 ("City"), and MIG, Inc., a C-Corporation with its principal place of business at 800 Hearst Avenue, Berkeley, CA 94710 (hereinafter referred to as "Consultant"). City and Consultant are sometimes individually referred to as "Party" and collectively as "Parties" in this Agreement.

RECITALS

A. City is a public agency of the State of California and is in need of professional services for the following project: 6th RHNA Cycle Housing Element Update (hereinafter referred to as "the Project").

B. Consultant is duly licensed and has the necessary qualifications to provide such services.

C. The Parties desire by this Agreement to establish the terms for City to retain Consultant to provide the services described herein.

AGREEMENT

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Services.

Consultant shall provide the City with the services described in the Scope of Services attached hereto as Exhibit "A."

2. Compensation.

a. Subject to paragraph 2(b) below, the City shall pay for such services in accordance with the Schedule of Charges set forth in Exhibit "A."

b. In no event shall the total amount paid for services rendered by Consultant under this Agreement exceed the sum of \$415,000. This amount is to cover all printing and related costs, and the City will not pay any additional fees for printing expenses. Periodic payments shall be made within 30 days of receipt of an invoice which includes a detailed description of the work performed. Payments to Consultant for work performed will be made on a monthly billing basis.

3. Additional Work.

If changes in the work seem merited by Consultant or the City, and informal consultations with the other party indicate that a change is warranted, it shall be processed in the following manner: a letter outlining the changes shall be forwarded to the City by Consultant with a

statement of estimated changes in fee or time schedule. An amendment to this Agreement shall be prepared by the City and executed by both Parties before performance of such services, or the City will not be required to pay for the changes in the scope of work. Such amendment shall not render ineffective or invalidate unaffected portions of this Agreement.

4. Maintenance of Records.

Books, documents, papers, accounting records, and other evidence pertaining to costs incurred shall be maintained by Consultant and made available at all reasonable times during the contract period and for four (4) years from the date of final payment under the contract for inspection by City.

5. Time of Performance.

Consultant shall perform its services in a prompt and timely manner and shall commence performance upon receipt of written notice from the City to proceed ("Notice to Proceed"). The agreement will expire on June 30, 2023 unless there is a mutually agreed to extension. The Notice to Proceed shall set forth the date of commencement of work.

6. Delays in Performance.

a. Neither City nor Consultant shall be considered in default of this Agreement for delays in performance caused by circumstances beyond the reasonable control of the non-performing party. For purposes of this Agreement, such circumstances include but are not limited to, abnormal weather conditions; floods; earthquakes; fire; epidemics; war; riots and other civil disturbances; strikes, lockouts, work slowdowns, and other labor disturbances; sabotage or judicial restraint.

b. Should such circumstances occur, the non-performing party shall, within a reasonable time of being prevented from performing, give written notice to the other party describing the circumstances preventing continued performance and the efforts being made to resume performance of this Agreement.

7. Compliance with Law.

a. Consultant shall comply with all applicable laws, ordinances, codes and regulations of the federal, state and local government, including Cal/OSHA requirements.

b. If required, Consultant shall assist the City, as requested, in obtaining and maintaining all permits required of Consultant by federal, state and local regulatory agencies.

c. If applicable, Consultant is responsible for all costs of clean up and/ or removal of hazardous and toxic substances spilled as a result of his or her services or operations performed under this Agreement.

8. Standard of Care

Consultant's services will be performed in accordance with generally accepted professional practices and principles and in a manner consistent with the level of care and skill ordinarily exercised by members of the profession currently practicing under similar conditions.

9. Assignment and Subconsultant

Consultant shall not assign, sublet, or transfer this Agreement or any rights under or interest in this Agreement without the written consent of the City, which may be withheld for any reason. Any attempt to so assign or so transfer without such consent shall be void and without legal effect and shall constitute grounds for termination. Subcontracts, if any, shall contain a provision making them subject to all provisions stipulated in this Agreement. Nothing contained herein shall prevent Consultant from employing independent associates, and subconsultants as Consultant may deem appropriate to assist in the performance of services hereunder.

10. Independent Consultant

Consultant is retained as an independent contractor and is not an employee of City. No employee or agent of Consultant shall become an employee of City. The work to be performed shall be in accordance with the work described in this Agreement, subject to such directions and amendments from City as herein provided.

11. Insurance. Consultant shall not commence work for the City until it has provided evidence satisfactory to the City it has secured all insurance required under this section. In addition, Consultant shall not allow any subcontractor to commence work on any subcontract until it has secured all insurance required under this section.

a. Commercial General Liability

(i) The Consultant shall take out and maintain, during the performance of all work under this Agreement, in amounts not less than specified herein, Commercial General Liability Insurance, in a form and with insurance companies acceptable to the City.

(ii) Coverage for Commercial General Liability insurance shall be at least as broad as the following:

(1) Insurance Services Office Commercial General Liability coverage (Occurrence Form CG 00 01) or exact equivalent.

(iii) Commercial General Liability Insurance must include coverage for the following:

- (1) Bodily Injury and Property Damage
- (2) Personal Injury/Advertising Injury
- (3) Premises/Operations Liability
- (4) Products/Completed Operations Liability
- (5) Aggregate Limits that Apply per Project
- (6) Explosion, Collapse and Underground (UCX) exclusion deleted
- (7) Contractual Liability with respect to this Contract
- (8) Broad Form Property Damage
- (9) Independent Consultants Coverage

(iv) The policy shall contain no endorsements or provisions limiting coverage for (1) contractual liability; (2) cross liability exclusion for claims or suits by one insured against another; (3) products/completed operations liability; or (4) contain any other exclusion

contrary to the Agreement.

(v) The policy shall give City, the City Council and each member of the City Council, its officers, employees, agents and City designated volunteers additional insured status using ISO endorsement forms CG 20 10 10 01 and 20 37 10 01, or endorsements providing the exact same coverage.

(vi) The general liability program may utilize either deductibles or provide coverage excess of a self-insured retention, subject to written approval by the City, and provided that such deductibles shall not apply to the City as an additional insured.

b. Automobile Liability

(i) At all times during the performance of the work under this Agreement, the Consultant shall maintain Automobile Liability Insurance for bodily injury and property damage including coverage for owned, non-owned and hired vehicles, in a form and with insurance companies acceptable to the City.

(ii) Coverage for automobile liability insurance shall be at least as broad as Insurance Services Office Form Number CA 00 01 covering automobile liability (Coverage Symbol 1, any auto).

(iii) The policy shall give City, the City Council and each member of the City Council, its officers, employees, agents and City designated volunteers additional insured status.

(iv) Subject to written approval by the City, the automobile liability program may utilize deductibles, provided that such deductibles shall not apply to the City as an additional insured, but not a self-insured retention.

c. Workers' Compensation/Employer's Liability

(i) Consultant certifies that he/she is aware of the provisions of Section 3700 of the California Labor Code which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and he/she will comply with such provisions before commencing work under this Agreement.

(ii) To the extent Consultant has employees at any time during the term of this Agreement, at all times during the performance of the work under this Agreement, the Consultant shall maintain full compensation insurance for all persons employed directly by him/her to carry out the work contemplated under this Agreement, all in accordance with the "Workers' Compensation and Insurance Act," Division IV of the Labor Code of the State of California and any acts amendatory thereof, and Employer's Liability Coverage in amounts indicated herein. Consultant shall require all subconsultants to obtain and maintain, for the period required by this Agreement, workers' compensation coverage of the same type and limits as specified in this section.

d. Professional Liability (Errors and Omissions)

At all times during the performance of the work under this Agreement the Consultant shall

maintain professional liability or Errors and Omissions insurance appropriate to its profession, in a form and with insurance companies acceptable to the City and in an amount indicated herein. This insurance shall be endorsed to include contractual liability applicable to this Agreement and shall be written on a policy form coverage specifically designed to protect against acts, errors or omissions of the Consultant. "Covered Professional Services" as designated in the policy must specifically include work performed under this Agreement. The policy must "pay on behalf of" the insured and must include a provision establishing the insurer's duty to defend.

e. Minimum Policy Limits Required

(i) The following insurance limits are required for the Agreement:

Combined Single Limit

Commercial General Liability	\$1,000,000 per occurrence/ \$2,000,000 aggregate for bodily injury, personal injury, and property damage
Automobile Liability	\$1,000,000 per occurrence for bodily injury and property damage
Employer's Liability	\$1,000,000 per occurrence
Professional Liability	\$1,000,000 per claim and aggregate (errors and omissions)

(ii) Defense costs shall be payable in addition to the limits.

(iii) Requirements of specific coverage or limits contained in this section are not intended as a limitation on coverage, limits, or other requirement, or a waiver of any coverage normally provided by any insurance. Any available coverage shall be provided to the parties required to be named as Additional Insured pursuant to this Agreement.

f. Evidence Required

Prior to execution of the Agreement, the Consultant shall file with the City evidence of insurance from an insurer or insurers certifying to the coverage of all insurance required herein. Such evidence shall include original copies of the ISO CG 00 01 (or insurer's equivalent) signed by the insurer's representative and Certificate of Insurance (Acord Form 25-S or equivalent), together with required endorsements. All evidence of insurance shall be signed by a properly authorized officer, agent, or qualified representative of the insurer and shall certify the names of the insured, any additional insureds, where appropriate, the type and amount of the insurance, the location and operations to which the insurance applies, and the expiration date of such insurance.

g. Policy Provisions Required

(i) Consultant shall provide the City at least thirty (30) days prior written notice of cancellation of any policy required by this Agreement, except that the Consultant shall provide at least ten (10) days prior written notice of cancellation of any such policy due to non-payment of premium. If any of the required coverage is cancelled or expires during the term of this Agreement, the Consultant shall deliver renewal certificate(s) including the General

Liability Additional Insured Endorsement to the City at least ten (10) days prior to the effective date of cancellation or expiration.

(ii) The Commercial General Liability Policy and Automobile Policy shall each contain a provision stating that Consultant's policy is primary insurance and that any insurance, self-insurance or other coverage maintained by the City or any named insureds shall not be called upon to contribute to any loss.

(iii) The retroactive date (if any) of each policy is to be no later than the effective date of this Agreement. Consultant shall maintain such coverage continuously for a period of at least three years after the completion of the work under this Agreement. Consultant shall purchase a one (1) year extended reporting period A) if the retroactive date is advanced past the effective date of this Agreement; B) if the policy is cancelled or not renewed; or C) if the policy is replaced by another claims-made policy with a retroactive date subsequent to the effective date of this Agreement.

(iv) All required insurance coverages, except for the professional liability coverage, shall contain or be endorsed to waiver of subrogation in favor of the City, its officials, officers, employees, agents, and volunteers or shall specifically allow Consultant or others providing insurance evidence in compliance with these specifications to waive their right of recovery prior to a loss. Consultant hereby waives its own right of recovery against City, and shall require similar written express waivers and insurance clauses from each of its subconsultants.

(v) The limits set forth herein shall apply separately to each insured against whom claims are made or suits are brought, except with respect to the limits of liability. Further the limits set forth herein shall not be construed to relieve the Consultant from liability in excess of such coverage, nor shall it limit the Consultant's indemnification obligations to the City and shall not preclude the City from taking such other actions available to the City under other provisions of the Agreement or law.

h. Qualifying Insurers

(i) All policies required shall be issued by acceptable insurance companies, as determined by the City, which satisfy the following minimum requirements:

(1) Each such policy shall be from a company or companies with a current A.M. Best's rating of no less than A:VII and admitted to transact in the business of insurance in the State of California, or otherwise allowed to place insurance through surplus line brokers under applicable provisions of the California Insurance Code or any federal law.

i. Additional Insurance Provisions

(i) The foregoing requirements as to the types and limits of insurance coverage to be maintained by Consultant, and any approval of said insurance by the City, is not intended to and shall not in any manner limit or qualify the liabilities and obligations otherwise assumed by the Consultant pursuant to this Agreement, including but not limited to, the provisions concerning indemnification.

(ii) If at any time during the life of the Agreement, any policy of insurance required under this Agreement does not comply with these specifications or is canceled and not replaced, City has the right but not the duty to obtain the insurance it deems necessary and any premium paid by City will be promptly reimbursed by Consultant or City will withhold amounts sufficient to pay premium from Consultant payments. In the alternative, City may cancel this Agreement.

(iii) The City may require the Consultant to provide complete copies of all insurance policies in effect for the duration of the Project.

(iv) Neither the City nor the City Council, nor any member of the City Council, nor any of the officials, officers, employees, agents or volunteers shall be personally responsible for any liability arising under or by virtue of this Agreement.

j. Subconsultant Insurance Requirements. Consultant shall not allow any subcontractors or subconsultants to commence work on any subcontract until they have provided evidence satisfactory to the City that they have secured all insurance required under this section. Policies of commercial general liability insurance provided by such subcontractors or subconsultants shall be endorsed to name the City as an additional insured using ISO form CG 20 38 04 13 or an endorsement providing the exact same coverage. If requested by Consultant, City may approve different scopes or minimum limits of insurance for particular subcontractors or subconsultants.

12. Indemnification.

a. To the fullest extent permitted by law, Consultant shall defend (with counsel of City's choosing), indemnify and hold the City, its officials, officers, employees, volunteers, and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury of any kind, in law or equity, to property or persons, including wrongful death, in any manner arising out of, pertaining to, or incident to any acts, errors or omissions, or willful misconduct of Consultant, its officials, officers, employees, subcontractors, consultants or agents in connection with the performance of the Consultant's services, the Project or this Agreement, including without limitation the payment of all damages, expert witness fees and attorney's fees and other related costs and expenses. Consultant's obligation to indemnify shall not be restricted to insurance proceeds, if any, received by Consultant, the City, its officials, officers, employees, agents, or volunteers.

b. To the extent required by Civil Code section 2782.8, which is fully incorporated herein, Consultant's obligations under the above indemnity shall be limited to claims that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the Consultant, but shall not otherwise be reduced. If Consultant's obligations to defend, indemnify, and/or hold harmless arise out of Consultant's performance of "design professional services" (as that term is defined under Civil Code section 2782.8), then upon Consultant obtaining a final adjudication that liability under a claim is caused by the comparative active negligence or willful misconduct of the City, Consultant's obligations shall be reduced in proportion to the established comparative liability of the City and shall not exceed the Consultant's proportionate percentage of fault.

13. California Labor Code Requirements.

a. Consultant is aware of the requirements of California Labor Code Sections 1720 et seq. and 1770 et seq., which require the payment of prevailing wage rates and the performance of other requirements on certain “public works” and “maintenance” projects (“Prevailing Wage Laws”). If the services are being performed as part of an applicable “public works” or “maintenance” project, as defined by the Prevailing Wage Laws, and if the total compensation is \$1,000 or more, Consultant agrees to fully comply with such Prevailing Wage Laws. Consultant shall defend, indemnify and hold the City, its officials, officers, employees and agents free and harmless from any claims, liabilities, costs, penalties or interest arising out of any failure or alleged failure to comply with the Prevailing Wage Laws. It shall be mandatory upon the Consultant and all subconsultants to comply with all California Labor Code provisions, which include but are not limited to prevailing wages (Labor Code Sections 1771, 1774 and 1775), employment of apprentices (Labor Code Section 1777.5), certified payroll records (Labor Code Sections 1771.4 and 1776), hours of labor (Labor Code Sections 1813 and 1815) and debarment of contractors and subcontractors (Labor Code Section 1777.1). The requirement to submit certified payroll records directly to the Labor Commissioner under Labor Code section 1771.4 shall not apply to work performed on a public works project that is exempt pursuant to the small project exemption specified in Labor Code Section 1771.4.

b. If the services are being performed as part of an applicable “public works” or “maintenance” project, then pursuant to Labor Code Sections 1725.5 and 1771.1, the Consultant and all subconsultants performing such services must be registered with the Department of Industrial Relations. Consultant shall maintain registration for the duration of the Project and require the same of any subconsultants, as applicable. This Project may also be subject to compliance monitoring and enforcement by the Department of Industrial Relations. It shall be Consultant’s sole responsibility to comply with all applicable registration and labor compliance requirements. Notwithstanding the foregoing, the contractor registration requirements mandated by Labor Code Sections 1725.5 and 1771.1 shall not apply to work performed on a public works project that is exempt pursuant to the small project exemption specified in Labor Code Sections 1725.5 and 1771.1.

c. This Agreement may also be subject to compliance monitoring and enforcement by the Department of Industrial Relations. It shall be Consultant’s sole responsibility to comply with all applicable registration and labor compliance requirements. Any stop orders issued by the Department of Industrial Relations against Consultant or any subcontractor that affect Consultant’s performance of services, including any delay, shall be Consultant’s sole responsibility. Any delay arising out of or resulting from such stop orders shall be considered Consultant caused delay and shall not be compensable by the City. Consultant shall defend, indemnify and hold the City, its officials, officers, employees and agents free and harmless from any claim or liability arising out of stop orders issued by the Department of Industrial Relations against Consultant or any subcontractor.

14. Verification of Employment Eligibility.

By executing this Agreement, Consultant verifies that it fully complies with all requirements and restrictions of state and federal law respecting the employment of undocumented aliens, including, but not limited to, the Immigration Reform and Control Act of 1986, as may be amended from time to time, and shall require all subconsultants and sub-subconsultants to comply with the same.

15. City Material Requirements.

This section not used.

16. Laws and Venue.

This Agreement shall be interpreted in accordance with the laws of the State of California. If any action is brought to interpret or enforce any term of this Agreement, the action shall be brought in a state or federal court situated in the County of Contra Costa, State of California.

17 Termination or Abandonment

a. City has the right to terminate or abandon any portion or all of the work under this Agreement by giving ten (10) calendar days written notice to Consultant. In such event, City shall be immediately given title and possession to all original field notes, drawings and specifications, written reports and other documents produced or developed for that portion of the work completed and/or being abandoned. City shall pay Consultant the reasonable value of services rendered for any portion of the work completed prior to termination. If said termination occurs prior to completion of any task for the Project for which a payment request has not been received, the charge for services performed during such task shall be the reasonable value of such services, based on an amount mutually agreed to by City and Consultant of the portion of such task completed but not paid prior to said termination. City shall not be liable for any costs other than the charges or portions thereof which are specified herein. Consultant shall not be entitled to payment for unperformed services, and shall not be entitled to damages or compensation for termination of work.

b. Consultant may terminate its obligation to provide further services under this Agreement upon thirty (30) calendar days' written notice to City only in the event of substantial failure by City to perform in accordance with the terms of this Agreement through no fault of Consultant.

18 Documents. Except as otherwise provided in "Termination or Abandonment," above, all original field notes, written reports, Drawings and Specifications and other documents, produced or developed for the Project shall, upon payment in full for the services described in this Agreement, be furnished to and become the property of the City.

19. Organization

Consultant shall assign Ellie Fiore as Project Manager. The Project Manager shall not be removed from the Project or reassigned without the prior written consent of the City.

20. Limitation of Agreement.

This Agreement is limited to and includes only the work included in the Project described above.

21. Notice

Any notice or instrument required to be given or delivered by this Agreement may be given or delivered by depositing the same in any United States Post Office, certified mail, return receipt requested, postage prepaid, addressed to:

CITY:

City of Clayton

6000 Heritage Trail

Clayton, CA 94517

Attn: Reina J. Schwartz

CONSULTANT:

MIG

800 Hearst Avenue

Berkeley, CA 94710

Attn: Ellie Fiore

and shall be effective upon receipt thereof.

22. Third Party Rights

Nothing in this Agreement shall be construed to give any rights or benefits to anyone other than the City and the Consultant.

23. Equal Opportunity Employment.

Consultant represents that it is an equal opportunity employer and that it shall not discriminate against any employee or applicant for employment because of race, religion, color, national origin, ancestry, sex, age or other interests protected by the State or Federal Constitutions. Such non-discrimination shall include, but not be limited to, all activities related to initial employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination.

24. Entire Agreement

This Agreement, with its exhibits, represents the entire understanding of City and Consultant as to those matters contained herein, and supersedes and cancels any prior or contemporaneous oral or written understanding, promises or representations with respect to those matters covered hereunder. Each party acknowledges that no representations, inducements, promises or agreements have been made by any person which are not incorporated herein, and that any other agreements shall be void. This Agreement may not be modified or altered except in writing signed by both Parties hereto. This is an integrated Agreement.

25. Severability

The unenforceability, invalidity or illegality of any provision(s) of this Agreement shall not render the provisions unenforceable, invalid or illegal.

26. Successors and Assigns

This Agreement shall be binding upon and shall inure to the benefit of the successors in interest, executors, administrators and assigns of each party to this Agreement. However, Consultant shall not assign or transfer by operation of law or otherwise any or all of its rights, burdens, duties or obligations without the prior written consent of City. Any attempted assignment without such consent shall be invalid and void.

27. Non-Waiver

None of the provisions of this Agreement shall be considered waived by either party,

unless such waiver is specifically specified in writing.

28. Time of Essence

Time is of the essence for each and every provision of this Agreement.

29. City's Right to Employ Other Consultants

City reserves its right to employ other consultants, including engineers, in connection with this Project or other projects.

30. Prohibited Interests

Consultant maintains and warrants that it has not employed nor retained any company or person, other than a bona fide employee working solely for Consultant, to solicit or secure this Agreement. Further, Consultant warrants that it has not paid nor has it agreed to pay any company or person, other than a bona fide employee working solely for Consultant, any fee, commission, percentage, brokerage fee, gift or other consideration contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, City shall have the right to rescind this Agreement without liability. For the term of this Agreement, no director, official, officer or employee of City, during the term of his or her service with City, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising therefrom.

[SIGNATURES ON FOLLOWING PAGE]

**SIGNATURE PAGE FOR PROFESSIONAL SERVICES AGREEMENT
BETWEEN THE CITY OF CLAYTON AND MIG, INC.**

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first written above.

CITY OF CLAYTON

MIG, Inc.

By: _____
Reina J. Schwartz
City Manager

By: _____

Its: _____

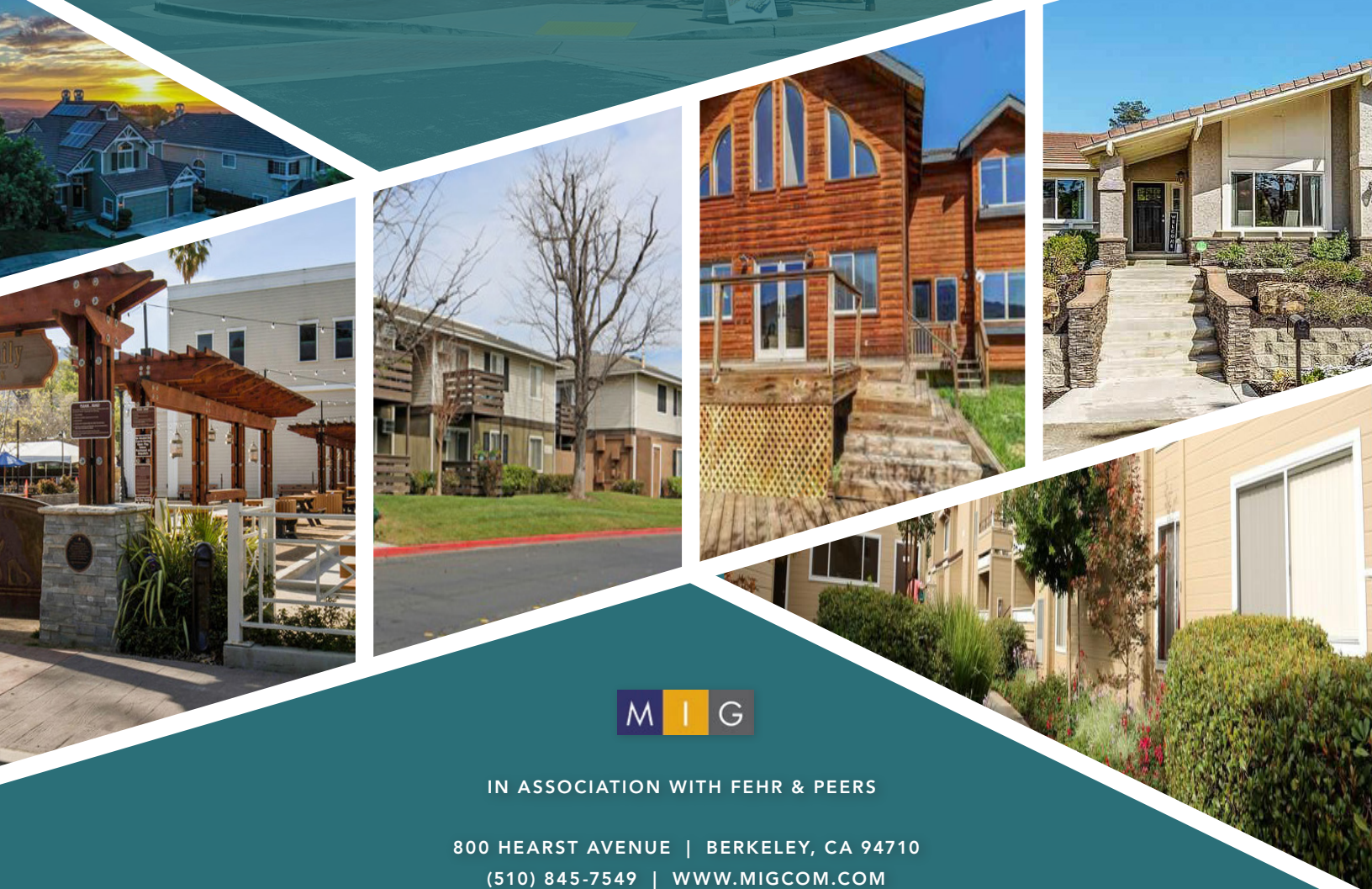
ATTEST:

By: _____
Janet Calderon
City Clerk

PROPOSAL | APRIL 23, 2021



Housing Element Update Sixth RHNA Cycle



IN ASSOCIATION WITH FEHR & PEERS

800 HEARST AVENUE | BERKELEY, CA 94710

(510) 845-7549 | WWW.MIGCOM.COM



800 Hearst Avenue
Berkeley, CA 94710
P (510) 845-7549
F (510) 845-8750
www.migcom.com

CALIFORNIA

BERKELEY, FULLERTON,
LOS ANGELES, PASADENA,
RIVERSIDE, SACRAMENTO,
SAN DIEGO, SAN JOSE,
AND SONOMA

COLORADO

DENVER

OREGON

PORTLAND

TEXAS

SAN ANTONIO

WASHINGTON

SEATTLE

April 23, 2021

Reina Schwartz, City Manager

City of Clayton

Via email: rschwartz@ci.clayton.ca.us

Subject: Proposal for the City of Clayton Housing Element Update, Sixth RHNA Cycle

Dear Ms. Schwartz:

Clayton residents enjoy a high quality of life, a quaint downtown, and abundant open space. The City has grown slowly over the last few decades, with residential neighborhoods predominantly consisting of predominantly single-family homes with generous lot sizes. Today the City, as do all Bay Area cities, faces a housing shortage and affordability crisis, driven not just by current demand but by low housing production over the last decade. In response, the Association of Bay Area Governments is in the process of drafting "fair share" allocations of housing production to be addressed in the sixth cycle Housing Element Update.

MIG, Inc. (MIG) is pleased to submit this proposal to support the City of Clayton's Housing Element Update for the Sixth RHNA Cycle. This work will compliment our current work with the community to identify alternative land uses for a key site in downtown and be informed by our experience preparing 15 Housing Elements for Southern California cities during this sixth cycle. MIG staff has extensive knowledge of Housing Element law and creates tailored strategies for each client city. We have helped more than 30 cities achieve certified Housing Elements for the fourth, fifth and sixth cycles.

Clayton's draft 2021 Association of Bay Area Governments (ABAG) 2023-2031 RHNA allocation is 570 units. To plan for this level of growth while maintaining community character, MIG will collaborate with City staff and the community to analyze land use policies, assess housing need and barriers, develop programs and policies, and dialogue about what type of housing is needed, and where.

MIG offers the City of Clayton the unique expertise required for a successful program:

- » Understanding of Clayton, its residents, and its opportunities and challenges
- » Creative community engagement
- » Housing policy and housing element preparation, with successful completion of over 30 certified housing elements
- » Realistic visualization of options for housing approaches
- » CEQA analysis

Your Request for Proposal includes a clear, well-considered scope of services. We have largely mirrored that scope in our proposal but have provided additional detail and options. Both the scope and budget are flexible and represent starting points for discussion and scope refinement.



We are pleased to include Fehr & Peers as a subconsultant on our team for traffic analysis and modeling. We have worked with Fehr & Peers on many Housing Element projects.

Ellie Fiore, AICP, will serve as the project manager, with support from several MIG team members who are experts in Housing Elements, GIS, community engagement, environmental review, and land use. Ellie is also MIG's main point of contact, who can be reached at ellief@migcom.com or at (503) 349-1877.

Sincerely,

A handwritten signature in blue ink that reads "Laura R. Stetson".

Laura R. Stetson, AICP
Principal-in-Charge



CONTENTS

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1. Firm Background

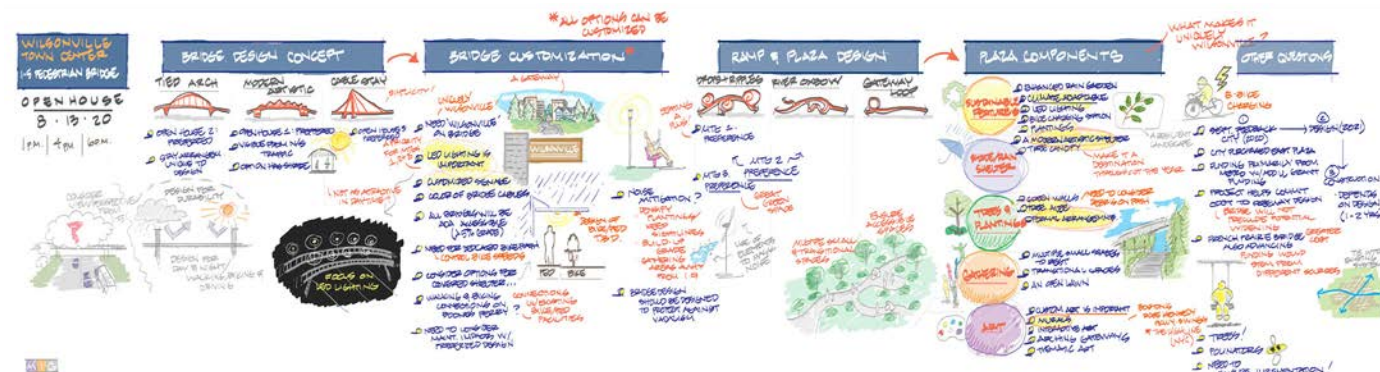
Critical thinking. Strategic focus.

Innovative solutions. Since our founding in 1982, MIG has focused on planning, designing, and sustaining environments that support human development. We look beyond convention to produce meaningful plans and durable solutions that meet our world's increasing social, economic, and environmental challenges. Our team of professionals has assisted public agencies throughout the western U.S. and nationwide in developing innovative plans and designs. Our plans produce results.

About MIG, Inc.

MIG, Inc., was founded in 1982 in Berkeley, California, and has grown to be a strong team of over 240 employees. We have 31 Principals in 14 offices in California, Colorado, Oregon, Texas and Washington. We have been in business for 38 years, and we are a California Corporation. We have included our professional registration information for the MIG Team in Section 2 of this proposal.

We are a multidisciplinary firm that offers a full range of services, and we have helped over 30 cities achieve certified Housing Elements in the 4th, 5th and 6th Cycles. We have also prepared **Development Codes; Zoning Ordinances; and General Plans; policy planning and development; site planning; streetscape design; conceptual design; and transit-oriented development planning.** Our work is characterized by a **dedication to quality, a flexible approach, creativity in planning and design, and a commitment to completing projects on time and within budget.** We have worked extensively with public agencies and municipalities locally and nationally on design and planning for future change.

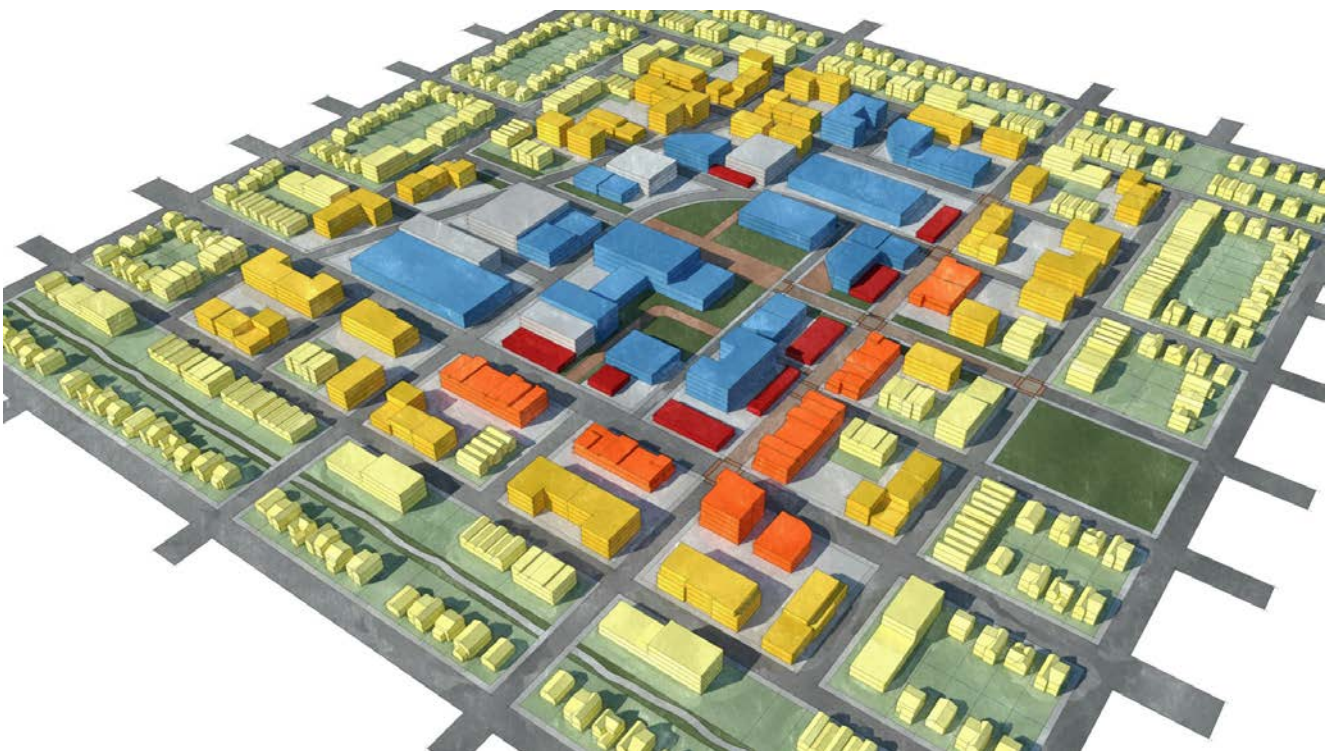


The diversity of our staff provides a base of knowledge that bridges technical expertise and values, and facilitates the exchange of information among all parties engaged in the planning and design process. Staff backgrounds encompass urban and regional planning, urban design, strategic planning, public participation, environmental science, design and research, landscape architecture, communications, graphic design, and public policy. MIG also provides contract staffing services. This provides our staff insights into the day-to-day workings of local government and how to prepare Zoning Codes that are easily used by planning staff and the public.

MIG's unique combination of planning and design expertise allows us to conduct planning in a **highly interactive process** involving key constituent groups. This process generates a **clear and collective vision of development and growth in a dynamic, yet stable environment**. Through MIG's participatory planning process, client goals and stakeholder interests work together to frame key issues. **Plans and codes created through this approach enjoy broad-based support and are readily implemented.**

AREAS OF EXPERTISE

- » Housing Elements
- » Development Codes and Zoning Ordinances
- » General Plans and Specific Plans
- » Community Outreach and Involvement
- » Sustainability and Healthy Community Planning
- » Visioning and Community-based Planning
- » Facilitation and Consensus Building
- » Urban Design, Design Guidelines and Streetscapes
- » Mapping and GIS Analysis
- » Stakeholder and Issues Identification
- » Strategic Planning
- » Environmental Planning and Analysis
- » Strategic Communications and Graphic Design
- » Landscape Architecture, Natural Areas, and Greenways
- » Development Entitlement Services
- » Contract Staffing Services





2. Project Team

Any project's success is determined directly by the **caliber, orientation, and dedication** of the people working on it. MIG is pleased to present a strategic, dynamic, and client-focused team to engage with and lead this important project.

MIG has carefully selected a highly experienced team of professionals who are ideally suited to this project and offer the full range of expertise required. A brief profile of each team member is provided in this section, as well as an organization chart and individual resume.

Our Team

LAURA R. STETSON, AICP

Laura R. Stetson, AICP, will serve as Principal-in-Charge. Laura has a combination of sound technical planning skills and innovative thinking, combined with great facilitation and organizational talents. She has participated in development of more than 20 housing elements during the fourth, fifth, and sixth cycles, including elements in Redwood City and Cupertino.

ELLIE FIORE, AICP

Ellie Fiore, AICP, will serve as Project Manager and has over 15 years of experience working with communities throughout California as an urban planner and housing specialist. Ellie will be the day-to-day contact and will guide the overall project direction and strategy. With extensive experience managing projects, she will oversee the team and keep the project on track. Ellie was a key staff member for the Cupertino fifth cycle housing element.

DIANA GONZALEZ

Diana Gonzalez will serve as the Housing Element Expert. She is MIG's in-house housing expert, and is currently working on two complicated Housing Elements in mid-cycle review with HCD, implementing new State Housing Laws. She has a broad range of land use planning experience in both advance and current planning. Her primary responsibilities include preparing long-range planning documents such as General Plans and HUD compliance documents (Consolidated Plans, Action Plans, and Analyses of Impediments to Fair Housing Choice). For several of the planning studies, she served as project manager and key planner. She also has experience in public outreach and website development for public outreach purposes.

JACKIE MARTINEZ

Jackie Martinez is a Project Associate. She has experience on several Housing Element and other General Plan updates. She is also well versed in interpreting City zoning code and State regulations. She has excellent communication skills, verbally, in writing, and through graphic representations.

NOÉ NOYOLA

Noé Noyola will be the Community Engagement lead. He is a highly skilled and dedicated community planner and project manager whose projects have addressed the full range of urban planning and design issues—from housing to economic development and recreation. Noé’s cultural competency, fluency in Spanish, and mastery of process and meeting facilitation enable him to effectively bridge technical content with impacted, and often under-served, stakeholder communities.

JOAN CHAPLICK, AICP

Joan Chaplick will serve as the Consulting Principal for Community Engagement. She is an expert public outreach strategist and facilitator who has been engaging communities in collaborative planning and design for over two decades. Joan’s work has supported the advancement and implementation of projects impacting hundreds of communities throughout the West.

BOB PRASSE

Bob Prasse will serve as the lead for Environmental Services and brings over 30 years of experience in environmental planning. Bob has prepared numerous complex and controversial EIR’s and other environmental documents. He has also prepared Specific and General Plans, and zoning ordinances.

CAMERON HILE

With over seven years of experience in CEQA, Cameron Hile will serve as Senior Analyst supporting our environmental planning group’s development of a variety of environmental documents such as EIR’s, Initial Studies, Negative Declarations, Mitigated Negative Declarations, EIR Addenda, and Air Quality Analyses.

Key Personnel Qualifications

Resumes for our key personnel follow this page.

Subconsultants

We have a positive relationship with many subconsultants. For work with the City of Clayton we have selected Fehr & Peers as our Transportation / Traffic Services subconsultant. We have included staff bios and resumes in this section for our subconsultants.



FEHR & PEERS

Fehr & Peers is passionate about transforming transportation consulting through innovation and creativity. They derive inspiration by partnering with communities to understand and shape local transportation futures objectively tailored to diverse needs. Clients trust them to help overcome barriers and uncertainty by combining their advanced expertise with curiosity, humility, and initiative to deliver implementable, data-driven solutions that reinforce community values. From the most straightforward to the most complex, they actively listen to client and community needs and handle every project with diligence and focus.

ROB REES, PE, TE

Rob is a registered Civil Engineer and Traffic Engineer in California with over 30 years of experience. His versatility is reflected in the variety of services Fehr & Peers provides. Rob applies his wide range of experiences in transportation planning and engineering to develop transportation systems that meet community needs and values. With each project Rob brings a deep understanding of modal interactions and transportation safety with the technical understanding of civil engineering practices. Rob is also currently leading the company-wide Multimodal Safety Group.

ELLEN POLLING, TE

Ellen has 30 years of experience managing transportation planning and traffic engineering projects. Her projects have included traffic impact studies, environmental impact report transportation chapters, general and specific plan transportation elements, neighborhood traffic calming studies, freeway interchange project reports, and university-related studies covering a wide array of issues, including origin-destination surveys, trip generation surveys, and policy analysis. Her areas of expertise include university and city planning studies and environmental review under CEQA.

Organization Chart



MIG PROJECT MANAGEMENT

Laura R. Stetson, AICP
Principal-in-Charge

Ellie Fiore, AICP
Project Manager

COMMUNITY ENGAGEMENT MIG

Noé Noyola
*Community Engagement
Specialist*

Joan Chaplick, AICP
*Consulting Principal, Community
Engagement*

HOUSING ELEMENT MIG

Laura R. Stetson, AICP
Principal-in-Charge

Ellie Fiore, AICP
Project Manager

Diana Gonzalez
Housing Element Expert

Jackie Martinez
Housing Element Associate

CEQA COMPLIANCE MIG

Bob Prasse
Director of Environmental Services

Cameron Hile
Senior Environmental Specialist

Fehr & Peers
Rob Rees, PE TE,
Transportation Lead

Ellen Polling, TE,
Transportation Planner

AREAS OF EXPERTISE

- » Land Use Planning
- » Zoning and Development Codes
- » General Plans
- » Specific Plans
- » Meeting Facilitation

EDUCATION

- » BS, Environmental Earth Science, Stanford University
- » Graduate Coursework in Public Administration, American University

PROFESSIONAL AFFILIATIONS

- » American Planning Association (APA)
- » American Institute of Certified Planners (AICP)
- » California Planning Roundtable

AWARDS

- » Redwood City General Plan, APA, California Chapter, Outstanding Achievement for Small Jurisdiction Planning Effort, 2012
- » Baldwin Chapter Health and Sustainability Element, APA, California Chapter, 2016

Laura Stetson, AICP**PRINCIPAL-IN-CHARGE**

Laura Stetson's leadership and award-winning expertise in land use planning and zoning has contributed to the thoughtful revitalization of many cities throughout California. It all started with Laura's fascination for maps and the stories they tell about cities. Understanding the spatial layout of a community and its human impacts enables her to use policy to positively shape the environment. In turn, the policy documents she helps to craft—general plans, specific plans, zoning codes, and CEQA documents—guide positive change for the people in those communities. A self-defined “fixer,” Laura uses her management and facilitation skills to engage clients and stakeholders in collaborative problem-solving. She methodically analyzes and synthesizes the potential implications and outcomes associated with policies that regulate not only how land will be used, but what, where, and how desirable new construction occurs. Laura strives to ensure that plans meet multiple objectives and are adaptable to changing circumstances. With her 30+ years of experience, she offers a deep reservoir of knowledge to assist communities of every size and variety find the right path forward.

SELECTED PROJECT EXPERIENCE

- | | |
|---|---|
| <ul style="list-style-type: none"> » Redwood City General Plan, Housing Element, and Focused Zoning Code Update, Redwood City, CA » Atascadero Housing Element, Atascadero, CA » Cupertino Housing Element Update, Cupertino, CA » Palo Alto 2015-2023 Housing Element Update, Palo Alto, CA » Monterey Park Housing Element Update, Monterey Park, CA » Azusa Housing Element, Azusa, CA » Loma Linda Housing Element Update, Loma Linda, CA » Burlingame General Plan and Zoning Code Comprehensive Updates, Burlingame, CA | <ul style="list-style-type: none"> » Garden Grove Housing Element and Targeted Zoning Code Amendments, Garden Grove, CA » San Carlos Housing Element and Safety Element, San Carlos, CA » Baldwin Park Housing Element, Baldwin Park, CA » Baldwin Park Health and Sustainability Element, Baldwin Park, CA » Lancaster Housing Element, Lancaster, CA » Downey Housing Element, Downey, CA |
|---|---|

AREAS OF EXPERTISE

- » General Plans
- » Specific Plans
- » Project Management
- » Community Engagement
- » Community Planning
- » Urban Design
- » Meeting Facilitation

EDUCATION

- » MURP, Portland State University
- » BA, Sociology, Cornell University

PROFESSIONAL AFFILIATIONS

- » American Planning Association (APA)
- » American Institute of Certified Planners (AICP)
- » Vice President of Public Information, APA California

Ellie Fiore, AICP

DIRECTOR OF PLANNING / PROJECT MANAGER

Ellie Fiore is a highly versatile planner and project manager who has worked with communities throughout the Bay Area and California on a diverse range of issues from urban design and land use to parks, housing, and sustainability. Ellie combines subject-area and policy expertise with strategic planning, community outreach, and process management skills to help clients adapt and adjust in an ever-changing social, economic, physical, and political environment. She is especially passionate about social equity and the potential of planning to enhance quality of life for everyone.

With over a dozen years of experience, Ellie effectively communicates information to the public to make projects meaningful and relevant, and to gather constructive input to help guide decision-making. As a project manager and facilitator, she is meticulous, engaging, and efficient, with the ability to find the root of a problem and devise strategic solutions in consultation with clients, stakeholders, and technical experts.

SELECTED PROJECT EXPERIENCE

- | | |
|--|---|
| » San Carlos Housing Element and Safety Element Updates
San Carlos, CA | » Burlingame Parks Master Plan,
Burlingame, CA |
| » Cupertino Housing Element, Fifth Cycle, Cupertino, CA | » Morgan Hill Bikeways, Trails, Parks and Recreation Master Plan, Morgan Hill, CA |
| » San Carlos ADU Graphics,
San Carlos, CA | » East Bay Municipal Utility District 2050 Demand Study, Oakland, CA |
| » Burlingame General Plan and Zoning Ordinance Update and EIR, Burlingame, CA | » Chinatown Revitalization Plan, Salinas, CA |
| » Patrick Henry Drive Specific Plan, Santa Clara, CA | » Charlotte Center City 2040 Vision Plan, Charlotte, NC |
| » Belle Haven Community Action Plan, Menlo Park, CA | » Downtown Arlington Master Plan, Arlington, TX |
| » Stevens Creek Boulevard Urban Village Plan, San Jose, CA | » Brooks Regional Center Plan, San Antonio, TX |
| » Palo Alto Parks, Trails, Open Space, and Recreation Master Plan, Palo Alto, CA | » 2030 Downtown Strategic Action Plan, Greensboro, NC |
| | » Palo Alto Sustainability and Climate Action Plan, Palo Alto, CA |

AREAS OF EXPERTISE

- » Housing Elements
- » General Plans
- » HUD Compliance Documents
- » Geographic Information Systems
- » Community Outreach
- » Spanish Fluency

EDUCATION

- » MA, Urban Planning, University of California, Los Angeles, CA
- » BA, Political Science and Communication Studies, University of California, Los Angeles, CA

PROFESSIONAL AFFILIATIONS

- » American Planning Association

Diana Gonzalez

HOUSING SPECIALIST

Diana Gonzalez has a broad range of land use planning experience in both advance and current planning. Her primary responsibilities include preparing long-range planning documents such as General Plans and HUD compliance documents (Consolidated Plans, Action Plans, and Analyses of Impediments to Fair Housing Choice). For several of the planning studies, she served as project manager and key planner. She also has experience in public outreach and website development for public outreach purposes.

Diana has a high level of expertise and experience in graphic and geographic information system (GIS) mapping. She has produced mapping, demographic, and spatial analysis for several large-scale housing projects, including the Analysis of Impediment to Fair Housing Choice for Los Angeles and San Diego Counties and Consolidated Plans for Orange and San Diego Counties.

Diana is our in-house housing expert, and is currently working on two complicated Housing Elements in mid-cycle review with HCD, implementing new State Housing Laws.

SELECTED PROJECT EXPERIENCE

- | | |
|---|--|
| <ul style="list-style-type: none"> » Desert Hot Springs 2014-2021 Housing Element (in process) » South El Monte 2014-2021 Housing Element (Four-Year Update, in process) » San Juan Capistrano 2014-2021 Housing Element (2017) » City of Fresno 2015-2023 Housing Element (2017) » Loma Linda 2014-2021 Housing Element (2014) » San Marcos 2013-2021 Housing Element (2013) » La Mesa 2013-2021 Housing Element (2013) | <ul style="list-style-type: none"> » Torrance General Plan and 2008-2014 and 2014-2021 Housing Elements » County of Orange 2010-2015 Consolidated Plan (2010) » Alhambra 2008-2014 Housing Element; 2010-2015 Consolidated Plan; and 2008 Analysis of Impediments to Fair Housing Choice » Garden Grove 2008-2014 and 2014-2021 Housing Elements » Monterey Park 2008-2014 and 2014-2021 Housing Elements |
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AREAS OF EXPERTISE

- » Housing Elements
- » General Plans

EDUCATION

- » MURP, Urban and Regional Planning, University of California, Los Angeles
- » BA, Social Ecology, University of California, Irvine

PROFESSIONAL AFFILIATIONS

- » American Planning Association (APA)
- » Women in Transportation Seminar – Los Angeles Chapter

Jackie Martinez

PROJECT ASSOCIATE

Jackie Martinez has four years of planning experience and is currently engaged in several Sixth Cycle Housing Elements. She has worked on a variety of planning projects and in a variety of sectors, public, private, and non-profit. She is adept in using the various graphic design (Adobe Creative Suite) and analytical (ArcGIS and Excel) software that she uses to develop public-facing materials and technical reports. Jackie has prepared several general plan elements and has experience interpreting City zoning code and State regulations. She has excellent communication skills, verbally, in writing, and through graphic representations.

SELECTED PROJECT EXPERIENCE

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| » Azusa Housing, Safety, and Environmental Justice Elements, Azusa, CA | » Zero Emissions Multiple Unit Vehicle Study, San Bernardino, CA* |
| » Baldwin Park, Housing, Safety, and Environmental Justice Elements, Baldwin Park CA | » Conceptual Design/Planning Metrolink San Bernardino Line/Gold Line, San Bernardino, CA* |
| » Commerce General Plan and Zoning Ordinance Update, Commerce, CA | » Los Angeles-Glendale-Burbank-Feasibility Study, Los Angeles, CA* |
| » Monrovia Housing, Safety, and Environmental Justice Elements, Monrovia, CA | » Antelope Valley Line Capacity and Service Improvements Environmental Study, Antelope Valley, CA* |
| » Lancaster Housing, Safety, and Environmental Justice Elements, Lancaster, CA | » Vermont Transit Corridor Rail Conversion Feasibility Study, Los Angeles, CA* |
| » Metrolink Fleet Management Plan, Southern California* | » North Hollywood to Pasadena Bus Rapid Transit Project, Los Angeles, CA* |
| » Metrolink San Bernardino Line - Pomona Valley Market Analysis Study, Southern California* | » Union Station Metro Bike Hub, Los Angeles, CA* |
| » El Cajon Transit Center Additional Track and Platform Project Study Report, San Diego, CA* | » LA Metro Bike Share Program, Los Angeles, CA* |
| » America Plaza Pedestrian Enhancement Project, San Diego, CA* | » Metro Bike/Bus Interface Study, Los Angeles, CA* |

**Work completed prior to MIG*

AREAS OF EXPERTISE

- » Public Outreach and Involvement
- » Community Planning and Engagement
- » Organizational Development
- » Facilitation
- » Parks and Recreation Master Planning
- » Natural Resources Management
- » Transportation Public Outreach and Involvement
- » Cannabis Regulation and Ordinance Planning

EDUCATION

- » MRP, University of Pennsylvania, Philadelphia
- » BS, Environmental Resource Management, Pennsylvania State University, University Park

PROFESSIONAL AFFILIATIONS

- » Citizen Involvement in Planning and Design Graduate Course, University of California, Berkeley, Instructor

AWARDS

- » Southern Nevada Strong, 2016 APA National Award of Excellence for Public Outreach

Joan Chaplick, AICP**CONSULTING PRINCIPAL, COMMUNITY ENGAGEMENT**

Joan Chaplick is an expert public outreach strategist and facilitator who has been engaging communities in collaborative planning and design for over two decades. Joan's work has supported the advancement and implementation of projects impacting hundreds of communities throughout the West, including transportation, infrastructure, natural resources, recreation, land use, and organizational development. She enjoys bringing people with different perspectives together to solve commonly defined problems. Her quick thinking, humor, and ability to inject focus and clarity to a discussion have been honed through her experience in theater and storytelling. Whether it's an intimate strategic planning session or a large-scale community workshop, Joan's facilitation style builds trust and consensus – keeping the conversation on track while allowing new ideas to be revealed and explored. She crafts and directs public and stakeholder involvement processes that incorporate multilingual outreach techniques and tools to ensure that projects reflect and respond to each community's diverse needs. Joan creates a conduit for clients and their constituents to talk to and listen to each other, so they are mutually invested in a project's success – ultimately, saving time and resources for everyone's benefit.

SELECTED PROJECT EXPERIENCE

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| » Mountain View 2030 Visioning Process and General Plan Update, Mountain View, CA | » BART Title VI Public Participation Plan and Community Workshops, Bay Area, CA |
| » Hillsborough Accessory Dwelling Unit Ordinance Workshop, Hillsborough, CA | » Presidio Trust Community Meeting Process for the Main Post Supplemental Environmental Impact Statement Report, San Francisco, CA |
| » Fairfax Town Forum on Residential Housing Ordinance, Fairfax, CA | » Santa Clara Valley Habitat Conservation Plan Stakeholder Group Process, Santa Clara Valley, CA |
| » Lancaster Parks, Recreation, Open Space and Cultural Resources Master Plan, Lancaster, CA | » Henderson Consolidated Plan and Housing Strategy Outreach and Planning Assistance, Henderson, NV |
| » Facebook Willow Village Community Outreach, Menlo Park, CA | » Southern Nevada Strong, Las Vegas Region, NV |
| » MTC Plan Bay Area Community Workshops, Bay Area, CA | |
| » BART LEP Factor 3 Outreach Project, Bay Area, CA | |

AREAS OF EXPERTISE

- » Community Planning
- » Diverse Community Outreach and Public Involvement
- » Strategic Communication
- » Spanish Fluency
- » Urban Planning
- » Community Development
- » Policy Analysis

EDUCATION

- » MCP, University of California, Berkeley
- » BA, Political Science and Spanish, Sonoma State University

PROFESSIONAL AFFILIATIONS

- » American Planning Association (APA)

Noé Noyola

COMMUNITY ENGAGEMENT SPECIALIST

Noé Noyola is a highly skilled and dedicated community planner and project manager whose projects have addressed the full range of urban planning and design issues—from transportation and housing to economic development and recreation. During a college-year abroad in Denmark, Noé lived in an urban environment that was ‘healthy’; not just in physical fitness, but in social interaction and connection—which led him to his chosen field. He is keenly aware of the emotional ties that people have to their communities and strives to acknowledge this so that people will engage more productively and authentically in his projects. Noé’s cultural competency, fluency in Spanish, and mastery of process and meeting facilitation enable him to effectively bridge technical content with impacted, and often under-served, stakeholder communities. A creative communicator and facilitator, he ensures an open and balanced exchange of information and ideas that paves the way for collective decision-making and results in positive outcomes.

SELECTED PROJECT EXPERIENCE

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| <ul style="list-style-type: none"> » Franklin Boulevard Complete Streets, Sacramento, CA » CADA O Street Corridor Streetscape Activation and Connectivity Plan, Sacramento, CA » Iron Triangle Streetscape Transformation, Richmond, CA » Alameda Countywide Transportation Plan Update, Alameda County, CA » Berkeley Global Campus - Richmond Community Group Facilitation, Richmond, CA » Caltrans California Transportation Plan 2050, Phase 1 Outreach and Project Identity, Statewide, CA » Salinas Housing and Community Development Needs Assessment, Salinas, CA | <ul style="list-style-type: none"> » Caltrans District 5 Bicycle and Pedestrian Plan, Community Engagement Strategy, Central Coast, CA » Cherryland Community Center Development, Outreach and Facilitation, Hayward Area Recreation and Parks District, Hayward, CA » Union City General Plan Update, Decoto Neighborhood Outreach, Union City, CA » Franklin Blvd Complete Streets Planning and Community Outreach, Sacramento, CA » Sustainable Transportation Prioritization Plan, Santa Cruz County Regional Transportation Commission, Santa Cruz, CA |
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AREAS OF EXPERTISE

- » Environmental Analysis
- » Urban Planning
- » Entitlement and Contract Planning
- » Land Use Feasibility

EDUCATION

- » MURP, University of Southern California
- » BS, Public Affairs (Urban Planning), University of Southern California

Bob Prasse**DIRECTOR OF ENVIRONMENTAL SERVICES**

Bob Prasse has extensive knowledge and expertise in urban planning and environmental analyses. A college class on the economics of environment peaked Bob's interest in the factors affecting the built environment, which led to a 35+-year career working with public agencies and developers throughout Southern California. With his analysis, communications, and writing skills, Bob helps clients anticipate and adjust to changing conditions while still meeting project goals related to general and specific plans, zoning ordinances, development reviews, and entitlement services. In addition, he has managed, prepared, and processed CEQA and NEPA documentation for a wide range of planning projects, including large-scale mixed-use communities, public facilities, general plans, retail centers, and warehouse/logistics complexes.

SELECTED PROJECT EXPERIENCE

- » City of Desert Hot Springs General Plan Update (GPU) EIR
- » City of Monterey Park General Plan Update EIR
- » City of Hesperia General Plan Update EIR
- » City of Cudahy General Plan Update EIR
- » City of Whittier General Plan Update EIR
- » City of Commerce General Plan Update EIR
- » City of Santa Fe Springs General Plan Update EIR
- » Smoky Hollow Specific Plan Program EIR, El Segundo, CA
- » Covina Town Center Specific Plan Program EIR, City of Covina
- » Arrow Highway Specific Plan Program EIR, Glendora, CA
- » The Preserve, Specific Plan and Program EIR, Chino, CA
- » Renaissance Specific Plan (Rialto Airport Reuse), Program EIR, Rialto, CA
- » Rancho Los Lagos Specific Plan Program EIR
- » Duke Realty Logistics Warehouse EIR, Redlands area of San Bernardino County, CA
- » Redlands Crossing Shopping Center (Walmart Store) EIR, Redlands, CA
- » Las Montanas Marketplace EIR, Indio, CA
- » Sares Regis Group -Chino South Industrial Park EIR, Chino, CA
- » Clay Street Business Park EIR, Pedley Area of Riverside County, CA
- » National Orange Show Industrial Project EIR, San Bernardino, CA
- » Sierra Industrial Warehouse EIR, Fontana, CA
- » The Rialto Commerce Center (RCC) EIR, Rialto, CA

AREAS OF EXPERTISE

- » Environmental Analysis
- » GIS
- » Climate Change Analysis

EDUCATION

- » MA, Political Science, Colorado State University, Fort Collins, CO
- » MURP, California State Polytechnic University, Pomona, CA
- » BA, Political Science, San Diego State University, San Diego, CA

PROFESSIONAL AFFILIATIONS

- » American Planning Association
- » Association of Environmental Professionals
- » Cal Poly Pomona Graduate Planning Student Association

Cameron Hile

SENIOR ENVIRONMENTAL ANALYST

Cameron Hile is a Senior Analyst with more than seven years of CEQA experience working with private developers and municipal and county development services departments. He has completed CEQA documents for various residential, commercial, industrial, mixed-use, parks and recreation, and utilities projects as well as program-level documents such as Specific Plans and General Plan Updates. Cameron has conducted environmental analyses for projects within Orange County jurisdictions including Tustin, Costa Mesa, La Palma, Garden Grove, Seal Beach, and Huntington Beach. He has also conducted Third Party Review for projects in jurisdictions throughout Southern California, including Menifee, Rancho Cucamonga, Monterey Park, and Manhattan Beach.

SELECTED PROJECT EXPERIENCE

- | | |
|--|--|
| <ul style="list-style-type: none"> » Tustin Downtown Commercial Core SP EIR, Tustin, CA » Flair Spectrum Mixed-Use EIR, El Monte, CA » Downey Parks and Recreation Park Renovation CEQA Analysis, Downey, CA » Costa Mesa General Plan Update EIR, Costa Mesa, CA » Rossmoor Health Club ISMND, Seal Beach, CA » San Gabriel Valley Water Company Plant M4 ISMND, Montebello, CA » La Palma 91 Corridor Billboard Overlay ISMND, La Palma, CA » La Palma Marlin Circle Digital Billboard ISMND, La Palma, CA » Huntington Beach Circulation Element EIR, Huntington Beach, CA » Toyota of West Covina ISMND, West Covina, CA | <ul style="list-style-type: none"> » Outfront Media New Hope Digital Billboard ISMND, Garden Grove, CA » Junction at Menifee CEQA Peer Review Services, Menifee, CA » Krikorian Theatre CEQA Peer Review Services, Menifee, CA » Jack in the Box CEQA Peer Review Services, Menifee, CA » 4th and Utica Avenue Warehouse Peer Review Services, Rancho Cucamonga, CA » Monterey Park Marriot Hotel CEQA Peer Review Services, Monterey Park, CA » Gelson's Manhattan Beach Peer Review Services, Manhattan Beach, CA |
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Rob Reese, PE, TE

TRANSPORTATION LEAD | FEHR & PEERS

Rob Reese is a Principal in the Oakland office, is a registered Civil Engineer and Traffic Engineer in California and a certified Road Safety Professional with 34 years of experience. His versatility is reflected in the variety of services Fehr & Peers provides. Rob applies his wide range of experiences in transportation planning and engineering to develop transportation systems that meet community needs and values. With each project Rob brings a deep understanding of modal interactions and transportation safety with the technical understanding of civil engineering practices.

EDUCATION

- » BS, Civil Engineering, University of California, Davis

REGISTRATIONS

- » Civil Engineer: CA #49620
- » Traffic Engineer: CA #2053
- » Certified Road Safety Professional (#234)

SELECTED PROJECT EXPERIENCE

- » Waterfront Ballpark District at Howard Terminal, Oakland, CA
- » Lower Sproul Plaza, Berkeley, CA
- » Telegraph Avenue Complete Street, Oakland, CA
- » North Downtown Specific Plan, Walnut Creek, CA
- » Alta Bates Medical Center Master Plan and EIR, Oakland, CA
- » Dublin Kaiser Medical Center Campus EIR, Dublin, CA
- » San Pablo Avenue Specific Plan/Complete Streets Plan & EIR, El Cerrito, CA
- » Strategy for Downtown Lafayette, Lafayette, CA
- » Adeline Corridor Specific Plan and EIR, Berkeley, CA
- » Oak Knoll Project EIR, Oakland, CA

Ellen Polling, TE

TRANSPORTATION PLANNER | FEHR & PEERS

Ellen Polling, TE, has 30 years of experience managing transportation planning and traffic engineering projects. Her projects have included traffic impact studies, environmental impact report transportation chapters, general and specific plan transportation elements, neighborhood traffic calming studies, freeway interchange project reports, and university-related studies covering a wide array of issues, including origin-destination surveys, trip generation surveys, and policy analysis. Her areas of expertise include university and city planning studies and environmental review under CEQA.

EDUCATION

- » B.S. in Aeronautical Engineering, University of California, Davis, 1986

REGISTRATIONS

- » Licensed Traffic Engineer, State of California (#1723)
- » Licensed Mechanical Engineer, State of California (#27941)

PROFESSIONAL AFFILIATIONS

- » Institute of Transportation Engineers, Member

SELECTED PROJECT EXPERIENCE

- » Fairfield Train Station Area Specific Plan and EIR, Fairfield, CA
- » North Downtown Specific Plan and EIR, Walnut Creek, CA
- » San Pablo Avenue Specific Plan/Complete Streets Plan & EIR, El Cerrito, CA
- » Cordes Ranch Specific Plan EIR, Tracy, CA
- » City of Suisun City General Plan Update and EIR, Suisun City, CA



3. Project Approach and Scope of Services

At MIG, every project is viewed as a new opportunity to apply our expertise and to collaborate on new approaches and techniques that advance the sustainability, livability, and economic vibrancy of a community. MIG's experience in creating integrated, forward-thinking, and implementable plans has resulted in noticeable, positive change for our client communities.

Project Understanding

Clayton, is a small and tight-knit city located at the base of Mt. Diablo in Contra Costa County. A primarily residential community, Clayton's charm, in addition to its distinctive neighborhoods, is the community's small but vibrant downtown. Residents enjoy easy access to Bay Area employment centers and the ability to escape to protected open space at the end of a long work day. A family-friendly community, Clayton is known for its annual festivals and community events.

Like all cities in the region, Clayton will be assigned a number of housing units, separated into four affordability levels, that the City must plan to accommodate between 2023 and 2031. The Association of Bay Area Governments (ABAG), through the Regional Housing Needs Allocation (RHNA) process, has identified Clayton's draft RHNA allocation as 570 units -- almost four times the number of units it was assigned in the previous cycle. This ambitious figure includes over 260 units for low- and very-low income households.

To meet state requirements, support regional growth management, and further local objectives, Clayton must update the Housing Element of its General Plan – and perhaps the Land Use Element and zoning regulations—to demonstrate that the City can accommodate these units. In addition to identifying land capacity and zoning to meet the unit target, the Housing Element will include policies, strategies and actions for addressing local housing needs as well as identify specific locations for new housing at various income levels.

Key considerations for Clayton's Housing Element include:

- » Evaluating density and design options for multi-family and "missing middle" housing that protect community character;
- » addressing local needs, such as older residents who wish to downsize but remain in the City;

- » identifying underutilized land and other opportunity areas for new housing; and
- » meaningfully engaging with the Clayton community to ensure that growth is consistent with resident priorities and values.

The Housing Element Update is required to be certified by January, 2023. The sixth cycle Housing Element will contain the mandatory discussion, analysis, and programs effective on January 1, 2021 (as well as others the State legislature may adopt during this current cycle that will be apply). Changes to the Housing Element law have strengthened Housing and Community Development's (HCD) oversight, increased scrutiny of housing elements, and eliminated so-called "streamlined review." HCD may revoke Housing Element compliance if the local government's actions do not comply with State law or fail to implement program actions included in the element. It is at the HCD's discretion to determine whether an action or failure to act by a jurisdiction is inconsistent with an adopted Housing Element or Housing Element law.

Our proposed scope is focused on completing a Housing Element that includes the mandatory analysis, assessments, and programs and with content coordinated closely with the guidelines issued by the HCD. This work program prioritizes the analysis and assessment of the City's housing production holistically that supports identification of robust and actionable housing programs specifically for Clayton.

AFFIRMATIVELY FURTHERING FAIR HOUSING

AB 686 requires that Housing Elements include the provisions of the State's and Federal rules set in 2015 that affirmatively furthers fair housing, which means "taking meaningful actions, in addition to combatting discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics".

HCD released AB 686 Summary of Requirements in Housing Element Law outlining the essential components to include in the Housing Element; however, it has not released its technical guidance. Until then, HCD's outline directs:

- » **Conduct an Assessment of Fair Housing.** This type of analysis identifies segregation, disparities in access to opportunity; disproportionate housing needs of protected classes, including displacement risk. Information will be coordinated with the Los Angeles County Development Authority's Analysis of Impediments to Fair Housing Choice.
- » **Programs that Affirmatively Furthers Fair Housing.** These new programs include descriptions of meaningful actions to address significant disparities in housing needs and in access to opportunity and strategies and actions findings to implement the identified housing needs assessment's priorities and goals.
- » **Site Inventory Analysis.** The distribution of sites identified to accommodate the lower-income need should account for geographical segregation or concentration of protected classes.

MEETING RHNA

The existing difficulty statewide in developing affordable housing, combined with a changing legislative environment and increased RHNAs for the sixth cycle, will make for a challenging housing element update. In particular, where a majority of sites to meet the lower income RHNA have an existing use (i.e., underutilized/nonvacant sites), the existing use is presumed to impede development. Furthermore, for all underutilized sites, jurisdictions are required to consider other factors, including the extent to which existing uses may constitute an impediment to additional residential development, the jurisdiction's past experience with converting existing uses to higher-density residential development, the current market demand for the existing use, an analysis of any existing leases or other contracts that would perpetuate the

existing use or prevent redevelopment of the site for additional residential development, development trends, market conditions, and regulatory or other incentives or standards to encourage additional residential development on these sites imitations to the use of identified sites and when applied to the current strategy, makes a strong argument for exploring sites not previously analyzed.

Per the law, sites must be “available” for residential development and have “realistic and demonstrated” potential for redevelopment, and parcels must have sufficient water, sewer, and dry utilities or be part of a mandatory program to provide such utilities. In particular, the law places limitations on “re-using” sites from the fifth cycle Housing Element that have not yet been approved for housing development. If a non-vacant site was listed in last Housing Element and is not yet approved for a housing development or if a vacant site is not yet approved for housing and was included in the last two consecutive Housing Elements, the site can be included in the inventory only if a rezoning occurs to allow projects with at least 20% affordable units to receive by-right approval and:

- » Lower-income sites must be between one-half acre and 10 acres in size unless evidence is provided that a smaller or larger site is adequate.
- » If relying on non-vacant sites for more than half of the lower-income RHNA, the sites inventory requires an in-depth analysis and substantial evidence that the use is likely to be discontinued during the planning period.

New No Net Loss provisions ensure the preservation of housing sites during the upcoming planning period but require jurisdictions to ensure that approval of development applications do not trigger its provisions.

Project Approach

The MIG Team will bring has prepared the following scope of services based upon our extensive housing element experience, an in-depth review of the Request for Proposals (RFP), and our understanding of the Clayton community.

The key elements of our approach to this project are:

- » **Clear communication.** MIG will coordinate regularly with City staff to keep the project on track and on budget. We will also use clear and accessible language and compelling graphics to convey concepts and trade-offs to the public.
- » **Efficient use of City and MIG staff time.** By dovetailing our current work on the downtown property with the Housing Element work. We will find opportunities to build upon work the MIG Team has underway and planned, including background research, stakeholder input and public engagement activities.
- » **Leveraging regional and statewide resources.** The MIG Team will use and refine guidance and data from the ABAG Housing Technical Assistance Program and Contra Costa County 2020-2025 Analysis of Impediments to Fair Housing Choice (AI) as the basis for our work.

The MIG Team has developed a scope of work that addresses the requirements of State law, together with a rigorous schedule to adhere to the State adoption deadline for the Housing Element (January 2023). This work program prioritizes the analysis and assessment of the City’s housing production and services to identify robust and actionable programs. The Housing Element will be developed along with key stakeholders that include public officials, city commissions and committees, and community groups.

Scope of Work

TASK 1: PROJECT COORDINATION AND MANAGEMENT

1.1 Project Kick-Off and City Meeting Tour

MIG will plan and facilitate a kick-off meeting with City staff to introduce the team, review key tasks and milestones, confirm consultant and City roles, identify project management protocols, and establish product review procedures.

Following the kick-off meeting, MIG will refine the project scope, community engagement plan (Task 2.X) and project milestone schedule. MIG will prepare a meeting summary that outlines the project goals, objectives, and action items as discussed during the meeting.

In conjunction with the kick-off meeting, MIG will participate in a socially-distanced or virtual tour of the City to review housing sites identified in the current Housing Element and potential new sites. City staff will be responsible for planning the tour route. During these times of social distancing, MIG has developed a very effective way to conduct a digital tour using online meeting tools and Google Earth that allows us to document comments in real time on the map.

1.2 Communication and Coordination

MIG will manage the Housing Element Update to ensure the project remains on budget and schedule. The MIG project manager will conduct regular Zoom or conference calls every other week with City staff to ensure coordination and close collaboration. These calls will allow the team to review project status, discuss issues and documents, and plan events and presentations. As appropriate, these meetings will be combined with the Downtown Property Engagement project that MIG is leading to best share information and resources.

Following each check-in meeting, MIG will prepare and send a brief meeting summary, including action items, by email. These meetings will also be used to prepare for community and stakeholder events as well as Planning Commission and City Council meetings. As public health directives allow, we will also attend up to 10 in-person meetings.

This task also includes internal MIG coordination meetings, subconsultant management, invoicing, progress reports and project administration.

Task 1 MIG Team Deliverables

- » Kick-off meeting agenda (Word; PDF)
- » Revised Project schedule (Excel or InDesign; PDF)
- » Revised scope of services and budget (Word and Excel; PDF)
- » Regular Zoom or conference calls (up to 32 meetings) and brief summaries (via email)
- » Meetings with City staff (10 meetings) and brief summaries (via email)
- » Monthly invoicing and progress reports (via email)

Task 1 City Tasks

- » Review of all draft materials, providing one set of consolidated, non-conflicting comments
- » Schedule and host kick-off meeting
- » Plan site tour

TASK 2: COMMUNITY OUTREACH AND ENGAGEMENT

2.1 Community Engagement Plan

MIG will prepare a Community Engagement Plan (CEP) that identifies all methods to be used for stakeholder and community outreach including a schedule of events, specific groups and audiences to reach, and the activities planned to solicit input. The CEP will identify input and feedback opportunities for each project milestone (e.g., site options, environmental review) and identify opportunities to coordinate with the Downtown Property Engagement process.

The CEP will include targeted strategies for hard-to-reach and special needs populations as well as key messages to support engagement and clearly articulate the project goals.

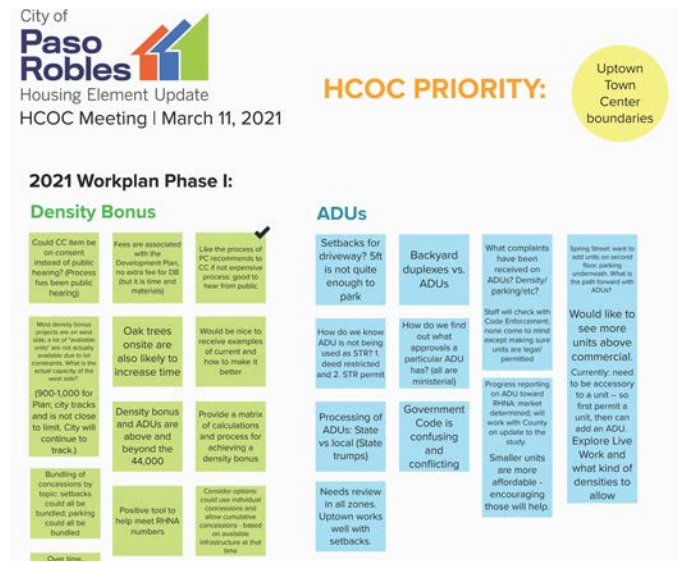
Depending on directives and protocols related to the COVID-19 pandemic, MIG can plan and host in-person or virtual events, meetings and presentations.

We assume events will be held remotely through December 2021, but our approach allows us the flexibility to adapt to changing conditions. In the last year, MIG has successfully planned, facilitated and hosted scores of community events and charrettes using Zoom and other online platforms. Our team has full command of a suite of interactive digital resources that support engaging and interactive meetings and events, including Mural, ConsiderIt, Jamboard, as well as built-in Zoom features such as real-time polling.

2.2 Community and Stakeholder Engagement Activities

This scope of work assumes the CEP will include both in-person activities as well as online engagement opportunities and at least:

- » One initial City Council presentation to introduce the project goals, objectives, scope and timeline
- » One stakeholder focus group or up to 8 individual stakeholder interviews
- » Two larger community events at key project milestones, potentially held in conjunction with the downtown property project and/or community events (e.g., Art and Wine Festival)
- » One online map-based survey
- » Four Planning Commission and City Council public hearings (included in Task 9 and 10 scope and budget)



During the kick-off meeting, the City and MIG will confirm the most appropriate engagement tools for the Housing Element program, after which the draft CEP will be developed and reviewed by City staff. The Task 2.2 budget in this proposal includes and an allowance for community events with specific budget allocations to be determined in consultation with City staff during the CEP process.

2.3 Project Templates and Messages

The MIG team will develop a consistent look and feel for project materials as well as suite of templates that can be used to promote community events, such as postcards, fliers and website content. As an optional task, MIG can develop and host a project website on a time and materials basis.

Working with MIG's in-house strategic communications team, we will also develop a set of key messages that clearly describe the Housing Element process and objectives to the broader Clayton community, addressing:

- » State mandates and Housing Element / RHNA requirements;
- » regional approach to growth, land use, and housing supply;

- » local needs such as planning for an aging population and diversifying housing stock;
- » local control and subsequent engagement, planning, and development review processes;
- » strategies to accommodate new housing opportunities while preserving community character.

Task 2 MIG Team Deliverables

- » Community Engagement Plan (MS Word; PDF)
- » Project templates (InDesign or Word)
- » City Council Presentation (PPT)
- » Agenda, discussion questions, facilitation and summary of one stakeholder focus group (Zoom) or 8 individual interviews (by phone or Zoom)
- » Plan, agenda, materials and summary of two community-wide workshops (virtual and/or in person) including participation by 3 MIG Team members (MS Word; InDesign; PDF)
- » Survey content and design (Digital)
- » Survey analysis and summary (MS Word; PDF)

Task 2 City Tasks

- » Review of all draft materials, providing one set of consolidated, non-conflicting comments
- » Staff reports
- » Event invitations and promotion
- » Event logistics (e.g., venue selection and reservations)

TASK 3: HOUSING AND SPECIAL HOUSING NEEDS DATA REVIEW AND CUSTOMIZATION

ABAG's Regional Housing Technical Assistance Program will provide jurisdiction-specific data tables and narrative for all data required by State code.

This task includes time to review the pending report to ensure it is appropriately tailored to Clayton with the option to augment the data as needed and to ensure it meets all requirements of Government Code Section 65583, including:

- » Population, demographic, and employment trends with the accompanying analysis of the existing and projected share of regional housing needs for all income levels
- » Housing stock characteristics, including at-risk unit and vacant and underutilized land
- » Housing cost, affordability, and market conditions (including overcrowding and overpayment)
- » Potential for increased residential development under existing zoning requirements and General Plan policies
- » Housing needs for special population groups such as large families, seniors, etc.
- » Number of existing assisted housing units at risk of conversion to market rate housing over the next 10 years

Additionally, new State law on Affirmatively Furthering Fair Housing (AFFH, AB 686) requires the Housing Element analyze:

- » Fair housing enforcement and outreach
- » Integration and segregation
- » Racially and ethnically concentrated areas of poverty
- » Access to opportunity
- » Disproportionate needs

Clayton is included in the Contra Costa County 2020-2025 Analysis of Impediments to Fair Housing Choice (AI). MIG will extract information specific to Clayton and augment the analysis contained in the AI to meet the Housing Element AFFH requirements. HCD currently is developing an AFFH Tool that will assist with this effort; we anticipate it will be available to help compile data for this topic.

MIG will review the available data from ABAG and the AI, provide a brief summary and assessment and propose necessary revisions and additions for City review before undertaking any additional data collection or analysis.

Task 3 MIG Team Deliverables

- » Review of ABAG Regional Housing Technical Assistance data and reports
- » Review of Contra Costa 2020-2025 AI
- » Memo summarizing data needs and recommended additions or refinements (MS Word)
- » » Data tables and narrative

Task 3 City Tasks

- » Provide available data and reports

TASK 4: HOUSING CONSTRAINTS ASSESSMENT AND ANALYSIS

The Housing Constraints analysis identifies potential and actual governmental and nongovernmental (e.g., physical or financial) constraints to housing production and protection. This includes land use controls such as code requirements, permitting fees and permitting processes; physical/environmental constraints; infrastructure; financial; and market constraints.

ABAG's Regional Housing Technical Assistance Program will provide cross-jurisdictional comparisons as well as narrative for typical non-governmental constraints relevant to Contra Costa County. MIG will review the report to assess its completeness and ensure it is appropriately tailored to Clayton. As needed, MIG will conduct additional research and analysis to identify or expand upon local constraints. Where constraints exist, we will suggest General Plan or zoning code changes and/or housing programs to mitigate or remove these constraints. New laws concerning changes to the housing constraints analysis such as AB 879, and changes to the State's accessory dwelling unit laws will be addressed.

MIG will review the available data from ABAG and the AI, provide a brief summary and assessment, and propose necessary revisions and additions for City review before undertaking any additional data collection or analysis.

Task 4 MIG Team Deliverables

- » Review of ABAG Regional Housing Technical Assistance data and reports
- » Memo summarizing data needs and recommended additions or refinements (MS Word)
- » Research, data analysis and summary narrative

Task 4 City Tasks

- » Provide available data and reports

TASK 5: REVIEW OF EXISTING HOUSING ELEMENT

MIG will prepare a 2015-2023 Housing Element Assessment, which will outline key specific changes to be incorporated into the sixth cycle update. In evaluating the Clayton's existing Housing Element and its programs, the memo will address:

- » Success implementing or status of implementation of goals, policies and programs.
- » The effectiveness of the housing program and policies.
- » A comparison of projected results from the adopted Housing Element to actual accomplishments.
- » A summary of how these results important to the Housing Element update.

MIG will also review the site inventory from the 2015-2023 Housing Element to assess the sites' status and determine their suitability for inclusion as housing opportunity sites in the Sixth Cycle Element.

We will prepare a Housing Element Program Performance table summarizing the results from this analysis and recommend specific changes to be incorporated into the revised Housing Plan (policies, programs, and objectives). This table will be the basis for the Program Accomplishments chapter as required by State law.

Task 5 MIG Team Deliverables

- » Review of 2015-2023 Housing Element
- » Review and assessment of existing or previous housing opportunity sites
- » Housing Element Program Performance table

Task 5 City Tasks

- » Provide available data and reports

TASK 6: SITES INVENTORY

To demonstrate how Clayton can satisfy its RHNA in each income category, MIG will prepare an adequate sites analysis that identifies and evaluates potential housing opportunity sites and their development capacity. Using the ABAG Regional Housing Technical Assistance site selection tool, MIG will identify potential housing opportunity sites, analyze, and illustrate their development viability and capacity, and identify potential policy changes, including zoning or development standards, that could increase site capacity. This analysis will also include safe assumptions for ADU affordability that contribute to realizing the City's RHNA.

We do not know at this point whether existing General Plan land use policy, together with projected ADU construction, will be able to accommodate the RHNA for each income category. If changes to land use policy (and accompanying zoning map and zoning code amendments) are required, we will want to explore options carefully with City staff before identifying this need to the public.

The City will have the option to undertake such amendments in parallel with the Housing Element update or promise to rezone within three years. We recommend the parallel process to ensure internal General Plan consistency and avoid having to revisit the issue again later. Also, if the City promises to rezone, certain restrictions would apply regarding approval of projects by right.

Once the list of sites has been drafted, MIG will demonstrate how these sites, in combination with ADUs, will achieve the City's RHNA. This will include a parcel-specific inventory of sites that can accommodate RHNA by income categories. MIG will provide guidelines for site identification prepare a Sites Inventory GIS map and parcel-specific site listing (table). MIG will then work to provide the demonstrate that these sites can facilitate the development of housing given existing site, market, and development conditions. The analysis will also evaluate and include funding resources, administrative resources, and opportunities for energy conservation, as required by State law.

To ensure consistency with the State "no-net-loss" requirements, we recommend that the City identify a RHNA "cushion" so that if a site identified for affordable housing is instead developed with market-rate units, the City must identify another site suitable to absorb the "loss" of affordable housing development potential.

MIG will develop schematic visualizations or massing studies to demonstrate how potential housing types can fit on the site and in neighborhood context and demonstrate how potential increases to densities and heights and changes to other standards could impact potential housing production. These site studies can be used to refine and finalize the housing opportunity site analysis as well as to assist in community and stakeholder outreach, showing people how these products could look and feel in the context of Clayton's built environment.

Once finalized, MIG will input the sites inventory on the HCD electronic form for submittal with the updated Housing Element.

Task 6 MIG Team Deliverables

- » Identify safe assumptions for ADU affordability
- » Identify and analyze potential opportunity sites for suitability and development capacity
- » Develop schematic visualizations / site studies for up to 6 sites
- » Draft, refine and finalize sites inventory (assumes two rounds of review with City staff and one round of review with the community and/or stakeholders)
- » Prepare a Sites Inventory Map (GIS; Illustrator; PDF) and data table (GIS; Excel)
- » Submittal of sites inventory to HCD (electronic)

Task 6 City Tasks

- » Provide and verify accuracy of site data

TASK 7: GOALS, POLICIES, PROGRAMS AND QUANTIFIED OBJECTIVES

Based on the analysis completed in the above tasks and building on Clayton's existing Housing Element, we will craft a Housing Plan (eight-year implementation plan) with goals, policies, and programs relative to the maintenance, preservation, improvement, and development of housing during the 2023-2031 planning period. MIG will also prepare a "Review of Past Performance" analysis that builds on the analysis of the previous Housing Element's policy programs to inform recommendations.

Quantified objectives will be established to address housing needs for all income groups. This will include strategies to preserve and improve the existing stock of affordable housing; facilitate development of adequate housing to meet the needs of low- and moderate-income households; meet regional share of goals; and mitigate any governmental constraints to housing production, improvement, and/or maintenance.

MIG will draft narrative for inclusion in the draft Housing Element, demonstrating compliance with State law, consistency with other General Plan elements and policies, and responsiveness to local conditions and community input.

Task 7 MIG Team Deliverables

- » Housing Plan including goals, [policies, programs and quantified objectives
- » Identification of General Plan policy updates or revisions needed for consistency

TASK 8: REZONING (OPTIONAL)

If the site inventory and analysis process (Task 6) determines that suitable sites are not available to accommodate the RHNA—including with the potential development of ADUs—we will evaluate the need to rezoning parcels or areas to increase density limits and unit capacity. This will include all considerations for the City to maintain an adequate housing sites inventory through the eight-year planning period.

Task 8 MIG Team Deliverables

- » To be determined in consultation with City staff following the completion of Task 6

TASK 9: DRAFT HOUSING ELEMENT AND PUBLIC HEARINGS

Task 9.1 Administrative and Public Review Draft Housing Element

MIG will prepare an administrative draft 2023-2031 Housing Element for City staff review. The draft will include all required components needed to comply with State law, including associated maps and figures. In preparing the Housing Element update, we will proactively identify issues, such as inconsistencies with other General Plan elements, and immediately bring those issues to the attention of City staff, identify potential solutions, and coordinate with City staff as to the best course of action.

Based on one set of consolidated, non-conflicting comments, MIG will produce a Public Review Draft Housing Element for Council, Commission and stakeholder review. As needed, MIG will coordinate with City staff to ensure that the Public Review Draft is available to the public and stakeholders online, and in hard copy in at locations such as City Hall.

Task 9.2 Public Hearings

MIG will present the Public Review Draft Housing Element to the Planning Commission and City Council at two (or more) public hearings. MIG will prepare a presentation that highlights the key aspects of the Housing Element for elected and appointed officials and record all suggested changes from Commission and Council.

Task 9.3 HCD Review Draft and Coordination

Based on input from the public hearings, MIG will prepare a HDC Review Draft Housing Element and submit this to HCD. MIG will be the point of contact for any questions and correspondences with HCD, and we will work closely with City staff to ensure that the City meets all HCD deadlines and requirements.

Task 9 MIG Team Deliverables

- » Administrative (First) Draft Housing Element (MS Word; GIS/Illustrator/Excel; PDF)
- » Public Review (Second) Draft Housing Element (MS Word; GIS/Illustrator/Excel; PDF)
- » Council and Commission Presentation (MS PPT; PDF)
- » Summary of Council and Commission input and recommended Element revisions (email)
- » Attendance and presentation at two (or more) public hearings (two MIG team members)
- » HCD (Third) Review Draft Housing Element and Submittal (PDF)

Task 9 City Staff Tasks

- » Review and provide one set of consolidated, non-conflicting comments on the first and second draft Housing Elements and PowerPoint Presentation
- » Prepare Staff Reports for Council and Commission public hearings

TASK 10: FINAL DRAFT HOUSING ELEMENT, HEARINGS, ADOPTION AND CERTIFICATION

Task 10. 1 Final Draft Housing Element

The MIG Team will work closely with City and HCD staff to address and resolve any comments on the HCD Review Draft Housing Element and produce a Final Draft Housing Element for adoption.

Task 10.2 Public Hearings

MIG will present the Final Draft Housing Element to the Planning Commission and City Council at two (or more) public hearings. MIG will prepare a presentation that highlights HCD feedback and substantive changes to the Final Draft. MIG will record all suggested changes from Commission and Council.

Task 10.3 Final Housing Element and Certification

Following adoption of the element by the City Council, MIG will prepare a final version of the Housing Element—including any changes to the draft required by City Staff and officials—for transmittal to HCD for certification review. We will work closely with City staff to ensure that schedules are maintained to meet State deadlines and requirements. HCD has the opportunity to review the Housing Element for up to 90 days—once the Council has adopted it—to ensure the adopted element complies with the provisional certification letter previously issued. During this time, MIG will be available to respond to any specific concerns HCD may have.

As necessary, we will provide HCD with any requested supplemental data or information on proposed programs, policies, and strategies to meet the RHNA and otherwise comply with State law. MIG will also submit the Final Housing Element to the water/sewer district and the state Office of Planning and Research (OPR). MIG will continue to communicate with HCD as needed until the Housing Element update is certified.

Task 10 MIG Deliverables

- » Final (Fourth) Draft Housing Element (MS Word; GIS/ Illustrator/Excel; PDF)
- » Council and Commission Presentation (MS PPT; PDF)
- » Summary of Council and Commission input and recommended Element revisions (email)
- » Attendance and presentation at two (or more) public hearings (two MIG team members)
- » Coordination with HCD
- » Final Housing Element and Submittal (PDF)

Task 10 City Staff Tasks

- » Review and provide one set of consolidated, non-conflicting comments on the first and second draft Housing Elements and PowerPoint Presentation
- » Prepare Staff Reports for Council and Commission public hearings

TASK 11: ENVIRONMENTAL ANALYSIS

Adoption of the updated Housing Element is considered a “project” under CEQA and thus subject to CEQA review. Because the Housing Element is a policy document that does not specifically authorize

any construction project, MIG’s environmental team will conduct a program-level analysis. The following subtasks assume that either a Negative Declaration (ND) or Mitigated Negative Declaration (MND) can be adopted, tiering on information in the General Plan Final EIR.

However, in the event that the City moves forward with land use or zoning changes to address the Housing Element RHNA, the cost proposal includes an optional line item for an Environmental Impact Report (EIR) to cover not only the Housing Element but any associated General Plan Land Use Element and/or zoning changes necessary to satisfy the City’s 2021-2029 RHNA. Preparation of an EIR is outlined in Optional Tasks.

Task 11.1 Environmental Analysis and IS/MND

MIG will use the CEQA Guidelines Appendix G Standard Environmental Checklist for the Initial Study (IS) evaluation. We will provide thorough and comprehensive answers to each IS Checklist question, which will be supported by tables, figures, maps, and graphics, as appropriate. Source information will be referenced. The anticipated IS/(M)ND scope of work is as follows:

Draft (Mitigated) Negative Declaration – MIG will draft the (M)ND and present the CEQA findings contained in the document, including

- » **Introduction:** MIG will describe the purpose and organization of the IS/(M)ND and the need for the IS pursuant to CEQA Guidelines. The intent is to provide the CEQA lead agency and public with detailed information about the project’s environmental effects and any measures required to mitigate potentially significant impacts.
- » **Existing Conditions and Project Description:** This section will describe the programmatic nature of the element and current conditions that form the baseline for environmental analysis.
- » **CEQA Checklist Issue Areas:** MIG will describe physical changes to the environment that could result from construction and operation of the project by answering the questions in the Environmental Checklist. We will prepare thorough, documented responses to all questions in the checklist.
- » **Report Preparers:** The document will list the various persons or organizations consulted and report preparers and their associated affiliations.

- » **Appendices:** The appendices will include any relevant technical information, including but not limited to air quality calculations and cultural resource literature search results.

MIG will draft an Administrative (First) Draft IS/ (M) ND for City staff review. Following receipt of one set of consolidated, non-conflicting City comments, MIG will prepare a Screencheck (Second) Draft and submit this draft for City final review and comment. Upon City review and approval of the Screencheck Draft, MIG will prepare a Public (Third) Draft IS/(M)ND as well as the CEQA Notice of Intent (NOI) to adopt a Negative Declaration.

MIG will be responsible for all required outreach, noticing, and the filing of the NOI. The City will be responsible for the public notice distribution and posting in local newspapers, as well as paying the Clerk's filing fees and the newspaper's public noticing fees. MIG will provide the NOI and IS/(M)ND to the State Clearinghouse for State agency review, which is required since HCD is the responsible agency.

MIG will provide administrative and consultation services in support of Senate Bill 18 (SB 18) and Assembly Bill 52 (AB 52) Native American Consultation under guidance from the City, including:

- » Prepare tribal notification letter(s)
- » Mail and document tribal notification letter(s)
- » Create and update (as needed) SB 18 and AB 52 compliance checklist
- » Forward tribal requests and scheduling for Government-to-Government consultation to the City
- » Conduct Government-to-Government consultation with City staff
- » Prepare and mail tribal notifications for the public hearing process
- » Compile the administrative record that documents SB 18 and AB 52 Compliance

It is assumed that the lead agency will facilitate the consultation meetings, as required by law, with the assistance of MIG. MIG will document the information and capture Tribal input for inclusion in the project's administrative record.

Following conclusion of the 30-day CEQA public review period and receipt of all oral and written comments on the IS/(M)ND from the public and responsible agencies, MIG will prepare a summary comment and response document. This is not required by CEQA, but we believe providing short, succinct responses will provide full information to decision-makers during the hearing process. The summary comment and response document will be submitted to the City staff for review. Upon receipt of City comments, MIG will finalize the document for public hearings.

Within five working days of the City approval of the project and certification of the IS/(M)ND, MIG will provide a Notice of Determination (NOD) to the City. Following the City's approval of the NOD, MIG will file it with the County Clerk's Office and the State Clearinghouse. At the time of the filing, fees will need to be provided by the City pursuant to the State of California Fish and Game Code Section 713. This fee is not included in our proposal.

Fehr & Peers will prepare the transportation impact assessment for the Housing Element Update.

This task will address the four CEQA Checklist transportation questions:

Would the project:

1. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?
2. Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

3. Substantially increase hazards due to a geometric design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?
4. Result in inadequate emergency access?

Fehr & Peers will prepare the Transportation Setting, including

- » Existing roadway, bicycle, and pedestrian networks
- » Current transit routes and service frequencies, as well as pre-COVID information if appropriate
- » Travel characteristics based on the California Household Travel Survey data and StreetLight Data
- » Daily traffic volumes on up to five roadway segments, and associated capacities based on Highway Capacity Manual, 6th Edition methodology; data to be based on counts, StreetLight data, or a combination of both, depending on COVID/post-COVID conditions when the work is conducted.
- » Current VMT metrics, as reported by the Contra Costa Countywide Travel Demand Model

For checklist question #1, we will compare the Draft Housing Element goals, policies and programs to relevant regional plans addressing the circulation system, as well as related internal Draft General Plan policies in the Land Use, Air Quality and Greenhouse Gas chapters, to determine if any inconsistencies exist. For checklist question #2, we will use the travel demand model to assess the VMT generated by the Draft Housing Element, using the City's chosen VMT metrics from Task 1. We will assess significance relative to the City's chosen significance criteria. For checklist question #3, we will assess whether the Draft Housing Element programs would be considered to create hazardous conditions if implemented according to the applicable standards of the City of Clayton and other governing agencies. For checklist question #4, we will assess whether the Draft Housing Element policies would create barriers to emergency vehicle circulation and access.

Task 11 MIG Team Deliverables

- » Administrative (First) Draft Environmental Documents (MS Word; PDF)
- » Screencheck (Second) Draft(s) Environmental Documents (MS Word; PDF)
- » Public (Third) Draft IS/(M)ND (MS Word; PDF)
- » CEQA Notice of Intent to Adopt a Negative Declaration
- » Comment and Response document (MS Word; PDF)
- » Mitigation Monitoring and Reporting Plan, if applicable (MS Word; PDF)
- » CEQA Notice of Determination (MS Word; PDF)

OPTIONAL TASK O: ENVIRONMENTAL IMPACT REPORT (EIR)

The following tasks would be performed in lieu of Task 11.1 and would be refined in consultation with the City if an EIR is needed. A comprehensive Program Environmental Impact Report (EIR) will be prepared to address the Housing Element and additional General Plan or zoning amendments. The Program EIR will be structured to minimize the environmental review needed for future development proposals and other projects. A number of available methods under CEQA can be used to eliminate often redundant project-level analysis. .

MIG and City's traffic consultant will meet with City staff to review any particular requirements for City CEQA documents, including formatting and specific thresholds of significance, most notably new City methodology and thresholds to address SB 743 requirements.

TASK O.1 INITIAL STUDY, NOTICE OF PREPARATION AND SCOPING MEETING

Once a stable project description has been developed, a Notice of Preparation (NOP) and Initial Study will be prepared. The Initial Study will be used to focus the topical area contents (traffic, noise, air quality, etc.) to indicate potentially significant impacts that will require further analysis in the Draft Program EIR and to screen from further review those issue areas that are not potentially significant.

MIG will distribute the Initial Study and NOP to the State Clearinghouse, public agencies, and other interested entities for the CEQA-required 30-day review period. We will also post the NOP with the County Clerk. During the 30-day review period, MIG staff will organize and lead the EIR scoping session with responsible/interested agencies and members of the public. Comments received on the scope of the EIR will be referenced and considered in the Draft EIR. MIG will refine the scope of the environmental analysis, if warranted, in response to the public scoping process. In addition, MIG will, if necessary, coordinate with City staff with respect to follow up consultation with interested and/or Responsible public agencies. City staff would be responsible for compiling the NOP mailing list (including interested individuals and non-governmental entities), securing the scoping meeting location and notifying interested parties that do not directly receive the NOP.

TASK O.2 VMT OVERVIEW AND MAPPING

Fehr & Peers will prepare a memorandum for the City's review, describing the options for vehicle-miles of travel (VMT) metrics, analysis methods, and significance criteria for the transportation impact evaluation. The memorandum will describe the guidance provided by the Office of Planning and Research (OPR) and the Contra Costa Transportation Authority (CCTA). As part of this work, we will prepare maps of VMT metrics for the Clayton traffic analysis zones (TAZs) in the Contra Costa Countywide Travel Demand Model; these maps will be useful during the development of Housing Element opportunity sites and the General Plan land use alternatives, as they will demonstrate low, average and high-VMT areas of the city.

VMT metrics will include home based VMT per resident for residential uses, home based-work VMT per employee for office uses, and VMT per service population for retail uses.

We will attend one meeting or conference call to review the VMT options and assist the City in choosing the metrics, methods and criteria to be used in this effort.

TASK O.3 ADMINISTRATIVE DRAFT PROGRAM EIR

MIG will develop a program-level Administrative Draft EIR that considers all aspects of project implementation. Environmental topic areas and potential CEQA-defined impacts will be aligned with potential policies, implementation programs, and other components of the updated elements where applicable. The EIR will include all CEQA-required components, including baseline/ existing conditions, project description, cumulative impacts, growth inducing impacts and project alternatives. The CEQA-required executive summary will also be included, along with a summary table of impacts and mitigation measures. Where necessary to address potentially significant impacts practical, implementable and enforceable mitigation measures will be developed.

Under this task, the technical reports necessary to support the Draft EIR will also be prepared to address Air Quality, Greenhouse Gas/Energy Analysis, Noise, and Vehicle Miles Traveled (VMT). The VMT Analysis will necessitate a kick-off meeting with the City's traffic consultant to discuss data collection. Due to travel pattern changes in southern California with the emergence of COVID-19, it is not recommended to use existing roadway segment counts in the study area. However, historical counts in the study area can be factored to reflect 2020 roadway segment counts. Additionally, historic counts can be used to adjust existing counts to non-COVID conditions.

TASK 0.4 DRAFT EIR FOR CIRCULATION

MIG will revise the Administrative Draft EIR based on comments received from City staff and provide a redline “proof check” draft to the City to ensure that all comments and revisions have been addressed. Following City sign off, the Draft EIR will be ready for public circulation. MIG will prepare a Notice of Completion (NOC) and related and required forms for submittal to the State Clearinghouse and a Notice of Availability (NOA) to be transmitted with the Draft EIR to other public agencies, special interest groups, and interested persons. Circulation of the Draft EIR will initiate a CEQA-required 45-day public review period. The City would be responsible for posting notices in the local newspaper.

TASK 0.5 RESPONSE TO COMMENTS, FEIR, AND MMRP

Following the close of the 45-day review period, MIG will prepare a Response to Comments/Final EIR (RTC/FEIR) that includes responses to public and agency comments received on the Draft EIR during the 45-day public review period. Comments will be addressed with a reasoned analysis supported by substantial evidence related to the issues raised. Some responses may result in revisions to the text or exhibits contained in the Draft EIR, and such changes would be documented in the RTC/FEIR. Once the RTC/FEIR is approved by the City and finalized, MIG will transmit it to the commenters. This task will also include a Mitigation Monitoring and Reporting Program (MMRP). The budget assumes up to 60 individual comments will require a response (note: each comment letter may include multiple comments). It includes 16 professional hours for Fehr&Peers staff to provide support to the team in preparing responses to public comments on the Draft EIR and preparation of the Final EIR. Depending on the number and complexity of the public comments, a scope and budget adjustment may be needed.

TASK 0.6 FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA requires specific findings regarding the significance of environmental impacts in an EIR and the feasibility of mitigation and project changes. As an optional task, MIG can coordinate with City Staff and the City Attorney to prepare this document and submit a draft for one round of review/revisions. MIG would also prepare a Statement of Overriding Considerations (SOC) for any unavoidable significant and adverse impacts.

TASK 0.7 MEETINGS AND HEARINGS

The MIG CEQA manager will be available to attend public hearings and will meet with staff during the course of the work.

TASK 0.8 NOTICE OF DETERMINATION (NOD)

Within five working days of certification of the Final EIR by the City Council, MIG will prepare and file the NOD with the County Clerk and the State Clearinghouse. This task does not include payment of any filing fees, including California Department of Fish and Wildlife fees.

TASK 0.9 CCTA CONGESTION MANAGEMENT PLAN LAND USE ANALYSIS COMPLIANCE

If required, as a separate task from the CEQA analysis, Fehr & Peers will prepare an analysis of the Housing Element Update’s effect on the Multimodal Transportation Performance Objectives laid out in the 2019 Contra Costa County Congestion Management Plan and the 2017 East County Action Plan for Routes of Regional Significance. The threshold for the evaluation of General Plan Amendments in the area covered by TRANSPAC (the Regional Transportation Planning Committee for Clayton) is 500 peak hour new trips; it is not yet known whether the Housing Element update would generate this many new trips.

If this analysis is needed, the MTSOs evaluated include metrics assessing the performance of the roadway system in and around Clayton, including Clayton Road and Ygnacio Valley Road/Kirker Pass Road. For the purposes of this analysis, the following MTSOs will be evaluated for the Existing condition (latest available monitoring report), Existing With Project (Housing Element Update), Cumulative No Project, and Cumulative With Project.

- » Clayton Road: Average travel speed of 15 mph during both peak hours
- » Ygnacio Valley Road/Kirker Pass Road/Clayton Road: No more than three signal cycles to clear
- » Ygnacio Valley Road/Alberta Way/Pine Hollow Road: No more than four signal cycles to clear
- » Ygnacio Valley Road/Cowell Road: No more than four signal cycles to clear

TASK O.10 VMT OVERVIEW AND MAPPING

If directed, Fehr&Peers will prepare a memorandum for the City's review, describing the options for vehicle-miles of travel (VMT) metrics, analysis methods, and significance criteria for the transportation impact evaluation. The memorandum will describe the guidance provided by the Office of Planning and Research (OPR) and the Contra Costa Transportation Authority (CCTA). As part of this work, we will prepare maps of VMT metrics for the Clayton traffic analysis zones (TAZs) in the Contra Costa Countywide Travel Demand Model; these maps will be useful during the development of Housing Element opportunity sites and the General Plan land use alternatives, as they will demonstrate low, average and high-VMT areas of the city. VMT metrics will include home based VMT per resident for residential uses, home based-work VMT per employee for office uses, and VMT per service population for retail uses. Fehr&Peers staff will attend one meeting or conference call to review the VMT options and assist the City in choosing the metrics, methods and criteria to be used in this effort.

Optional Task O Task Deliverables

- » Kick-off meeting or phone call for EIR
- » Phone calls or meetings to review administrative draft documents
- » Notice of Preparation and Initial Study
- » Draft and Final Technical Studies (Air Quality, Greenhouse Gases, Traffic and Noise)
- » Administrative Draft Program Environmental Impact Report
- » Draft Program Environmental Impact Report
- » Draft and Final Responses to Comments, FEIR, and MMRP
- » Notice of Determination
- » Congestion Management Plan Land Use Analysis
- » VMT Overview and Mapping

Scope and Deliverable Assumptions

- » All written deliverables will be submitted in Word or other editable format (e.g., PowerPoint) as noted in the scope of work
- » Unless otherwise specified, final deliverables will be based on one round of review with City staff providing a single set of consolidated, non-conflicting comments to the MIG Team
- » Task 8 work, additional Council or Commission meetings, and other tasks can be provided on a time and materials basis

4. Relevant Experience

Experience is key. The MIG Team has unparalleled experience leading General Plan update projects for a variety of cities and counties throughout California. Our deep community engagement, technical, legal, and environmental experience will be critical on this project, and can be leveraged by the City of Clayton for the Housing Element Update Sixth RHNA Cycle.

MIG has served public and private clients of every size and jurisdiction—from cities, counties, and special districts to regulatory agencies and developers—as a full-service planning and design firm. Our dedicated staff has the background and experience to prepare plans and design documents for a wide variety of projects, including site-specific infrastructure, residential, institutional, mixed-use and transit-oriented developments; downtowns and streetscapes; and broader policy initiatives like specific, general and regional plans, as well as open space and river corridor plans.

MIG offers a unique combination of community planning, urban design, equity, and public engagement expertise that brings community interests together to frame land use, transportation, and urban design issues. We have a successful record preparing General and Comprehensive Plans and developing efforts like Specific Plans and Zoning Codes that can advance the sustainability, livability, and economic vibrancy of a community. We strive to conduct land use planning in a highly interactive process involving key constituent groups. This process generates a clear and collective vision of development and growth that serves as an inspirational expression of future possibilities, as well as an overarching framework for implementation. Our approach is based on a thorough understanding of existing conditions and guiding regulations, efficiency and accuracy in information gathering and analysis, and creativity and innovation in collaborative problem-solving and strategic development.

Housing Elements

MIG is a recognized expert in crafting effective and implementable Housing Elements; during the fourth and fifth Housing Element cycles, our staff of housing experts helped more than 25 cities throughout the State achieve certified Housing Elements, including Redwood City. We recently helped the cities of South El Monte, Desert Hot Springs, Fresno, and Cudahy complete their HCD-certified Housing Elements.

We are currently working with the cities of Paso Robles and Atascadero on the sixth-cycle update; HCD has found both these Housing Elements in compliance with State law. **This recent experience provides us with a thorough understanding of new housing laws and HCD expectations.**

Community Outreach and Public Engagement

MIG designs and implements multileveled, well-documented community engagement programs aimed at increasing public confidence in decision-making. MIG uses proven facilitation techniques and succinct, easily understood information to **ensure that the community and stakeholders understand pertinent issues and that agencies receive meaningful community input.** Our public engagement approach enables the community to contribute ideas, solutions, and strategies for addressing issues, which results in supported and successful projects. Prior to COVID-19 constraints on in-person engagement activities, MIG pioneered the use of digital tools to extend the reach of public participation.

Experience and Knowledge with Equity, Diversity, and Inclusiveness

Inclusive and equitable planning is a part of the DNA at MIG. For nearly four decades, MIG has developed holistic approaches to embedding and advancing equity in all our projects.

We believe in bringing diverse communities and diverse perspectives together to plan for inclusive prosperity, resiliency, and well-being. We work with people and systems to break down the profound racial inequities that persist and to address the symptoms and root causes of the problem. We challenge ourselves to think critically about equity, diversity, and inclusion, with the goal of creating better outcomes for everyone.

In 2018, we officially established our MIG Equity Studio. The Equity Studio is an extension of MIG's deep commitment to creating healthy and thriving communities for everyone.



The Equity Studio is a cross-firm collaborative of MIG team members committed to advancing cross-discipline approaches to embed equity in our projects and planning processes, and to infuse equity across all MIG service areas. Our goal is impact: transformative change that creates equitable outcomes.

Our team's proven diversity, equity, and inclusiveness capabilities are demonstrated through our recent work with Santa Clara County, California Institute of Behavioral Health Solutions, Oregon's Metro Regional Government, and KUOW Puget Sound National Public Radio, among many others.

Environmental Documentation

MIG's environmental team consists of experienced planners with expertise in the preparation and management of environmental impact assessments pursuant to CEQA and NEPA. We have a proven record of quickly becoming familiar with, and adhering to, local jurisdictional requirements. We ensure that **all environmental documents are prepared to meet legal requirements and withstand public scrutiny.**

MIG staff has managed and prepared all types of CEQA environmental documents, from simple Categorical Exemptions, Initial Studies, and Addendums to complex, multiphase EIRs and specifically EIRs for many of our general plan updates.

Relevant MIG Experience

The tables on the following pages identifies Housing Elements completed by MIG staff and elements underway for the sixth cycle update. Project summaries on the pages that follow describe representative MIG experience preparing general plans, zoning and development codes, downtown plans, and similar planning documents relevant to the City of Clayton's project, with varying levels of community engagement and CEQA documentation.



Project Name and Location	Description and Community Engagement Efforts	Relevance
San Carlos Housing Element and Safety Element Updates San Carlos, CA	MIG is working with the City of San Carlos to update its Housing Element, Safety Element, and other elements (including Land Use) as necessary for consistency. San Carlos is taking an innovative approach, which includes surveying other California jurisdictions for practices that result in additional housing production, testing its site development standards to see if revisions can result in more housing units, and evaluating if the revised site development standards are economically feasible for housing providers. MIG will conduct a series of engagement events including survey, website, multi-media campaign, "office hours" where staff and consultants are available to answer questions, virtual polling, virtual neighborhood and community meetings, stakeholder interviews, online vacant sites analysis/selection, and a Council subcommittee. MIG is preparing comprehensive safety and health maps with findings relevant to San Carlos.	» Sixth cycle Housing Element, Safety Element, and Land Use Element Update
Paso Robles Housing Element, Paso Robles, CA	MIG worked to craft a Sixth Cycle Housing Element for Paso Robles that reflects community sensibilities, goals, and policies, and works toward meeting statewide demand for all housing types. Working closely with the previously convened Housing Constraints and Opportunities Committee, MIG presented best practices to encourage affordable housing and developed a plan to meet the RHNA. Additionally, MIG conducted community workshops and study sessions with decision makers at various stages in the process. The Housing Element was reviewed by HCD and found to be fully in compliance with State Housing Element law.	» Found by HCD to be in compliance with Housing Element law, including all relevant new Sixth Cycle laws
Garden Grove Housing, Environmental Justice, and Safety Elements, Garden Grove, CA	MIG is currently preparing the Sixth Cycle Housing Element for Garden Grove, as well as a new Environmental Justice Element and an updated Safety Element. The City has been assigned a RHNA of just over 19,000 housing units, or about 30% of its current housing stock. To accommodate this tremendous level of assigned growth, the City will need to make significant land use changes, both by increasing allowed densities and redesignating sites for multi-family housing and mixed use development. MIG is designing an interactive online tool to help the community identify sites for new housing citywide. The tool will be available in English, Spanish, Korean, and Vietnamese to ensure the diverse population participates equally.	» New Environmental Justice Element » Housing Element triggering extensive land use changes » Multilingual engagement
Baldwin Park Housing, Environmental Justice, and Safety Elements Baldwin Park, CA	Baldwin Park, a city of approximately 75,000 residents in the San Gabriel Valley (Los Angeles County), is a 75% majority Latino community. MIG has provided planning services to the City for many past projects, including a Health and Sustainability Element in 2015 that involved extensive grassroots community engagement and received the APA Comprehensive Planning award for California in 2016. Currently, MIG is preparing the 6th cycle Housing Element update for the City, as well updating the Health and Sustainability Element to address new emerging issues and the requirements of SB 1000.	» Built on equity and inclusive engagement MIG prepared Housing Elements for Fourth, Fifth and Sixth cycles » Focus on public health

Project Name and Location	Description and Community Engagement Efforts	Relevance
Burlingame General Plan and Zoning Code, Burlingame, CA	<p>MIG led a multidisciplinary team helping the City of Burlingame concurrently update their General Plan, Zoning Ordinance, and several Specific Plans. The project included extensive and genuine community engagement, including innovative pop-up workshops and events, as well as over 50 scheduled meetings with advisory committees and decision makers. The outcome of the project is a new General Plan that clearly identifies community goals, both in written and graphic form, as well as an overall online structure that is attractive, easy to navigate, and lends itself for use in the City's annual budgeting process.</p> <p>As the primary implementation tool for the General Plan, the updated Zoning Ordinance will be modern, easy to use, and designed to facilitate quality development. Undertaking a comprehensive approach to updating the Ordinance together with the General Plan gives the City the opportunity to pull apart the entire document and rewrite it to reflect modern land use regulations and development approaches.</p>	<ul style="list-style-type: none"> » Extensive community engagement » Comprehensive land use alternatives » Creative implementation strategies
Whittier General Plan Whittier, CA	<p>MIG is working with the City of Whittier to establish new policies to address sustainability, climate change, environmental justice, and community health in their General Plan, as well as complete an update to the Housing Element. MIG developed an extensive community engagement program to keep residents informed and engaged throughout the process with high-touch outreach techniques, such as stakeholder interviews, community intercepts, and interactive workshops. High-tech approaches include a multimedia campaign, social media outreach, online questionnaires, and a comprehensive website. Community engagement was strategically launched to attain public feedback loops to inform the vision, guiding principles, goals and policies, and land use alternatives.</p> <p>Working collectively with the Prevention Institute, MIG is addressing environmental justice challenges facing the City and SOI areas. MIG prepared comprehensive health maps and specific findings relevant to Whittier's challenges, and is working with the community to develop appropriate policies and implementation programs.</p>	<ul style="list-style-type: none"> » Comprehensive General Plan update with land use changes » Sixth Cycle Housing Element » Environmental Justice Element » Safety Element update to address SB 379, SB 1241, and SB 99
Cudahy General Plan Cudahy, CA	<p>Cudahy, a 1.2-square mile city in southeastern Los Angeles County, is a dense residential community development with a scattering of retail, commercial, and industrial uses. Many residents have limited English-language skills, so efforts to engage all community members in civic life requires Spanish written and spoken materials. MIG successfully used its Spanish-speaking staff to complete Cudahy 2040, a General Plan and zoning code update program built around the land use and urban design concepts of neighborhoods and districts. The General Plan also focuses on environmental justice issues and improving community health.</p>	<ul style="list-style-type: none"> » Environmental justice and equity focus

Relevant California Housing Element Experience

	Certified	Mid-Cycle	Rezoning	Built Out	At-risk Units	High RHNA
Adelanto	●					●
Alhambra (2008)	●			●		
Atascadero (2020)	●					
Azusa (last two cycles)	●			●		
Baldwin Park (last two cycles)	●			●		
Burbank	●			●		●
Colton	●		●	●		●
Cupertino	●		●	●		●
Cypress	●			●		
Desert Hot Springs	●	●				●
Fresno (City)	●					●
Garden Grove (last two cycles)	●			●		
La Palma	●		●	●		
La Puente (2008)	●			●		
Laguna Woods (2008)	●			●		
Lake Elsinore	●					
Loma Linda	●			●		
Monterey Park (last two cycles)	●			●		
Palo Alto	●			●		
Paso Robles (2020)	●					
Redwood City (last two cycles)	●		●	●		●
Rialto	●		●			●
San Bernardino	●					●
San Carlos	in process					
San Juan Capistrano	●	●		●		
San Marcos	●					●
South El Monte	●	●		●		
Temple City	●			●		
Torrance	●			●		



Redwood City General Plan, Mixed-Use Zoning, EIR, and Housing Element



REDWOOD CITY, CALIFORNIA

As one of the oldest communities on the San Francisco Bay peninsula, Redwood City has a wealth of historic civic architecture and diverse residential neighborhoods that reflect the City's history. Given its location in Silicon Valley, Redwood City is home to many knowledge-based and emerging technology industries. These assets combine with the City's bayfront location to create a place of vibrancy, interest and opportunity. To ensure that these assets are preserved for future generations, MIG staff worked with the community to comprehensively update the General Plan.

The General Plan is built around the land use and urban design concepts of neighborhoods, corridors and districts. This approach has allowed the City to define very specific plans for El Camino Real Corridor, the re-emerging and reinvigorated downtown and historic residential neighborhoods. The focus is on creating complete neighborhoods and balanced business districts that work toward healthy community and sustainability goals.

Public engagement was critical to General Plan development, with an active citizenry participating in numerous affinity group workshops and meetings, as well as a well-attended community fair and numerous workshops with the City's various commissions and advisory committees.

The Mixed-Use Corridor zoning regulations were crafted to transform portions of the City's major roadway corridors into mixed-use, multi-modal environments with compact development patterns and graceful transitions to neighborhoods. Five sub-districts, each with unique development, design and use regulations, were developed to implement this vision. Convenient transit access, innovative housing options, sensitivity to lower-intensity adjacent uses, amenities and pedestrian and street-oriented design were key considerations.

www.redwoodcity.org/departments/community-development-department/planning-housing/planning-services/general-plan-precise-plans/general-plan



Cupertino General Plan and Housing Element



CUPERTINO,, CALIFORNIA

MIG led a collaborative process to review several key opportunity sites within existing mixed-use districts in Cupertino as part of a focused amendment to the City's General Plan. This involved identifying economic, design, and mobility strategies for improving Cupertino's core commercial districts, including the aging and under-performing Vallco Shopping Mall. One alternative studied during this process was the potential to develop an active retail and entertainment downtown center for Cupertino that would include public and educational uses.

Due to the controversial nature of increasing any development in Cupertino, MIG developed and led an extensive community discussion on mobility, urban design, and economic development challenges and ideas, as well as how the City and community can work together to maintain and enhance Cupertino's great quality of life.

This process involved over 25 community meetings, presentations, interactive workshops, online surveys and a full suite of visualizations and graphics articulating future changes. . Because of the extensive feedback and comments received from the community, MIG led an additional process to comprehensively update the entire General Plan document with policies and programs that fully-articulate the community's vision. This involved also restructuring and redesigning the layout and graphics content of the document and coordinating the update with extensive environmental analysis. The General Plan was sued by one specific community group; however, the courts unanimously rejected their legal arguments and upheld all parts of the MIG General Plan.

Based on MIG's successful work in the community, we have been called back to help prepare the Housing Element, a Parks Master Plan, and several streetscape improvement projects.



Atascadero Housing Element and Inclusionary Housing Options



ATASCADERO, CALIFORNIA

MIG was hired by the City of Atascadero to complete the 6th cycle Housing Element (2020-2028). To inform the Housing Element creation, MIG conducted community workshops and study sessions with decision makers at various stages in the process. Joint study sessions with the Planning Commission and City Council were particularly important to review proposed ideas, brainstorm solutions, and preview documents prior to hearings. The Atascadero Housing Element was reviewed by HCD and found to be fully in compliance with State Housing Element law.

The project also included potential amendments to the City's existing Inclusionary Housing program, which requires on-site production of affordable housing units for projects that have an associated legislative action (general plan amendments, zoning amendments, specific plans, and planned developments).

MIG developed a comprehensive white paper, summarizing case law and legislative history, key components of inclusionary housing programs, a summary of accomplishments under the existing Atascadero program, and factors that have affected performance. Other affordable housing tools were also reviewed, including affordable housing impact fees and affordability by design. MIG facilitated a joint session with the Atascadero Planning Commission and City Council to review these options, identify their affordable housing goals, and prioritize affordable housing tools for further review. This project is currently ongoing and will be completed this year.

Fehr & Peers Project Experience

CONTRA COSTA TRANSPORTATION AUTHORITY (CCTA) SB 743 SUPPORT

LIVERMORE, CALIFORNIA

Fehr & Peers has been a critical member of the consultant team supporting the Contra Costa Transportation Authority (CCTA) as they help their 19 member agencies implement California Senate Bill 743 and transition from using vehicle delay metrics to using vehicle miles of travel (VMT) as the measure of environmental impact. Fehr & Peers provided all of the technical and analytical support for this effort, conducting multiple runs of the CCTA travel demand model and leading discussions with the Growth Management Task Force to help the agency staff understand the possible metrics and settle on an approach that would make sense in the Contra Costa context. This effort has resulted in a detailed description of the VMT screening criteria, methods, and thresholds recommended for use in Contra Costa, a script that can be applied with the CCTA model to generate the VMT metrics, and guidance on how the metrics should be applied to different project types. The team is now working to update the countywide Growth Management guidelines and implementation documents, and developing ideas for VMT mitigation options.

NORTH DOWNTOWN SPECIFIC PLAN

WALNUT CREEK, CALIFORNIA

Fehr & Peers conducted the transportation planning work for the North Downtown Specific Plan in Walnut Creek. The Plan area is bounded by Parkside Drive, Civic Drive, California Avenue, Pringle Avenue, and I-680. Our tasks included a baseline traffic operations and transportation infrastructure report, development of land use and transportation alternatives, multi-modal evaluation of alternatives, preparing the transportation chapter of the Specific Plan, and completing the transportation impact analysis for the Specific Plan EIR.

CITY OF SUISUN CITY GENERAL PLAN & CEQA TRANSPORTATION ANALYSIS

SUISUN, CALIFORNIA

Fehr & Peers prepared the Circulation Element for the Suisun City General Plan Update, and the transportation impact analysis for the EIR on the update. Our work included a complete description of the current roadway network, daily traffic volumes on major roadways, bicycle and pedestrian networks, and transit services. We worked with City staff and the consultant team to develop traffic forecasts reflecting the anticipated development of the few remaining development sites in the City, incorporating regional growth and infrastructure changes being planned by the Solano Transportation Authority. We also evaluated the current General Plan Circulation policies and helped draft modified policies to reflect current City objectives. The EIR incorporated vehicle miles of travel estimates in anticipation of the SB 743 requirements, which were not yet mandatory at the time the EIR was completed.

Fehr & Peers is also working on numerous housing element updates throughout California. In the Bay Area, current projects include the following:

- » City of Brisbane
- » City of Fairfield
- » City of Lafayette
- » Napa County
- » City of Petaluma
- » Redwood City
- » City of San Francisco
- » City of South San Francisco

MIG References

CITY OF ATASCADERO

Phil Dunsmore, Community Development Director
6500 Palma Avenue
Atascadero, CA 93422
805.470.3488
pdunsmore@atascadero.org

Sixth Cycle Housing Element (adopted 2020)
Inclusionary Housing Options Study (underway)

CITY OF REDWOOD CITY

Diana O'Dell, Associate Planner
P.O. Box 391
1017 Middlefield Road
San Luis Obispo, CA 94063-0391
650.780.7382
dodell@redwoodcity.org

Housing Element

CITY OF SANTA CLARA

John Davidson, Principal Planner
1500 Warburton Avenue
Santa Clara, CA 95050
408.615.2478
JDavidson@santaclaraca.gov

Patrick Henry Drive Specific Plan

CITY OF CUPERTINO

Aarti Shrivastava, Assistant City Manager
Community Development Department
10300 Torre Avenue
Cupertino, CA 95014
408.777.3308
aartis@cupertino.org

General Plan, Housing Element



Fehr & Peers References

CONTRA COSTA TRANSPORTATION AUTHORITY

Matt Kelly, Senior Transportation Planner
925.256.7430
mkelly@ccta.net

CCTA SB 743 Support

CITY OF SUISUN CITY

John Kearns, Senior Planner
707.421.7335
jkearns@suisun.com

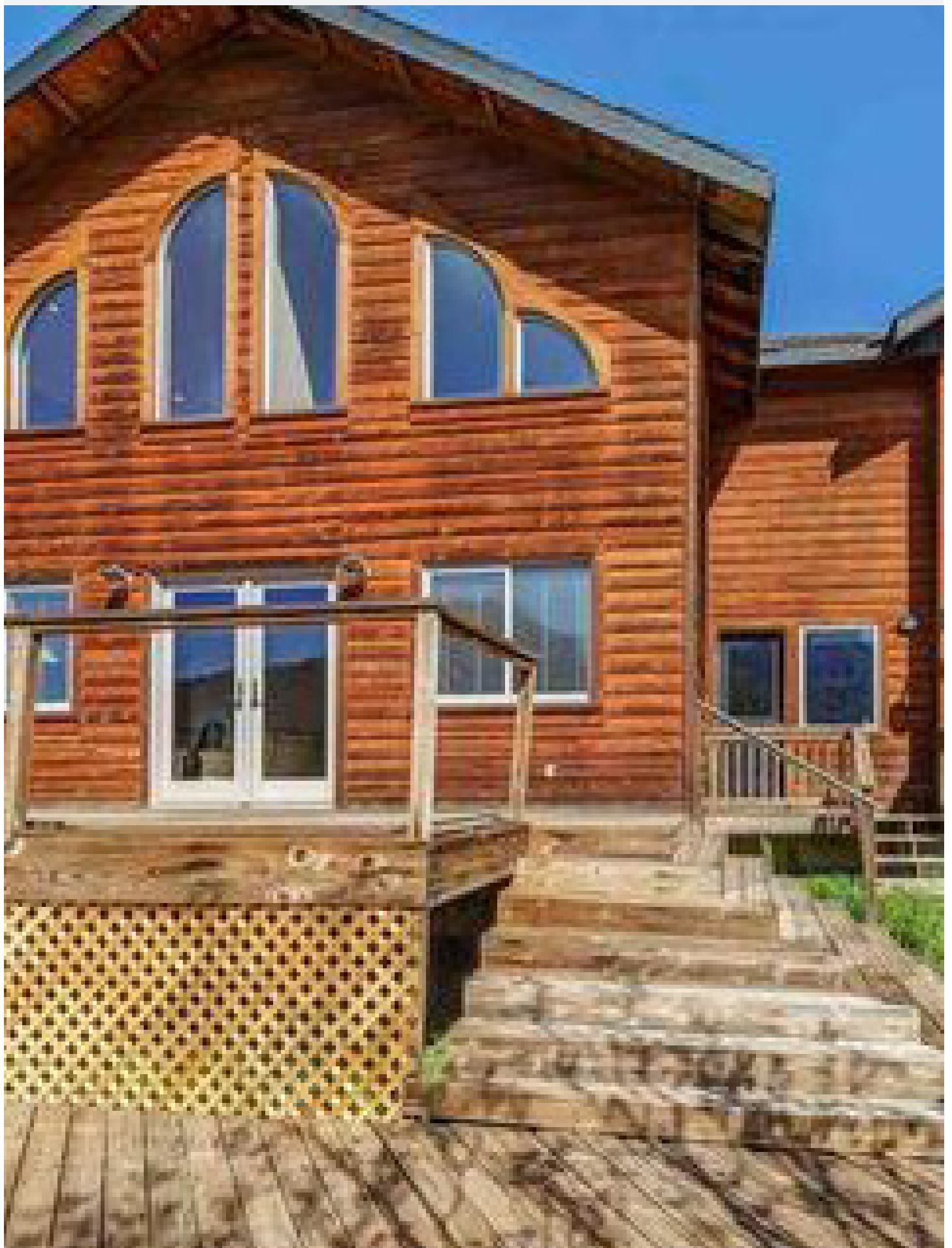
City of Suisun City General Plan & CEQA Transportation Analysis

CITY OF WALNUT CREEK

Jeanine Cavalli, Senior Planner
925.943.5899, ext. 2204
cavalli@walnut-creek.org

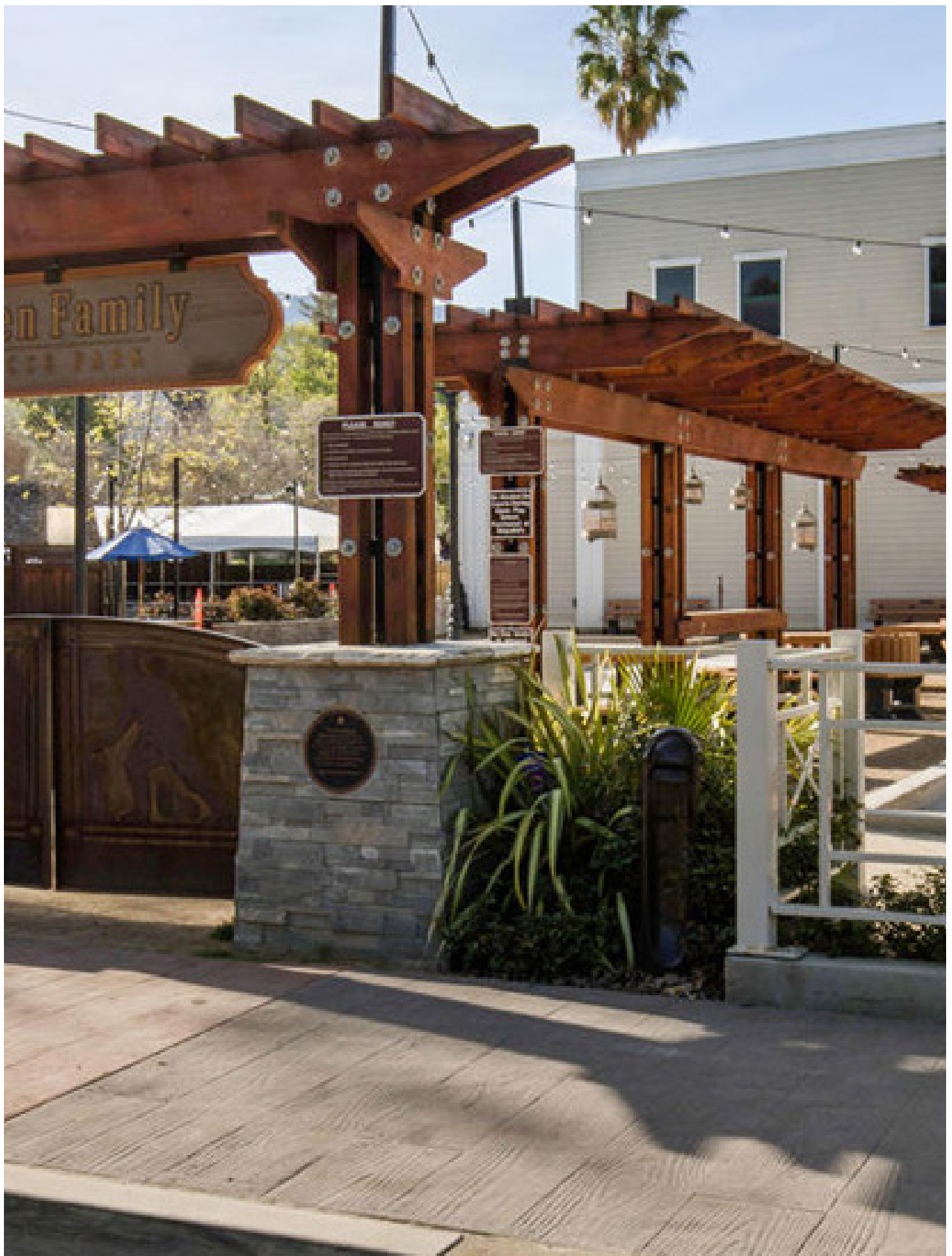
North Downtown Specific Plan





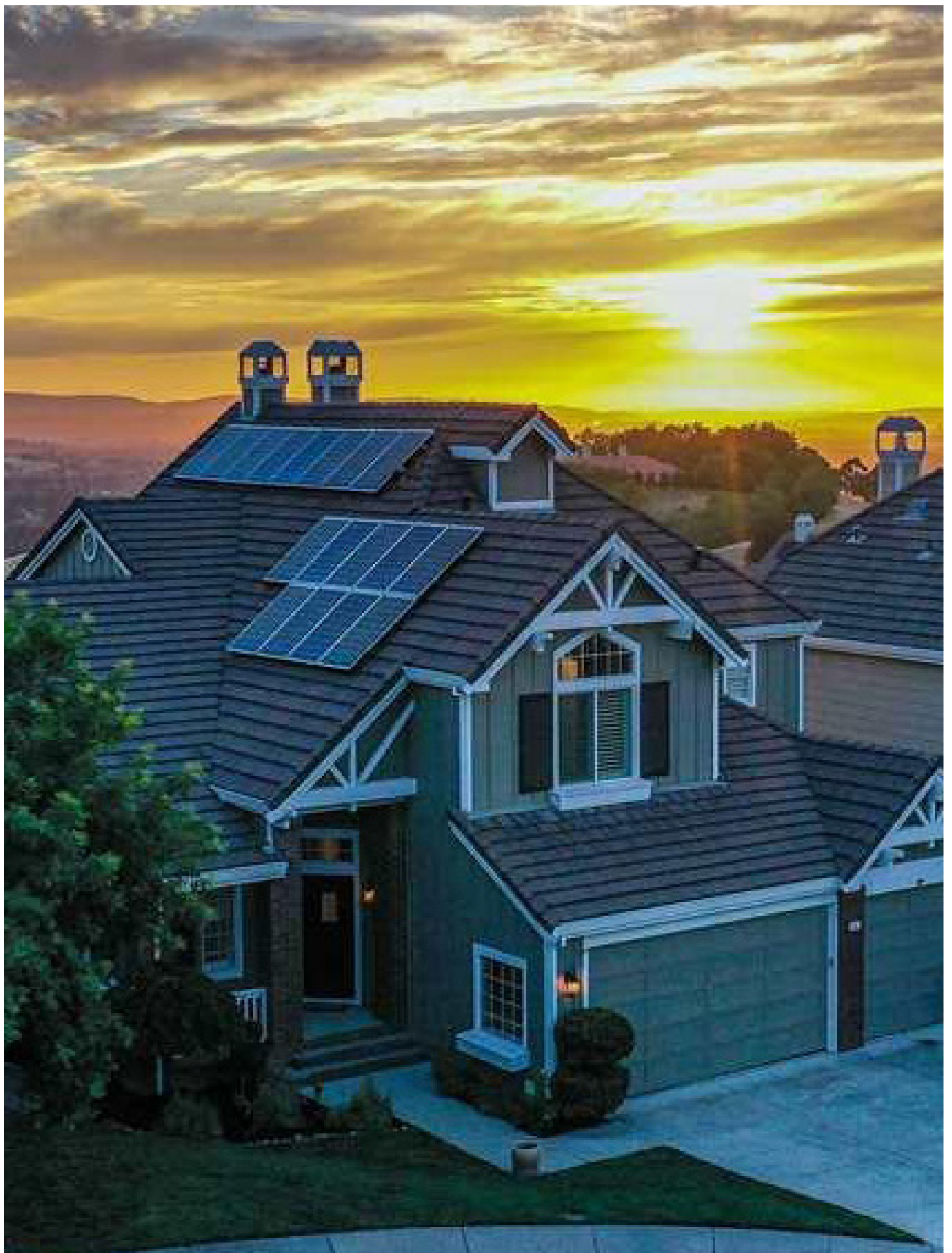
5. Schedule for Completion

TIME FRAME / ESTIMATE	TASK
June 2021	Project Kick-off and City Tour
July 2021	Community Engagement Plan Project Website (Optional)
August 2021	Stakeholder Focus Group or Interviews Review Existing Housing Element Housing Needs Assessment Site Inventory Work Begins
September 2021	City Council Briefing Community Workshop #1 Housing Constraints Analysis and Assessment
October 2021	Online Survey
December 2021	Housing Plan (Goals, Policies and Objectives)
January 2022	General Plan Consistency Review
February 2022	Admin Draft Housing Element Rezoning (Optional)
March 2022	NOP / Scoping Meeting Public Review Draft Housing Element Community Workshop #2 Council and Commission Hearings
April 2022	HCD Review Draft Housing Element Draft Land Use Element / Zoning Code Amendments (Optional)
July 2022	Draft IS/MND
September 2022	Final IS/MND
October 2022	Council and Commission Hearings (Adoption)
December 2022	Final Housing Element



6. Comments to PSA

MIG does not have any proposed modifications to the standard City professional services agreement.



7. Budget

The budget matrix on the following page identifies the costs associated with completing each task described in the scope of services. As noted, both the scope and budget are flexible and represent starting points for discussion and scope refinement.

An overall budget for community engagement (task 2.2) is included and specific tasks and line items will be confirmed with the City following kick-off.

Task 8 and any additional meetings, hearings and tasks will be billed on a time and materials basis.

An overall budget estimate for an EIR is provided. Specific tasks and line items will be confirmed with City staff if an EIR is merited.

Our Proposed Budget

		MIG, Inc.																Subconsultants						Direct Costs	Professional Fees Totals					
		L. Stetson <i>Principal-in-Charge</i>		E.Fiore <i>Project Manager</i>		J.Chaplick <i>Consulting Principal</i>		N. Noyola <i>Engagement Lead</i>		D. Gonzales <i>Housing Element Advisor</i>		B.Prasse <i>CEQA Director</i>		J. Martinez <i>Project Associate</i>		C. Hile <i>CEQA Associate</i>		MIG <i>Project Admin</i>		MIG Totals	Fehr & Peers	Sub #2	Sub #3			Sub #4	Sub #5	Sub Totals		
		Hrs@	\$225	Hrs@	\$190	Hrs@	\$215	Hrs@	\$145	Hrs@	\$160	Hrs@	\$185	Hrs@	\$110	Hrs@	\$125	Hrs@	\$120											
Task 1: Project Coordination and Management																														
1.1	Kick-off and City Tour	4	\$900	8	\$1,520	4	\$860	4	\$580		\$0		\$0	4	\$440		\$0		\$0	24	\$4,300	\$2,900					\$2,900	\$50	\$7,250	
1.2	Communication and Coordination (16 months)	16	\$3,600	64	\$12,160		\$0	12	\$1,740	8	\$1,280		\$0	8	\$880		\$0	20	\$2,400	128	\$22,060	\$4,800					\$4,800	\$50	\$26,910	
	Subtotal	20	\$4,500	72	\$13,680	4	\$860	16	\$2,320	8	\$1,280	0	\$0	12	\$1,320	0	\$0	20	\$2,400	152	\$26,360	\$7,700	\$0	\$0	\$0	\$0	\$7,700	\$100	\$34,160	
Task 2: Community Outreach and Engagement																														
2.1	Community Engagement Plan		\$0	2	\$380		\$0	4	\$580		\$0		\$0	12	\$1,320		\$0		\$0	18	\$2,280						\$0		\$2,280	
2.2	Community and Stakeholder Engagement Allowance	Scope and budget to be confirmed in consultation with City staff following project kick-off																			\$50,000					\$0		\$50,000		
	Subtotal	0	\$0	2	\$380	0	\$0	4	\$580	0	\$0	0	\$0	12	\$1,320	0	\$0	0	\$0	18	\$2,280	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$52,280	
Task 3: Housing Needs Data Review and Customizations																														
3.0	Review and Tailor Data	1	\$225	4	\$760		\$0		\$0	8	\$1,280		\$0	24	\$2,640		\$0		\$0	37	\$4,905						\$0		\$4,905	
	Subtotal	1	\$225	4	\$760	0	\$0	0	\$0	8	\$1,280	0	\$0	24	\$2,640	0	\$0	0	\$0	37	\$4,905	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$4,905	
Task 4: Housing Constraints Analysis																														
4.0	Review and Tailor Data	1	\$225	4	\$760		\$0		\$0	8	\$1,280		\$0	24	\$2,640		\$0		\$0	37	\$4,905						\$0		\$4,905	
	Subtotal	1	\$225	4	\$760	0	\$0	0	\$0	8	\$1,280	0	\$0	24	\$2,640	0	\$0	0	\$0	37	\$4,905	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$4,905	
Task 5: Review of Existing Housing Element																														
5.0	Review and Housing Element Performance Table	1	\$225	4	\$760		\$0		\$0	8	\$1,280		\$0	24	\$2,640		\$0		\$0	37	\$4,905						\$0		\$4,905	
	Subtotal	1	\$225	4	\$760	0	\$0	0	\$0	8	\$1,280	0	\$0	24	\$2,640	0	\$0	0	\$0	37	\$4,905	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$4,905	
Task 6: Sites Inventory																														
6.0	Sites Inventory, Maps and Visualizations	4	\$900	24	\$4,560		\$0		\$0	16	\$2,560		\$0	40	\$4,400		\$0		\$0	84	\$12,420						\$0		\$12,420	
	Subtotal	4	\$900	24	\$4,560	0	\$0	0	\$0	16	\$2,560	0	\$0	40	\$4,400	0	\$0	0	\$0	84	\$12,420	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$12,420	
Task 7: Goals, Policies, Programs and Objectives																														
7.0	Housing Plan and General Plan Consistency Assessment	4	\$900	8	\$1,520		\$0		\$0	12	\$1,920		\$0	16	\$1,760		\$0		\$0	40	\$6,100						\$0		\$6,100	
	Subtotal	4	\$900	8	\$1,520	0	\$0	0	\$0	12	\$1,920	0	\$0	16	\$1,760	0	\$0	0	\$0	40	\$6,100	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$6,100	
Task 8: Rezoning (Optional)																														
8.0	Rezoning Tasks If Needed	To be billed on a time and materials basis as needed																			\$0					\$0		\$0		
	Subtotal	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	
Task 9: Draft Housing Element and Public Hearings																														
9.1	Admin and Public Review Draft Housing Elements	4	\$900	20	\$3,800		\$0		\$0	40	\$6,400		\$0	60	\$6,600		\$0		\$0	124	\$17,700						\$0		\$17,700	
9.2	Public Hearings (2)	2	\$450	12	\$2,280		\$0	4	\$580	4	\$640		\$0	24	\$2,640		\$0		\$0	46	\$6,590	\$2,400					\$2,400	\$200	\$9,190	
9.3	HCD Review Draft and Coordination	2	\$450	24	\$4,560		\$0		\$0	8	\$1,280		\$0	12	\$1,320		\$0		\$0	46	\$7,610						\$0		\$7,610	
	Subtotal	8	\$1,800	56	\$10,640	0	\$0	4	\$580	52	\$8,320	0	\$0	96	\$10,560	0	\$0	0	\$0	216	\$31,900	\$2,400	\$0	\$0	\$0	\$0	\$2,400	\$200	\$34,500	
Task 10: Final Draft Housing Element and Adoption																														
10.1	Final Draft Housing Element	1	\$225		\$0		\$0		\$0		\$0		\$0		\$0		\$0		\$0	1	\$225								\$225	
10.2	Public Hearings (2)	2	\$450	12	\$2,280		\$0	4	\$580	4	\$640		\$0	24	\$2,640		\$0		\$0	46	\$6,590	\$2,400					\$2,400	\$200	\$9,190	
10.3	Final Housing Element and Certification	1	\$225	16	\$3,040		\$0		\$0	16	\$2,560		\$0	4	\$440		\$0		\$0	37	\$6,265								\$6,265	
	Subtotal	4	\$900	28	\$5,320	0	\$0	4	\$580	20	\$3,200	0	\$0	28	\$3,080	0	\$0	0	\$0	84	\$13,080	\$2,400	\$0	\$0	\$0	\$0	\$2,400	\$200	\$15,680	
Task 11: Environmental Analysis																														
11.0	Environmental Review and IS/MND	4	\$900	8	\$1,520							48	\$8,880			120	\$15,000				\$26,300	\$28,100					\$28,100		\$54,400	
	Subtotal	4	\$900	8	\$1,520	0	\$0	0	\$0	0	\$0	48	\$8,880	0	\$0	120	\$15,000	0	\$0	0	\$26,300	\$28,100					\$28,100		\$54,400	
SUBTOTAL		39	\$10,575	174	\$39,900	4	\$860	24	\$4,060	112	\$38,320	0	\$8,880	248	\$30,360	0	\$15,000	20	\$2,400	621	\$183,155	\$40,600	\$0	\$0	\$0	\$0	\$40,600	\$500	\$224,255	
	Markup (Direct Costs/Administrative)																									\$0	\$0	\$11,213		
TOTAL PROJECT COSTS (WITHOUT OPTIONAL TASKS)																												\$235,468		
Task O: Environmental Impact Review (Optional)																														
O	EIR (Estimate)																													\$180-200,000



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: REINA J. SCHWARTZ, CITY MANAGER

DATE: MAY 18, 2021

SUBJECT: INTRODUCE AND WAIVE FIRST READING OF AN ORDINANCE AMENDING SECTION 2.04.070 OF THE CLAYTON MUNICIPAL CODE, ENTITLED "ORDER OF BUSINESS" AND ADOPT A RESOLUTION ESTABLISHING THE ORDER OF BUSINESS FOR CITY COUNCIL MEETING AGENDAS

RECOMMENDATION

Staff recommend that the City Council Introduce an Ordinance Amending Section 2.04.070 of the Clayton Municipal Code, entitled "Order of Business" and adopt a Resolution Establishing the "Order of Business" for City Council Meeting Agendas.

BACKGROUND

On a periodic basis, city staff and the City Attorney review the Clayton Municipal Code to determine areas that may need to be updated. Earlier this year, the City Manager brought forward at Council's request a discussion of where in the City Council meeting agenda was the best place for Public Comment on Matters Not on the Agenda. At that time, the Council did not direct any specific changes to the order of items in the Agenda. However, as a result of that question, both staff and the City Attorney have reviewed that section of the Clayton Municipal Code (2.040.070) and recommend some clean-up and process improvement changes.

DISCUSSION

There are several areas of changes being proposed related to the Order of Business of the City Council Agenda.

Simplification. In order to simplify any potential future changes, staff recommends that the updates be adopted via Resolution rather than keeping the Order of Business in the Clayton Municipal Code. There is no practical reason for the process to be kept in the Code.

General Clean-Up. There were a number of areas in which general clean-up was needed in order to match the language to current practice. This included updating names of entities (such as substituting Successor Agency for Redevelopment Agency) and removing duplication of segments of the Agenda.

Due Process. Both the U.S. Constitution and California Constitution guarantee all land use project applicants “due process.” Procedural due process in the quasi-judicial setting requires that the City provide project applicants with a reasonably impartial and non-involved decision maker. To avoid an appearance of partiality and to avoid discussing a project before the City Council potentially considers an application at a properly noticed hearing, the City Attorney recommends that the Planning Commission no longer update the Council on their meetings. It is common for a land use project to be considered by the Planning Commission and either appealed to the City Council or the City Council automatically hears the matter as a final decision maker. Therefore, to avoid a potential due process violation where the Council could ask questions and inadvertently discuss and predetermine a position on a project, the City Attorney recommends that the Planning Commission no longer provide updates to the Council on its meetings.

FISCAL IMPACTS

No fiscal impact.

ATTACHMENTS

Attachment 1: Resolution

Attachment 2: Ordinance

RESOLUTION NO. ____-2021

**A RESOLUTION ADOPTING AND AMENDING THE ORDER OF BUSINESS
TAKEN UP BY THE CITY COUNCIL AT CITY COUNCIL MEETINGS
PURSUANT TO CLAYTON MUNICIPAL CODE SECTION 2.04.070**

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

WHEREAS, section 2.04.070 of the Clayton Municipal Code authorizes the City Council to establish the order of the business it takes up at its public meetings by duly adopting a resolution to that effect; and

WHEREAS the City Council wishes to adopt and amend the order of business to more accurately reflect the current priorities and needs of the Council and the departments and groups that report at meetings.

NOW THEREFORE, BE IT RESOLVED, the City Council of Clayton does determine the foregoing recitals are true and correct and hereby sets forth the following as the official Order of Business of the City Council:

A. Regular City Council Agenda

1. Meeting called to order/Roll Call
2. Study Session (if needed)
3. Closed Session (if needed)
 - a. Litigation Session
 - b. Personnel Session
4. Pledge to the Flag
5. Consent Calendar as follows:

"NOTICE TO THE PUBLIC"

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

removed from the consent calendar and will be considered separately. Vote may be by roll call.

- a. Approval of minutes
- b. Approval of warrants
- c. Payments on public works projects
- d. Authorization for call for bids
- e. Approval of final tract maps and acceptance of dedications.
- f. Claims against the City
- g. Award of bids
- h. Adoption of Ordinances that have been introduced at previous council meetings as an action item
- i. Resolutions
- j. Such other routine items as the Council may add by resolution to the consent calendar procedure

6. Ceremonial Matters

7. Reports

~~a. Planning Commission~~

~~b. Community Services Commission~~

~~ea.~~ Staff

~~eb.~~ Council

~~ec.~~ Other

8. Public Comment Period

9. Public Hearings

10. Action Items

~~16. Council/Staff Comments~~

~~1~~¹⁷. Adjourn

B. ~~Redevelopment Successor~~ Agency Agenda

1. Call to Order
2. Consent Calendar
3. Public Hearings
4. Action Items
5. Adjourn

C. Geological Hazard Abatement District

1. Call to Order
2. Consent Calendar
3. Public Hearings
4. Action Items
5. Adjourn

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

PASSED, APPROVED and ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 18th day of May, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Carl Wolfe, Mayor

ATTEST:

Janet Calderon, City Clerk

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 2.04.070 OF THE CLAYTON
MUNICIPAL CODE, ENTITLED "ORDER OF BUSINESS"

THE CITY COUNCIL
City of Clayton, California

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

WHEREAS Clayton Municipal Code section 2.04.070 authorizes the City Council to formally change the order that it takes up its business at a Council meeting, by duly authorized resolution of the Council; and

WHEREAS the Council wishes to formally change the order of business set forth in section 2.04.070 to more accurately reflect the current priorities and needs of the Council and the departments and groups that report at meetings.

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

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

SECTION 2. Amendment to Clayton Municipal Code Section 2.04.070
Clayton Municipal Code section 2.04.070, entitled "Order of Business," is hereby amended to read in its entirety as follows:

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

~~A. Regular City Council Agenda~~

- ~~1. Meeting called to order~~
- ~~2. Study Session (if needed)~~
- ~~3. Closed Session (if needed)~~
 - ~~a. Litigation Session~~
 - ~~b. Personnel Session~~

4. ~~Consent calendar as follows:~~

~~"NOTICE TO THE PUBLIC"~~

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

- ~~a. Approval of minutes~~
- ~~b. Approval of warrants~~
- ~~c. Payments on public works projects~~
- ~~d. Authorization for call for bids~~
- ~~e. Approval of final tract maps and acceptance
—of dedications.~~
- ~~f. Claims against the City~~
- ~~g. Award of bids~~
- ~~h. Adoption of Ordinances that have been introduced
——at previous council meetings as an action item~~
- ~~i. Resolutions~~
- ~~j. Such other routine items as the Council may add by
——resolution to the consent calendar procedure~~

5. ~~Agenda Review~~

6. ~~Council/Staff Comments~~

7. ~~Recess~~

8. ~~Reconvene~~

9. ~~Roll Call~~

10. ~~Pledge to the Flag~~

11. ~~Ceremonial Matters~~

12. ~~Public Comment Period~~

13. ~~Reports~~

- ~~a. Planning Commission~~
- ~~b. Community Services Commission~~
- ~~c. Staff~~
- ~~d. Council~~
- ~~e. Other~~

14. ~~Public Hearings~~

15. ~~Action Items~~

16. ~~Council/Staff Comments~~

17. ~~Adjourn~~

~~B. Redevelopment Agency Agenda~~

- ~~1. Call to Order~~
- ~~2. Consent Calendar~~
- ~~3. Public Hearings~~
- ~~4. Action Items~~
- ~~5. Adjourn~~

~~C. Geological Hazard Abatement District~~

- ~~1. Call to Order~~
- ~~2. Consent Calendar~~
- ~~3. Public Hearings~~
- ~~4. Action Items~~
- ~~5. Adjourn~~

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

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

SECTION 4. Conflicting Ordinances Repealed. Any Ordinance or part thereof, or regulations in conflict with the provisions of this Ordinance, are hereby repealed. The provisions of this Ordinance shall control with regard to any provision of the Clayton Municipal Code that may be inconsistent with the provisions of this Ordinance.

SECTION 5. Effective Date and Publication. This Ordinance shall become effective thirty (30) days from and after its passage. Within fifteen (15) days after the passage of the Ordinance, the City Clerk shall cause it to be posted in three (3) public places heretofore designated by resolution by the City Council for the posting of ordinances and public notices. Further, the City Clerk is directed to cause the amendments adopted in Section 2 of this Ordinance to be codified into the City of Clayton Municipal Code.

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

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

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Carl Wolfe, Mayor

ATTEST:

Janet Calderon, City Clerk

APPROVED AS TO FORM

APPROVED BY ADMINISTRATION

Malathy Subramanian, City Attorney

Reina Schwartz, City Manager