

PUBLIC COMMENT  
SUBMITTED BEFORE 5:00 PM ON 5/7/24

**From:** [Jim Diaz](#)  
**To:** [Stephanie Cabrera-Brown](#)  
**Subject:** Public statement on Lane striping tonight  
**Date:** Tuesday, May 7, 2024 4:03:29 PM

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Ms. Cabrera-Brown:

Stephanie,

Following is the second Email I received regarding tonight's Agenda item on the re-striping of Mountaire Parkway.

Thank you.

Jim Diaz  
Mayor  
City of Clayton  
(925) 673-7316

**From:** Scott Denslow <[scott.denslow8@gmail.com](mailto:scott.denslow8@gmail.com)>  
**Date:** May 7, 2024 at 3:05:24 PM PDT  
**To:** Jim Diaz <[jdiaz@claytonca.gov](mailto:jdiaz@claytonca.gov)>  
**Subject: Re: Public statement on Lane striping tonight**

You don't often get email from [scott.denslow8@gmail.com](mailto:scott.denslow8@gmail.com). [Learn why this is important](#)

Thank you Jim. Means a lot. You promise that you will read it publicly during the agenda item tonight? If so, here you go and thanks again.

For years now, many local, caring Clayton residents have spent countless hours of their free time trying to convince both the Dana Hills HOA and members of the City Council that something needs to be done in order to promote better public safety in Clayton.

At the same time, every public survey that the city has distributed for community review and INPUT, has indicated that, BY FAR AND AWAY, public safety is the most important concern for an overwhelming majority of Clayton citizens.

Residents of Dana hills, watch helplessly as cars often speed by at over 40 mph down to the stop sign at Marsh Creek. Conversely, other drivers feel the need to speed up and to exceed the speed limit on the way up the hill to the intersection by the pool. It is an endless cavalcade of folks driving irresponsibly and in a way it does not promote either public safety or common decency.

It is my belief that narrowing the lower area of Mountaire Parkway will at the very least mitigate those who wish to speed down the hill and will also limit those who wish to accelerate up the hill. We regularly watch couples walking their dogs, bikers enjoying the neighborhood, skateboarders and others enjoying the

hill and most importantly, just children at play every single day along this stretch. I believe it is incumbent on us as a community and, more importantly, it is incumbent on the LEADERS of this community, to reflect the values of the community and to put public safety first.

As always Clayton, it's time to do the right thing, and this one is an easy one.

On Tue, May 7, 2024 at 3:01 PM Jim Diaz <[jdiaz@claytonca.gov](mailto:jdiaz@claytonca.gov)> wrote:

Scott:

Yes, forward your statement.

Jim Diaz  
Mayor  
City of Clayton  
(925) 673-7316

On May 7, 2024, at 2:33 PM, Scott Denslow  
<[scott.denslow8@gmail.com](mailto:scott.denslow8@gmail.com)> wrote:

You don't often get email from [scott.denslow8@gmail.com](mailto:scott.denslow8@gmail.com). [Learn why this is important](#)

Hi Jim ,

Hope all is well with you. Wanted to reach out to you first regarding City Council members. I am unable to make the meeting tonight, but I have composed a public comment of one minute and 40 seconds that essentially supports lane striping and narrowing at the lower part of Mountaire Drive in Dana Hills. I was hoping that you might be able to read it. If so, let me know and I will send it to you.

Thank you kindly.

Scott Denslow  
Dana Hills

**From:** [Jim Diaz](#)  
**To:** [Stephanie Cabrera-Brown](#)  
**Subject:** Re-stripping Mountaire Parkway  
**Date:** Tuesday, May 7, 2024 4:00:08 PM

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Ms. Cabrera-Brown:

Stephanie,

Good afternoon.

Following is the first of two Email messages I received regarding “Mountaire Parkway” re-stripping item on tonight’s Agenda.

Thank you.

Jim Diaz  
Mayor  
City of Clayton  
(925) 673-7316

**From:** wenslaw@yahoo.com  
**Date:** May 7, 2024 at 3:51:53 PM PDT  
**To:** Jim Diaz <jdiaz@claytonca.gov>  
**Subject:** Re-stripping Mountaire Parkway

[You don't often get email from wenslaw@yahoo.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

Dear Council Member

I am writing this email to voice my and my wife’s objection to changing the road striping on Mountaire Parkway. We live on Mt Alpine Place, very close to the Parkway and the pool. We have lived here for 50 years; thus have an abundance of knowledge and experience with Mountaire Parkway. We see absolutely no reason to change the striping. There has been NO DEMONSTRATED reason to do so

(apparently just a perceived increase in safety by reduced speed). The safety record on this short section of road has been outstanding. Reducing the number of lanes will create unnecessary congestion, particularly during swim meets when many vehicles arrive or leave over a short time, create a potential safety issue by cars going into or leaving driveways, restrict flow in an emergency exit, and overall reduce the effectiveness of the street as originally designed. The old adage, “if is not broke, don’t fix it” could not apply more than in this situation. We participated in the home owners association meeting where this idea was rejected. It is quite surprising that it should have resurfaced.

Frank Wenslawski  
Susan Wenslawski

, Clayton

Dear Clayton City Attorney Malathy Subramanian and Joanna Gin:

I am writing to express my respectful disagreement with Joanna Gin's intervention at the April 16, 2024, Clayton City Council meeting. While I apologize for speaking out of turn from the audience without being recognized, I felt Joanna Gin's guidance to reopen public comment on agenda item 8a was legally questionable and could set an unhealthy precedent.

Mayor Diaz exercised his discretion to have the members of Community Financial Sustainability (Hank Stratford, Howard Kaplan, and applicant Frank Gavidia) speak last during the public comment period under Item 8a, as he had indicated they would before opening the floor to comments.

Under the Brown Act, public comment must be allowed on each agenda item before action is taken. However, once public comment is closed, there is no provision to reopen it on the same item. Doing so raises issues of fairness and equal access, as some residents may have left already believing they had their chance to speak.

My concern is less with this one instance, but rather the precedent it could set. If a mayor can arbitrarily reopen comment later to allow one side to speak again, it damages public trust and accountability. I would urge adherence to the Brown Act, League of Cities Guidelines, and California's Open Meeting Laws which guarantee and protect equal public participation.

If Hank Stratford, Howard Kaplan, and the applicant Frank Gavidia had been listed under a separate agenda item like 8.b., your intervention would have been justified.

While city attorneys have leeway, adherence to open government laws and fair proceedings is paramount. I understand your role is to advise, but in this case, your guidance seemed to contravene core public access principles.

In conclusion, I am optimistic that one of you will address this critical issue at our next council meeting, scheduled for 7:00 p.m. on Tuesday, May 7, 2024, so that the council and the public have a better understanding of open meeting law and policies.

Above all, I thank you for your service and commitment to our community, despite this disagreement.

Please accept my apology again for my outburst.

Sincerely,

Gary Hood

[REDACTED]  
Clayton, CA 94517  
[REDACTED]

**From:** [Michael Wells](#)  
**To:** [City Clerk](#)  
**Subject:** Mountaire Pkwy Traffic Calming  
**Date:** Monday, May 6, 2024 7:41:06 PM

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This letter is to the City Council in support of some sort of lane reduction or traffic calming strategy on Mountaire Pkwy from Marsh Creek to the pool corner.

I support a lane reduction, however I do not want the City to loose the funding that is paying for the paving. Therefore, after reviewing the City Engineer's memorandum on this topic, I believe option 3 is the most appropriate option at this time.

I believe to do this right, it is going to take several months. Neighborhood feedback must be sought, the various strategies must be studied, and design and cost estimates must be completed.

During this study and feedback process other traffic calming strategies might be identified, that would help accomplish the goal of slowing traffic, such as speed humps.

Total cost of this entire project must also be a top concern, as the City is currently in a deficit spending mode.

Respectively,  
Mike Wells  
Resident on Mountaire Pkwy

Sent from my iPad

**From:** [Gary Hood](#)  
**To:** [Stephanie Cabrera-Brown](#)  
**Cc:** [Jeff Wan](#); [Kim Trupiano](#); [Letecia "Holly" Tillman](#); [Jim Diaz](#); [malathy.subramanian@bbklaw.com](mailto:malathy.subramanian@bbklaw.com); [Peter Cloven](#); [Adam Politzer](#)  
**Subject:** Government Laws and Fair Proceedings (Regarding City Attorney Joanna Gin)  
**Date:** Tuesday, May 7, 2024 9:06:33 AM  
**Attachments:** [Dear Clayton City Attorney 4-18-24.docx](#)

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Hello Stephanie,

Good morning.

I would appreciate your help with the document enclosed. Kindly ensure that this document is delivered to the city council, city manager, and city attorney for the meeting tonight.

Furthermore, please upload it under "Public Comment."

If you have any questions, please don't hesitate to contact me.

Thank you,

Gary Hood



**From:** [Glenn Miller](#)  
**To:** [City Clerk](#)  
**Cc:** ["Glenn Miller"](#)  
**Subject:** FW: Surplus Land - Intersection of Peacock Creek and Clayton Road - City Council Agenda Item 4d  
**Date:** Friday, May 3, 2024 6:07:15 PM

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You don't often get email from glennmiller44@comcast.net. [Learn why this is important](#)

- [For inclusion on City Council Meeting May 7<sup>th</sup> Agenda Item 4d - A RESOLUTION MAKING FINDINGS AND DECLARING PURSUANT TO GOVERNMENT CODE SECTION 54221 THAT CERTAIN REAL PROPERTY LOCATED NEAR THE INTERSECTION OF CLAYTON ROAD AND PEACOCK CREEK DR COMPRISING 1 ACRE OF ASSESSOR'S PARCEL NO. 118-370-077 AND 4 ACRES OF ASSESSOR'S PARCEL NO. 118-520-011 IS NON-EXEMPT SURPLUS LAND, AUTHORIZING THE CITY MANAGER TO COMPLY WITH THE SURPLUS LAND ACT](#)

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**From:** Glenn Miller [mailto:glennmiller44@comcast.net]  
**Sent:** Friday, May 3, 2024 6:04 PM  
**To:** 'jwan@ci.clayton.ca.us' <jwan@ci.clayton.ca.us>  
**Cc:** 'hollyt@claytonca.gov' <hollyt@claytonca.gov>; 'pcloven@ci.clayton.ca.us' <pcloven@ci.clayton.ca.us>; 'jimmd@claytonca.gov' <jimmd@claytonca.gov>; 'Kim Trupiano' <kimt@claytonca.gov>; 'Save Clayton' <clayton@saveclayton.org>  
**Subject:** Surplus Land - Intersection of Peacock Creek and Clayton Road - City Council Agenda Item 4d

Re: Clayton City Council Meeting 5/7/24 – Item 1 RESOLUTION NO. XX-2024

- Exhibit A Assessor's Parcel No. (APN) 118-370- 077 and 4-acre portion of APN 118-520-001 outlined in yellow and blue below.
- A RESOLUTION MAKING FINDINGS AND DECLARING PURSUANT TO GOVERNMENT CODE SECTION 54221 THAT CERTAIN REAL PROPERTY LOCATED NEAR THE INTERSECTION OF CLAYTON ROAD AND PEACOCK CREEK DR COMPRISING 1 ACRE OF ASSESSOR'S PARCEL NO. 118-370-077 AND 4 ACRES OF ASSESSOR'S PARCEL NO. 118-520-011 IS NON-EXEMPT SURPLUS LAND, AUTHORIZING THE CITY MANAGER TO COMPLY WITH THE SURPLUS LAND ACT

Jeff: I am writing to you as we have had several conversations about this and other proposed changes to underlying legacy Development Agreements to the Oakhurst Development of which these parcels are a part of. If I understand the hierarchy of the implied and real property rights as written and as recognized by both Federal, State and County law, the original Development Agreements including Use designations, permanent open space, easements etc.. and other land use including tax and assessment levies remain and that are enforceable still govern unless formally changed and that these changes including such designations and a Use permit must be agreed to by all parties involved. With this in mind I have several questions in regard to the surplus land sale as described on the related files exhibit:

1. The land as outlined in the blue section of this parcel is where the CCWD pump house is. They need access, room to do maintenance and capital projects and potentially I would think a right of first refusal to not have the ability to expand their facility if need be. Can you please verify that these considerations have been addressed? I have an executive contact in CCWD and will be asking him to confirm.
2. The land that is in the yellow appears to encompass the both driveway entrance (which is also needed to access the pump station) and the Peacock Creek sign entry improvements which we all paid for in our development fees and parcel taxes. If you are disposing of this land how are we getting compensated? Quite frankly if we are not and these are not protected can you please explain our recourse or do we have to sue the City to be compensated for these rights? What expense even if unsuccessful is the City willing to bear and will the City be disclosing to any potential buyer?
3. Over the years I have seen and have talked to several geo-tech technicians that have looked at the area and they have noted to me the destabilized slopes that are above this yellow area and the poor underlying soil conditions that exist below thus rendering the land only suitable in its current condition for the tennis courts that were part of the Oakhurst Development Agreement Use that was allowed. Is the City prepared to disclose these conditions and pay for any remedial work that will be required?
4. In our Peacock Creek development agreement and the original Oakhurst Development plan the area in yellow and some of the red was designated as belonging to the Country Club. This in fact was something that your predecessors on the Council and the former City manager confirmed when certain activities and other issues came up that related to this lot. How or when was this transferred to the City and do you have any notifications and/or hearing that confirms this action? We were certainly not noticed in Peacock Creek. In fact in our current Development plan and underlying title documents as mentioned this area was only permitted for use as more tennis courts and a designated Park and Ride Lot? What official documentation can be provided that refutes this or provides a change including notice and residents agreement. Please provide. If however it is found to be that our development agreements and plans that we were given to us and used to have been used to assess and have us pay parcel taxes and certain development fees that were collected as original home and lot buyers were based upon City prepared documents that were inaccurate or somehow altered without consent of the homeowners then I would think that the City has another big problem on its hands. I would suggest that might have to be looked into before you act. (I am sure the County has records and since I was an original lot purchaser I will be looking into this myself).
5. As mentioned above the area just inside the driveway along Peacock Creek is designated as a Park N Ride lot that services the bus stop on Clayton Road. Is the stop being abandoned? Does the City have any official release from CCCTA that allows this and was this noticed?

Finally, say you sell what safeguards and commitments is the City planning to provide for input and what compensation both to the residents of Peacock Creek and their neighbors across Clayton Road will we be entitled too? For example if there is contemplated a use that will generate much more



traffic; what improvements will be mandated and made and who will be paying for both in cost and maintenance? I could also imagine yet another concern this time for Public safety, patrol and emergency vehicle access; what facilities and/or assessments will be imposed on anyone who develops and what assessments to maintain will be enforced, again hopefully paid by the buyer to compensate not only Peacock Creek residents who will be impacted the most but also the balance of the City's resident whose services will be impacted?

I am trying not to be naïve here and think none of you on the Council has at least thought about these things. Maybe you have or maybe you haven't, but if you do not think that these issues are not only real but will at least be actionable in some form you might just be not in tune with reality. I understand that zeal for Housing goals are laudable as I am sure we have all heard the "horror" of maybe not getting some funds because its' just physically and practically impossible in Clayton to meet them. But, does not just accepting that reality make more sense then the protracted roadblocks that will have to be overcome, and the other community unity issues that I at least foresee you and/or future Council members are setting yourself up for? Ask yourself is the "Agenda" really worth it?

Until these concerns and questions and yes the reality check of what the sense of the community would most likely be like be if you decided to proceed with a sale are considered, I would respectfully suggest that you do not proceed until all these matters are fully vetted and resolved and appropriate compensations contemplated and prior to any development paid.

I await your response.

Respectfully

Glenn Miller  
Clayton Resident

Cc: City clerk for inclusion in Public Comments on Agenda Item - separate email