



AGENDA

REGULAR MEETING

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CLAYTON CITY COUNCIL

* * *

TUESDAY, March 19, 2019

7:00 P.M.

*Hoyer Hall, Clayton Community Library
6125 Clayton Road, Clayton, CA 94517*

Mayor: Tuija Catalano
Vice Mayor: Julie K. Pierce

Council Members

Jim Diaz
Jeff Wan
Carl Wolfe

- A complete packet of information containing staff reports and exhibits related to each public item is available for public review in City Hall located at 6000 Heritage Trail and on the City's Website at least 72 hours prior to the Council meeting.
- 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 will be made available for public inspection in the City Clerk's office located at 6000 Heritage Trail during normal business hours.
- 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) 673-7304.

*** CITY COUNCIL ***

March 19, 2019

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

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

3. **CONSENT CALENDAR**

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

(a) Approve the minutes of the City Council’s regular meeting of March 5, 2019.

[\(View Here\)](#)

(b) Approve the Financial Demands and Obligations of the City. [\(View Here\)](#)

(c) Adopt a Resolution awarding a low-bid contract to Cratus, Inc., in the amount of \$453,810.00 for the El Molino Drive Sanitary Sewer Improvements Project (CIP No. 10422). [\(View Here\)](#)

(d) Adopt a Resolution recognizing the importance of the 2020 U.S. Census.

[\(View Here\)](#)

4. **RECOGNITIONS AND PRESENTATIONS** – None.

5. **REPORTS**

(a) Planning Commission – Vice Chairman Peter Cloven.

(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.

(e) Other

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

Members of the public may address the City Council on items within the Council’s jurisdiction, (which are not on the agenda) at this time. To facilitate the recordation of comments, it is requested each speaker complete a speaker card available on the Lobby table and submit it in advance to the City Clerk. To assure an orderly meeting and an equal opportunity for everyone, each speaker is limited to 3 minutes, enforced at the Mayor’s discretion. When one’s name is called or you are recognized by the Mayor as wishing to speak, the speaker should approach the public podium and adhere to the time limit. In accordance with State Law, no action may take place on any item not appearing on the posted agenda. The Council may respond to statements made or questions asked, or may at its discretion request Staff to report back at a future meeting concerning the matter.

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

7. **PUBLIC HEARINGS** – None.

8. **ACTION ITEMS**

- (a) Consider a Resolution establishing a preferential residential parking permit pilot program at designated portions of the Regency Drive and Rialto Drive neighborhoods to alleviate on-street parking issues associated with hikers and users of the nearby Mt. Diablo State Park Regency Gate trailhead. ([View Here](#))
(Chief of Police)

Staff recommendation: Following staff presentation and opportunity for public comment, that Council provide policy direction or action regarding the establishment of a preferential residential parking permit pilot program for Regency Drive and Rialto Drive neighborhood residents.

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

10. **CLOSED SESSION** – None.

11. **ADJOURNMENT**

The next regularly scheduled meeting of the City Council will be April 2, 2019.

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MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL
TUESDAY, March 5, 2019

Agenda Date: 3-19-2019

Agenda Item: 3a

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:00 p.m. by Mayor Catalano in Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Catalano, Vice Mayor Pierce and Councilmembers Diaz, Wan and Wolfe. Councilmembers absent: None. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, Community Development Director Mindy Gentry, and City Clerk/HR Manager Janet Calderon.

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

3. **CONSENT CALENDAR**

It was moved by Vice Mayor Pierce, seconded by Councilmember Wolfe, to approve the Consent Calendar as submitted with Item 3 (c) revised as benched. (Passed; 5-0 vote).

- (a) Approved the minutes of the regular meeting of February 19, 2019.
- (b) Approved Financial Demands and Obligations of the City.
- (c) Adopted Resolution No. 06-2019 approving the City's 2018 Annual Progress Report regarding its California Housing and Community Development-certified Housing Element.

4. **RECOGNITIONS AND PRESENTATIONS**

- (a) Certificates of Recognition to public school students for exemplifying the "Do The Right Thing" character trait of "Self-Discipline" during the months of January and February 2019.

Mayor Catalano and Mt. Diablo Elementary School Vice Principal Joe Bruno presented certificates to Brayden Heller-Robbins and Sloan Heller-Robbins.

Mayor Catalano and Diablo View Middle School Principal Patti Bannister presented certificates to Corbin Clifton and Zoey Jones.

Mayor Catalano and Clayton Valley Charter High School Director of Administrative Services Bill Morones presented certificates to Natalie Allano and Cade Carter.

- (b) Proclamation declaring March 2019 as "American Red Cross Month" in the city of Clayton.

Mayor Catalano read and presented the Proclamation to Alicia Nuchols, District Representative for Supervisor Diane Burgis.

- (c) Overview on the Administration of the Contra Costa Reentry Network by Contra Costa County Office of Reentry and Justice.
(Lara DeLaney, Senior Deputy County Administrator and Director of Office of Reentry and Justice; Donte Blué, Contra Costa County Reentry Coordinator)

Lara DeLaney, Senior Deputy County Administrator and Director of Office of Reentry and Justice lead the presentation providing an overview of the Office of Reentry and Justice's establishment and its responsibilities under AB 109.

Donte Blué, Deputy Director, continued the presentation explaining the goal of reentry is reducing recidivism, and providing resources for community reentry, and harm reduction by creating an environment for that person to thrive. Mr. Blué noted when the populations in prisons increase so does the costs of prisons and corrections. California decided to slow the flow of people into prisons by allowing them to serve their time locally and by providing funding to those local communities to invest in community corrections. Mr. Blue advised the AB 109 Program targets the non-sex offenders, non-serious, non-violent, lower-level felonies for local jails rather than state prison. In Contra Costa County not many people were sent to prison; the character of the community was not transformed terribly by AB 109, and no one was released early from State prison back into county jail.

Ms. DeLaney explained funding is constitutionally protected by Prop 30; revenue is derived from portions of the state's sales tax and Vehicle License Fees. Contra Costa County receives approximately \$26 million and it is determined by Community Corrections Partnerships with approval by the Board of Supervisors on how the funds are spent. AB 109 allocations are \$13.4 million for Law Enforcement; \$5.06 million for Community Reentry Programs; \$3.8 million for Social Services; \$3.7 million for Court and Legal Process; and \$1.96 million for Special Programs.

Mr. Blué advised since AB 109 was passed in 2011, approximately 2,800 individuals have been under AB 109 supervision, noting Clayton has had about 10 – 15 individuals be reentered in the community through this program. Since 2011, the County Office of Reentry and Justice have been working on a service delivery model by helping service providers connect with the right population at the right time and be more accessible to the services provided.

Denise Zabkiewicz, Resource and Evaluation Manager provided data on the impact of reforms noting decreases in three year conviction rates for men, woman and young adults. In 2017, there was nearly a 10% drop in 1-year re-arrest and 17% drop in 1-year reconviction rates.

Councilmember Diaz asked for a couple of examples of someone who qualifies as an AB 109 individual. Mr. Blué responded someone could have been a convicted drug-user, having a certain number of drugs and charged with possession of sales; not a serious, violent or sexual crime. Another example is someone who had a property offense, not a serious, violent or sexual crime.

Councilmember Diaz inquired on the type of supervision received by the County probation department. Mr. Blué responded there are two types of supervision: County probation office with a dedicated AB 109 unit who supervises people who are in prison, and mandatory supervision who is someone newly convicted under the new law who serves a split sentence in county jail and mandatory supervision probation. Before the individual is released into custody they would have already met with a probation officer and have a treatment plan prior to being released back into the community.

Councilmember Wolfe noticed according to the PowerPoint charts the prison population started decreasing in 2006 and he wondered why. Ms. DeLaney responded there was a Supreme Court order to reduce the size of the prison population to 137% of capacity. Although some inmates were sent out-of-states there was still a capacity issue and health concerns regarding the inmates.

Vice Mayor Pierce asked if it were possible that AB 109 individuals may have plead down to significantly lesser offenses yet are included in this program. Ms. DeLaney responded if their last offense they were convicted on was one of the AB 109 criteria, even if in their prior experience they had a more serious offense, the AB 109 Program is based on the last offense they were convicted.

Councilmember Wan noted it appears the pilot program is reaching its expiration and asked if the program were going to continue. Ms. DeLaney responded the program has funding approved by the Contra Costa Board of Supervisors through FY 2020. AB 109 changes where the sentence is served, not the length of the sentence.

Councilmember Wan noted some criminal offenses he found that could fall under AB 109; for example, brandishing a firearm while in a vehicle, is that violent? Mr. Blué responded there are penal code statutes for example the non-sexual crimes falls under 290s required sex registration, there are also penal code sections for enhancements. If a crime is serious and when the crime is violent, it pulls from those lists to indicate it is a non-qualifying offense to AB 109. Their office has conducted some analysis to see what individuals are actually convicted of and eligible crime that does not necessarily mean people are convicted of that. People they would classify as violent based on their criminal history ends up being less than 5%. The whole idea behind AB 109 is to reduce subsequent commissions of crime and how to prevent something happening tomorrow.

Councilmember Wan asked if AB 109 or the County imposes any requirements on cities. Ms. DeLaney advised that she is unaware of any requirements to be made on the city level.

Councilmember Wan inquired if Shelter, Inc. is a group that would provide housing services to an incarcerated person. Ms. DeLaney advised Shelter, Inc. has been operating in Contra Costa County for more than forty years providing housing assistance, placement, transitional housing, and supportive housing and is one of the longest housing providers in the county.

Councilmember Wan inquired if there have been any AB 109 funds directed to Clayton. Ms. DeLaney advised there are has been no direct funding to Clayton as funding requests come from the County Police Chiefs Association directly to the community corrections partnership.

Mayor Catalano inquired about the 10-15 individuals that were released to Clayton; she assumed they are typically people who lived in Clayton prior to their conviction? Ms. DeLaney responded "yes," the goal is for them to reintegrate back into the community successfully that has an economic base that they can pursue the rest of their lives with secure housing and access to service they need to be productive members of the community.

Vice Mayor Pierce expressed concerns about group homes run by non-profit organizations and how locations are determined. Ms. DeLaney advised the County does not dictate where the housing needs to located and it should be provided in approximation of where their clients would go. Mr. Blué advised the County's role is to approve or not approve a selected location based on where a person could or could not be supported.

Vice Mayor Pierce noted the limited public transit services in Clayton, asking if the supervision by these nonprofits is a 24/7 operation and if that nonprofit is paid by a person who is housed in that facility. Ms. DeLaney responded from the funding received, allocation is made by the number of beds to be made available for the AB 109 community. Mr. Blué added there are different program models of housing individuals, there are rental subsidiary programs where a person might share a living space that may be subsidized when a person is getting stabilized; there is also help in getting their own place; the County highly leverages sober living environments connected to treatment. Ms. DeLaney added the County recently released its request for interest from providers to provide both housing and employment services and received twelve proposals; they do not know who the service providers will be for a three year contract period.

City Manager Napper inquired about the statistic on the Clayton addresses over the noted time period, with 2-3 currently in Clayton. Does the County know if that data is captured by Clayton proper because Clayton's zip code is actually geographically larger than the city limit. Ms. DeLaney thinks it is zip code determined; she would have to inquire with the probation office to confirm.

City Manager Napper indicated his understanding is the individuals that have been assisted through this program have largely been on an individualized basis not in a group housing situation, at least in the Clayton area. Ms. DeLaney confirmed there has not been any type of group housing in Clayton provided by this funding.

Councilmember Diaz thanked Ms. DeLaney and Mr. Blué and expressed his interest in they providing Clayton with one or two additional community outreach meetings in the future.

Mayor Catalano also thanked Ms. DeLaney and Mr. Blué for the presentation.

5. REPORTS

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

Councilmember Wan indicated he met and spoke with constituents about the subject matter for this Council meeting.

Vice Mayor Pierce attended the Contra Costa Transportation Authority meeting where she was chosen to be the next Vice Chair, attended the League of California Cities East Bay Division meeting, the Metropolitan Transportation Commission meeting, and attended a women's transportation seminar.

Councilmember Wolfe completed his orientation with City staff, attended the Clayton Library Foundation meeting, the East Contra Costa Habitat Conservancy meeting, and the Clayton Business and Community Association general membership meeting.

Councilmember Diaz attended the Clayton Business and Community Association general membership meeting, was a judge at the Clayton Club's 19th Annual Chili Cook-off, and attended the Clayton Business and Community Association's 24th Annual Art and Wine committee meeting.

Mayor Catalano attended the East Contra Costa Habitat Conservancy governing board meeting, was a judge at the Clayton Club's 19th Annual Chili Cook-off, and attended the Clayton Business and Community Association's Art and Wine Committee meeting.

(e) Other –

Mayor Catalano invited forward Community Development Director Mindy Gentry and presented her with a plaque in appreciation of her valued service with the City of Clayton. Ms. Gentry is leaving Clayton employment after almost 4 years for a similar position in a nearby city.

6. PUBLIC COMMENT ON NON - AGENDA ITEMS

Terri Denslow encouraged the City Council and residents to be respectful to one another although there are difficult and sensitive topics before us this evening. Although we may not agree with one another perspectives, accountability and compassion is needed. We are a strong vocal community having the same core values and have a responsibility to shape the generation behind us.

Ann Stanaway, 1553 Haviland Place, expressed her continued concerns with the City's lack of enforcement of public safety. Ms. Stanaway provided photos she has taken of vehicles in parking violation of fire lanes in her neighborhood. She wondered if the County would want to house people in our unsafe community. First responders are unable to access residents or businesses unless the fire lanes are clear.

Brian Buddell expressed his continued concern for the use of Round-Up in the City of Clayton, particularly regarding safety and liability. It is a known carcinogen. He has been informed by the end of this first quarter there will be approximately 12,000 personal injury lawsuits filed nationwide alleging harm from the use of Round-Up. He also expressed his concerns of Maintenance Supervisor Mr. Warburton's verbal report last meeting on how Round-Up is used in the City. It was a misrepresentation as it was indicated Round-Up was only being used in medians and where people do not walk, and he has pictures of City employees spraying Round-Up on the vacant lot downtown.

7. PUBLIC HEARINGS – None.

8. ACTION ITEMS

- (a) Council Members request to revisit certain provisions of the 2018-adopted City Ordinance No. 483 involving amendments to *Clayton Municipal Code*, Title 17 – Zoning, to restrict and regulate parolee homes in the following General Plan designations: Multifamily Low Density, Multifamily Medium Density, and Multifamily High Density, subject to a City conditional use permit.
(Councilmember Diaz and Councilmember Wan)

Councilmember Diaz led the discussion believing the Parolee Housing Ordinance needed a presentation like the one they had this evening from the Office of Realignment and Justice. Councilmember Diaz wrote a letter to the previous mayor for the Council to consider three additional items in the Parolee Housing Ordinance, consisting of: 1) a formal community outreach program; 2) inclusion of private parks; and 3) expansion of

the 1,000' buffer zone. Councilmember Diaz noted he is unaware if the Coyote Circle homeowners association had considered changing its private park to a public park so it could be counted as a sensitive use site.

Councilmember Wan wondered if the City were to take ownership of that private park would the City have to compensate the homeowners association? Rather than the City take ownership of the park there may be an option to designate specific areas as sensitive. Councilmember Wan inquired about the alcohol license held by the Oakhurst Country Club, expressing his viewpoint its on- and off-site premises alcohol sales constitute a sensitive use site under the Ordinance. If a determination is established and Oakhurst triggers the buffer distance, a discussion on the impact of that assessment would need to occur. He also questioned the buffer zones as he did not feel there was sufficient time spent in cataloging items that trigger sensitive uses; for example, a data base of all the daycares in the City or if a cross reference was made with State-run facilities. He concluded by seeking his City councilmembers input on why only multifamily units were designated.

Mayor Catalano asked staff to clarify the difference between a principally permitted use and conditional use permit. Ms. Gentry responded a use principally permitted use or "by right" use requires no formal process, including no notification to the City of establishment of this type of use including any type of application, unless it is a commercial business which would require a business license be issued. A Conditional Use Permit requires an application submitted to the City and is a discretionary process with review by the Planning Commission.

Mayor Catalano also inquired on how many land use applications for this type of use have been received since this Ordinance was adopted. Ms. Gentry advised there have been no applications received or any interest expressed to date.

Mayor Catalano opened the matter for public comment.

Colleen Shipp, 3603 Coyote Circle, asked the City Council to reconsider the Parolee Housing Ordinance as she is against group parolee housing. She expressed concerns with Oakhurst Country Club backing up to homes in her neighborhood as she has personally experienced the ability to purchase alcoholic beverages while she is not a member. Ms. Shipp also expressed concerns for the private park located on Coyote Circle as neighborhood children and children not from the neighborhood utilize this park. She decided to look up the definition of discrimination, reading ... "treatment or consideration of or making a distinction in favor of or against a person or thing based on the group, class or category to which the person or things belong rather than on individual merit." The neighborhoods of Shell Lane and Keller Ridge are being discriminated against because its homes cost less than other homes in Clayton. As representatives of the City of Clayton she asked the City Council to please show the same level of respect and protection for all residents of Clayton and either make this a citywide ordinance or ban parolee housing in all of Clayton.

Brian Buddell, advised it was learned tonight there is no mandate for the City to take action on parolee housing, no indication parolees are waiting to get into Clayton as of October 1, 2018, and no reason for the rush to push this ordinance through other than a self-created rush without all the facts to make an informed decision. This ordinance should not have been passed with haste, lack of research, and without the input from people who actually know what they are talking about.

John Kranci, Coyote Circle, requested repealing Ordinance 483 as it was rushed into existence at behest the City Council and City staff at that time. As he heard this evening the state and county are not pushing this regulation.

Allison Snow, Keller Ridge, requested information regarding CASA, to House the Bay Area. Ms. Snow is interested in the items that Vice Mayor Pierce felt was important to Clayton, and what items she agreed with and not.

Marci Longchamps, Coyote Circle, thanked Councilmember Wan for his commitment and dedication to the people of Clayton as he took time to come out to their park on Coyote Lane, in the rain, to speak with the residents regarding parolee housing. Ms. Longchamps believes in forgiveness and second chances; she is not interested nor has the intent or desire to build walls around Clayton to keep certain people out. Her issue is the park on Coyote Circle; any park should be safe and protected from convicted felons. She also wanted to know who dictates multi-density housing: the State, the County or the City? It seems only fair that all neighborhoods in Clayton be held to the same mandate as Coyote Circle and Shell Lane. Ms. Longchamps requested a complete and thorough analysis be done protecting the safety and wellbeing of all children and residents of Clayton.

Molly Meksavan, Coyote Circle, located to Clayton in 2016 as a safe environment to raise her future children. She really enjoys walking around her neighborhood and trails where she sees children playing. She is against parolee housing and the current ordinance unfairly discriminates against two neighborhoods; she requested the City Council review the current ordinance.

Richard Willis, Arrowhead Terrace, noted AB 109 has unintended consequences. Based on an incident in Los Angeles, Mr. Willis does not feel the State is telling us the whole truth about AB 109.

Joanne Lederman, Keller Ridge, thanked Councilmembers Diaz and Wan for reconsideration of this ordinance. She is opposed to the ordinance as it is currently written. Ms. Lederman supports realignment, restorative justice and second chances. She is not in favor of targeting just two neighborhoods, and considers this ordinance should be shared as a community. She expressed concerns about the broad definitions of parolee and parolee homes written in sections 17.04.155 and 17.04.156 in the *Municipal Code*. She understands the ordinance addresses all parolees, not just AB 109; she desired clarification of the definitions.

Ann Stanaway, 1553 Haviland Place, congratulated all the speakers voicing their concerns about AB 109 and also suggested repeal of the current Ordinance. This City is known for its lack of enthusiasm to enforce its public safety ordinances. She wonders how Clayton will deal with parolee housing and everything that comes along with it. She requested that staff ensure the definition work for the City and make sure the citizens of Clayton are safe.

Jim Gamble inquired if a parolee housing application is presented meeting all the requirements, how much discretion will the Planning Commission have to vote against it?

Shawn O'Keefe, a HOA Board Member, indicated they have discussed the private park about making it public. He wondered what Clayton has to offer parolees as there are not a lot of jobs and lack of transportation or services to offer them. He is also concerned with the actual felony charges as they are almost always plead down.

With no other persons wishing to speak, Mayor Catalano closed public comment.

Councilmember Diaz reiterated his request to consider expanding the buffer zone and inclusion of private parks for staff and legal review.

Ms. Gentry advised staff can look at the requests made by Councilmember Diaz noting specific criteria in the ordinance is a snapshot of time because sensitive uses can

change over time; for example, a daycare use that is in business at one time may not be in business at another time. She also indicated another review of private parks can be done.

Councilmember Wan inquired if the Council would be interested in adding additional requirements to the Conditional Use Permit by increasing the certification or expertise of facility staff, and requiring the provider to provide a higher insurance bond. He was also interested in knowing the level of discretion the Planning Commission and City Council had in determining action on an application. When he read through the record on this item, back in May 2018 the Planning Commission reviewed this item with a 300' buffer zone and did not feel they had enough information; the City Council first heard this issue in July 2018 with a 500' buffer zone, which later changed to 1,000' buffer zone. Councilmember Wan noted given the magnitude of the buffer size changes in that short period of time, he is not clear on the level of resources used to mitigate this issue and would like to take the necessary time to perform due diligence in this matter. Based on the presentation this evening there are no requirements on cities from the State or the County to address this matter. He also wants to explore the potential issue at Oakhurst Country Club and would like to get to the point that parolee housing is essentially banned in Clayton.

Mayor Catalano provided the discretion of the Planning Commission and City Council by reading references in the *Municipal Code* Sections 17.60 – Conditional Use Permit Review and 17.60.050 – Conditionals of Approval. She explained when a radius was drawn and extended, there comes a point where there are not areas left in the city thereby creating a de-facto ban.

Ms. Gentry explained the process undertaken for the radius; there was identification of each sensitive use site, then a radius drawn around sites at varying distances from 300', 500', 750', and then to 1,000' which left two areas. When there were no longer two locations within the City is when it entered into a legally questionable area if it were still legally defensible.

Mayor Catalano indicated when the City Council considered the buffer zones it found the 1,000' was the maximum radius still allowing a couple of areas without creating a de-facto ban.

Councilmember Diaz commented if the City Council decides to review this item again there will likely be a new set of eyes reviewing this item.

City Manager Napper noted Interim Community Development Director Mr. Woltering has the qualifications and credentials to review this item, however we may also have to use additional outside resources as well. Mr. Napper noted he also went out to view the private park on Coyote Circle; by adding additional variables such as private parks or the Oakhurst Country Club as sensitive sites, it results in a de-facto ban. As a professional he will not recommend anything that may be illegal, however if the City Council decides to have a policy to ban parolee housing entirely, that is a political decision of the City Council as trustees and stewards of the community. He is unsure of what exactly the permit/ABC license held by Oakhurst Country Club allows for; perhaps there needs to be enforcement by ABC regarding its liquor license. Staff determined Oakhurst Country Club is a business but is not generally available to the public. During the Art and Wine Festival someone wanted to allow alcohol to be consumed outdoors; that consumption that did occur outside its building had to be screened off; if that requirement is true for Oakhurst Country Club, a spilt rail fence would not be adequate. If the ordinance is bad law, it can be changed or repealed.

What he heard from the County officials tonight is the more likely portal parolee housing will come into any community is through sober living environments; that is State-licensed

group housing that in the bill and in the law has been deemed deregulated from local control. When asked, Ms. Lara DeLaney confirmed Mr. Napper's summary of the pathway the County Program would pursue for AB 109, namely state-licensed facilities exempt from local control.

City Manager Napper added through this ordinance the City Municipal Code now states it excludes probation or correctional facilities except under certain regulations. The prior Code had an exposure gap that resulted in all parolees, whether from AB 109 or other paths, could land anywhere in a residential zone without local control. During the prior two year time period he noted the City had a moratorium in place, allowed by State law, that parolee group housing by whatever venue could not come into Clayton. Mr. Napper wondered why, under that restriction, would the City have rushed to end its moratorium any earlier and allow parolee group housing to apply?

Mayor Catalano clarified that a sober living group housing type is State-licensed activity and as a City we are unable to regulate it; additionally, in regards to non AB 109 sex offenders there are no restrictions of where they can move, our City is unable to govern that occurrence in any way. Registered sex offenders are under a state registry; if they move into our city they are required to register with local law enforcement within 5 days, but there is no notice or local permit process. Mayor Catalano clarified AB 109 offenders are serving a portion of their sentence within community-based programs; once done with their sentence they are no longer subject to that regulation.

Councilmember Diaz noted the 94517 zip code expands beyond Clayton city limits with a large area that is county related out near Morgan Territory Road. City Manager Napper added the area out near Morgan Territory Road does not have access to public transportation options, although there are areas that do nearer town with the same zip code that are not part of Clayton proper.

Vice Mayor Pierce commented there are several other pieces of legislation of various types of group sober living environments, supportive service homes to be located anywhere without any notification to the City or required local permitting. For example, daycares and senior care facilities with up to six children or seniors are not required by the State to notify the City. Although the City is not obligated under AB 109 from the County's perspective, the potential for legal challenge is by a non-profit group housing provider.

City Attorney Subramanian commented "yes," they would likely work with an organization such as the ACLU for the litigation. Vice Mayor Pierce continued her concern regarding exposure to a lawsuit. She recalled the City's Housing Element and the Municipal Code multifamily residential have a provision for parolee homes only with a conditional use permit. Can that be vetted to all residential zoning criteria? Ms. Gentry responded one of the earlier staff options provided to the City Council for consideration was to have this ordinance apply to all residential districts of Clayton.

Vice Mayor Pierce confirmed an alternative is to take away the buffer zones and make this apply citywide without regard to sensitive uses such as schools.

Councilmember Wolfe commented he thinks it is best to have a process in place but did not know what buffer distances would be best.

Councilmember Wan requested clarification on why the two areas were chosen as areas where parolee homes could locate. Ms. Gentry advised when staff was evaluating locations for possible parolee homes, multifamily areas typically have a higher level of impacts associated with it rather than single family homes. Staff essentially recommended it be located in multiple family with buffer zones for sensitive uses in place. It originally started with six areas in the City's General Plan as multiple family

designations but due to the subsequent application of sensitive use areas it precluded to only two.

Councilmember Wolfe asked if it is more than the AB 109 people that will be coming to Clayton. Ms. Gentry responded the ordinance addresses larger populations.

Councilmember Wolfe inquired if these populations are only from Clayton? Ms. Gentry responded "no."

Councilmember Wolfe expressed he is not in favor of a de-facto ban at this point. City Attorney Subramanian commented she has serious concerns about a de-facto ban; that is why she is not recommending a de-facto ban, and what was recommended allowed for two potential homes.

Councilmember Wolfe suggested leave the ordinance in place while more research is conducted. To date there has been no official HOA inquiry if the City would like to take over the private park.

Vice Mayor Pierce added the reason why the moratorium was in place for two years is because of an inquiry the City received from a non-profit to establish a parolee home in Clayton without any form of process. At the time, the City did not have anything in place. While the City waited for the County to get its AB 109 Reentry Plan together, the moratorium was due to expire and the Council was very concerned. The Council felt the best way to protect the City was to find a way to regulate and at least require a conditional use permit process that any applicant would have to go through, such as notifying the City of these intended group home locations, the public having an opportunity to provide its feedback during a public hearing and know what was potentially happening. Given the Planning Commission has a fair amount of discretion on the kinds of conditions it can put on a Conditional Use Permit the City Council thought that process provides a better protection than none. That was the reason the City Council acted expeditiously to get it in place before the moratorium expired. There was a non-profit group housing request about our process at the very beginning; she believes that would have been followed up had a moratorium not been put in place. As it turned out that applicant went to Antioch to establish its group home. She is not convinced that Clayton will ever become an appealing place for this type of use as there are not sufficient public transportation options.

Councilmember Wolfe inquired if a parolee has family in Clayton can they come to Clayton no matter this ordinance? Ms. Gentry responded "yes," they could come back to Clayton to family as that option does not fall under this ordinance; as defined a group home setting requires two or more parolees in a structured environment.

Councilmember Wolfe inquired on neighboring cities that do not have an ordinance or process in place; wouldn't parolees be better served in those areas? Ms. Gentry responded other jurisdiction handle parolee homes differently; for example, Pittsburg classifies parolee homes as "group housing" with no buffer zones to sensitive uses.

Mayor Catalano provided a history of the process; the Planning Commission and City Council took for consideration of parolee homes in Clayton about five months including multiple hearings. In prior meetings neighboring cities parolee home policies were discussed, with Clayton becoming the most restrictive. She is not in favor of a de-facto ban, it would be irresponsible. She noted if the City Council wants to change the ordinance it seems the only option is to make it more permissive by allowing it in other areas and not regulate it.

Councilmember Wan expressed he does not have an interest in making parolee housing more permissive; he is for a ban. He wants to act in the best interest of the citizens of Clayton now, and if the State deems it within their level of judgement then they should

change those laws and we should continue to act in the best interest of Clayton citizens. Why would we hurt ourselves now to avoid a potential that may never come to pass? Councilmember Wan would still like to explore a cross reference of the State's list of its licensed group facilities in Clayton; it is important to get that information. He expressed we are not talking about individual parolees, rather regulating a business in our residential district. There is no State law that regulates business for the health, safety and welfare of the community. Parolee homes may cause crime, congestion and blight, substance abuse, and the extent of this danger can vary widely city by city. This information was in the case of *City of Riverside vs. Inland Empire*; it wasn't parolee homes but the same rationale we can apply.

Mayor Catalano advised last time there was relevant legal examples on parolee housing, settling the case, more permissive and approximately \$500,000 in attorney's fees. In order to move forward she does not have anything against staff coming back with additional information if there are questions for staff to be answered.

Councilmember Wolfe commented he is not in favor of a ban and is interested in maintaining a legal defensible ordinance that is best for Clayton. He doesn't have any questions to add for staff.

City Manager Napper remarked he is a little troubled in terms of staff doing more work as they have tried to answer some of the questions already. The more one looks to restrict parolee homes further in location, the closer to a de-facto ban results. He expressed concern with the expectation that if this item is given back to staff that it will miraculously uncover or provide information that is not already known at this time. If the City Council desires to have a de-facto ban or outright ban, or to allow any group housing in all residential zones citywide, he considers those are the clear choices rather than try to contort more variables into the Ordinance that results in a de facto ban. A de facto ban is not clever; the City record on this matter will work against the City in any challenge to its de facto ban. By pushing this matter back to staff it will not provide any clearer idea than what is already in front of the City Council. Staff can try; if the private park is allowed as a sensitive site, the Keller Ridge area would be eliminated leaving only one potential area for parolee housing, which steps closer to a de-facto ban. If a de-facto ban is desired, staff can return with the findings that can assist the City Council in achieving its objective.

Vice Mayor Pierce noted the Shell Circle area has a common HOA which includes a swimming pool and private recreation area; if you apply it to one area, you have to apply the sensitive use definition to both. City Manager Napper added he received an email today noting there are children on the trails, on the sidewalks ... they are everywhere. If the idea is to protect children wherever they may be, you have a de facto ban; everything by definition could be contorted into a sensitive area.

Vice Mayor Pierce commented she does not feel that is practical and a ban is not responsible to our citizens, putting our treasury at risk. There are groups like ACLU that they would relish coming after Clayton; she does not want to put our City in that perspective. In respect to what Council would want staff to come back with, she thinks the only thing to respond to some of the public is to go back to the point of what it would take to put in a conditional use permit requirement for any area of the entire town, and she does not know if we can actually do that and how effective that would be. There are at least 2 other statutes that would be an escape clause for these types of homes to go through. This matter may be all for not.

Councilmember Diaz indicated he would like to keep it simple: take a look at the private park issue and the buffer zones around sensitive uses to put the public at ease, with legal input.

Councilmember Wan inquired about the ACLU interest; when did that happen? Vice Mayor Pierce advised there was a published report; shortly after the City started the discussion a letter was issued. Mr. Napper added it was not ACLU, rather a group in San Francisco, "Yes in My Backyard" (YIMBYs). Ms. Gentry further advised that group requested a copy of our ordinance which was provided to them; another letter to the City was received by the California Renters Legal Act, a similar type of advocacy group prior to one of the previous hearings. That letter indicated this ordinance is a blatant outright attempt to ban parolees from the city of Clayton.

Councilmember Wan remarked he would question what the ultimate risk is, if quantified can it be calculated? He would like to get an assessment of whether Oakhurst qualifies as a sensitive use site under its business license of on or off premise alcohol sales.

It was moved by Councilmember Diaz, seconded by Councilmember Wan, to direct staff to continue research on expanding the 1,000' buffer zone and inclusion of private parks and come back with a recommendation based on their findings. Motion failed (2-3 vote; Catalano, Pierce, and Wolfe, no).

It was moved by Councilmember Wan to have staff look into the ABC permit regulations for Oakhurst Country Club regarding on and off site sales of alcohol. Motion died for lack of a second.

- (b) Discussion and City Council policy direction concerning the content and parameters of an Accessory Dwelling Units (ADUs) Ordinance.
(Community Development Director)

City Manager Napper noted the time is 10:385 p.m. and this item has some complexities to it; while we would love to take advantage of Mindy Gentry and her time on this before she leaves City employment, there is nothing compelling that has to be discussed at this City Council meeting. He asked if it is the City Council desire to discuss this at a future meeting, the public comment should be opened to allow anyone here this evening who wished to speak regarding this matter.

Mayor Catalano opened the item to public comment; no comments were received.

It was moved by Councilmember Wolfe, seconded by Vice Mayor Pierce, to bring this item back to a future regular City Council meeting. (Passed; 5-0 vote).

- (c) Adopted Resolution 07-2019 certifying findings and authorizing the 180-day wait period exception for the temporary employment of CalPERS retired annuitant David Woltering as Interim Community Development Director.
(City Manager)

City Manager Napper advised with Ms. Gentry's announcement of leaving employment with the City he had made contact with a former community development director who recently retired from the City of San Bruno. Because the individual in mind has not been in retirement longer than the CalPERS-required wait period of 180 days before performing interim work in another CalPERS public agency, there are exceptions allowed by CalPERS that an agency can employ a retired CalPERS annuitant who has not been retired for more than 180-days under special circumstances there be a finding

by the interested legislative body the retired annuitant retention is necessary to fill the vacant position. That finding has been incorporated into the recommended Resolution as this City has only one full time professional planner on staff and is need of filling the vacated position on an interim basis while the recruitment takes place. The City's circumstance qualifies for the allowance under CalPERS regulations.

Councilmember Wan inquired if the annuitant would be eligible for CalPERS under this Resolution? Mr. Napper responded this annuitant is not eligible for CalPERS benefits as he is already receiving a pension from CalPERS. The employment regulations of a retired annuitant only allow the public agency to pay an hourly compensation rate and no other form of compensation, with the exception of a business travel expenses.

It was moved by Vice Mayor Pierce, seconded by Mayor Catalano, to adopt Resolution No. 07-2019 certifying findings and authorizing the 180-day wait period exception for the interim employment of CalPERS retired annuitant David Woltering as interim Community Development Director (G.C. sections 7522.56 & 21221(h)). (Passed; 5-0 vote).

9. COUNCIL ITEMS

Councilmember Wan requested as an agenda item to take a position on the CASA Compact, endorsed by MTC and ABAG, whether the City supports or opposes CASA Compact in its current form.

Mayor Catalano noted there have been some discussions about having some joint presentations on the CASA Compact with other cities. Vice Mayor Pierce advised MTC and ABAG are in the process of setting up some extra presentations, noting at the upcoming Contra Costa County Mayors' Conference the business meeting includes a presentation of the CASA Compact and she encouraged Councilmember Wan to attend.

Councilmember Wan clarified he was interested in having a public meeting discussion on whether the City of Clayton supports or opposes the CASA Compact.

10. CLOSED SESSION – None.

11. ADJOURNMENT– on call by Mayor Catalano, the City Council adjourned its meeting at 10:42 p.m.

The next regularly scheduled meeting of the City Council will be March 19, 2019.

#

Respectfully submitted,

Janet Calderon, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL

Tuija Catalano, Mayor

#



Agenda Date: 3/19/2019

Agenda Item: 3b

Approved: 
Gary A. Napper
City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: KEVIN MIZUNO, FINANCE MANAGER, CPA 

DATE: 03/19/19

SUBJECT: FINANCIAL DEMANDS AND OBLIGATIONS OF THE CITY

RECOMMENDATION:

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

<u>Report Title</u>	<u>Description</u>	<u>Amount</u>
Open Invoice Report	Obligation, paid via check in advance of meeting	\$ 3,000.00
Open Invoice Report	Obligations paid via check	191,554.06
ACH/EFT Activity	Non-check payments for the month of February	157,485.20
Total Required		\$ 352,039.26

Attachments:

1. Open Invoice Report, dated 03/01/19 (1 pages)
2. Open Invoice Report, dated 3/15/19 (4 pages)
3. ACH/EFT Activity Report (1 page)

City of Clayton Open Invoice Report Check Payments

<u>Vendor Name</u>	<u>Due Date</u>	<u>Invoice Date</u>	<u>Invoice Number</u>	<u>Invoice Description</u>	<u>Invoice Balance</u>	<u>Potential Discount</u>	<u>Discount Expires On</u>	<u>Net Amount Due</u>
Metropolitan Transportation Commission								
Metropolitan Transportation Commissio	3/19/2019	3/19/2019	AR019239	P-TAP Round 20 Assistance for MTC	\$3,000.00	\$0.00		\$3,000.00
			<i>Totals for Metropolitan Transportation Commission:</i>		<u>\$3,000.00</u>	<u>\$0.00</u>		<u>\$3,000.00</u>
			GRAND TOTALS:		\$3,000.00	\$0.00		\$3,000.00

City of Clayton Open Invoice Report Check Payments

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Ace Sierra Tow								
Ace Sierra Tow	3/19/2019	3/19/2019	58116	Tire change PD Car 1734	\$25.00	\$0.00		\$25.00
				<i>Totals for Ace Sierra Tow:</i>	<u>\$25.00</u>	<u>\$0.00</u>		<u>\$25.00</u>
Advanced Elevator Solutions, Inc								
Advanced Elevator Solutions, Inc	3/19/2019	3/19/2019	34900	Elevator maintenance	\$119.00	\$0.00		\$119.00
				<i>Totals for Advanced Elevator Solutions, Inc:</i>	<u>\$119.00</u>	<u>\$0.00</u>		<u>\$119.00</u>
All City Management Services, Inc.								
All City Management Services, Inc.	3/19/2019	3/19/2019	59857	School crossing guard svcs 2/10-2/23/19	\$475.68	\$0.00		\$475.68
				<i>Totals for All City Management Services, Inc.:</i>	<u>\$475.68</u>	<u>\$0.00</u>		<u>\$475.68</u>
Bay Area Barricade Serv.								
Bay Area Barricade Serv.	3/19/2019	3/19/2019	910	Park hours signs	\$81.57	\$0.00		\$81.57
Bay Area Barricade Serv.	3/19/2019	3/19/2019	885	Detour cards	\$220.22	\$0.00		\$220.22
				<i>Totals for Bay Area Barricade Serv.:</i>	<u>\$301.79</u>	<u>\$0.00</u>		<u>\$301.79</u>
Bay Area News Group								
Bay Area News Group	3/19/2019	3/19/2019	1177940	Sign code amendment legal ad	\$156.52	\$0.00		\$156.52
				<i>Totals for Bay Area News Group:</i>	<u>\$156.52</u>	<u>\$0.00</u>		<u>\$156.52</u>
Berlogar Stevens & Associates Inc.								
Berlogar Stevens & Associates Inc.	3/19/2019	3/19/2019	229184	Engineering services for March	\$134.13	\$0.00		\$134.13
				<i>Totals for Berlogar Stevens & Associates Inc.:</i>	<u>\$134.13</u>	<u>\$0.00</u>		<u>\$134.13</u>
Caltronics Business Systems, Inc								
Caltronics Business Systems, Inc	3/19/2019	3/19/2019	2717694	Copier contract coverage 1/30/19-2/27/19	\$361.98	\$0.00		\$361.98
				<i>Totals for Caltronics Business Systems, Inc:</i>	<u>\$361.98</u>	<u>\$0.00</u>		<u>\$361.98</u>
Cintas Corporation								
Cintas Corporation	3/19/2019	3/19/2019	4017310414	PW uniforms through 2/28/19	\$42.46	\$0.00		\$42.46
Cintas Corporation	3/19/2019	3/19/2019	4017823372	PW uniforms through 3/7/19	\$42.46	\$0.00		\$42.46
Cintas Corporation	3/19/2019	3/19/2019	4018255957	PW uniforms through 3/14/19	\$42.46	\$0.00		\$42.46
				<i>Totals for Cintas Corporation:</i>	<u>\$127.38</u>	<u>\$0.00</u>		<u>\$127.38</u>
Clayton Pioneer								
Clayton Pioneer	3/19/2019	3/19/2019	171077	Concert flier inserts	\$480.00	\$0.00		\$480.00
				<i>Totals for Clayton Pioneer:</i>	<u>\$480.00</u>	<u>\$0.00</u>		<u>\$480.00</u>
Clean Street								
Clean Street	3/19/2019	3/19/2019	93323	Street sweeping for February	\$4,500.00	\$0.00		\$4,500.00
				<i>Totals for Clean Street:</i>	<u>\$4,500.00</u>	<u>\$0.00</u>		<u>\$4,500.00</u>
CME Lighting Supply, Inc								
CME Lighting Supply, Inc	3/19/2019	3/19/2019	231787	Flourescent bulbs	\$130.23	\$0.00		\$130.23

City of Clayton Open Invoice Report Check Payments

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
<i>Totals for CME Lighting Supply, Inc:</i>					\$130.23	\$0.00		\$130.23
Comcast Business (PD)								
Comcast Business (PD)	3/19/2019	3/19/2019	77692991	PD internet, T1 through 2/28/19	\$901.96	\$0.00		\$901.96
<i>Totals for Comcast Business (PD):</i>					\$901.96	\$0.00		\$901.96
Edward Criado								
Edward Criado	3/19/2019	3/19/2019	CAP0227	C&D deposit refund for 973 Oak St	\$2,000.00	\$0.00		\$2,000.00
<i>Totals for Edward Criado:</i>					\$2,000.00	\$0.00		\$2,000.00
CSI Forensic Supply								
CSI Forensic Supply	3/19/2019	3/19/2019	60666A	Evidence supplies	\$119.81	\$0.00		\$119.81
<i>Totals for CSI Forensic Supply:</i>					\$119.81	\$0.00		\$119.81
Dillon Electric Inc								
Dillon Electric Inc	3/19/2019	3/19/2019	3856	Install knockdown light pole @ Keller Ridge	\$397.45	\$0.00		\$397.45
Dillon Electric Inc	3/19/2019	3/19/2019	3857	Streetlight maintenance 2/28/19	\$832.05	\$0.00		\$832.05
<i>Totals for Dillon Electric Inc:</i>					\$1,229.50	\$0.00		\$1,229.50
Geoconsultants, Inc.								
Geoconsultants, Inc.	3/19/2019	3/19/2019	18998	Well monitoring for February	\$1,546.50	\$0.00		\$1,546.50
<i>Totals for Geoconsultants, Inc.:</i>					\$1,546.50	\$0.00		\$1,546.50
Hammons Supply Company								
Hammons Supply Company	3/19/2019	3/19/2019	105250	Library janitorial supplies	\$151.92	\$0.00		\$151.92
Hammons Supply Company	3/19/2019	3/19/2019	105251	The Grove janitorial supplies	\$238.39	\$0.00		\$238.39
<i>Totals for Hammons Supply Company:</i>					\$390.31	\$0.00		\$390.31
Harris & Associates, Inc.								
Harris & Associates, Inc.	3/19/2019	3/19/2019	39425	Inspections 9/30/18-10/27/18	\$4,340.00	\$0.00		\$4,340.00
Harris & Associates, Inc.	3/19/2019	3/19/2019	37705	Engineering svcs for April	\$9,435.00	\$0.00		\$9,435.00
Harris & Associates, Inc.	3/19/2019	3/19/2019	37704	Engineering svcs for April	\$5,785.00	\$0.00		\$5,785.00
Harris & Associates, Inc.	3/19/2019	3/19/2019	38000	Engineering svcs 4/29/18-5/26/18	\$3,850.00	\$0.00		\$3,850.00
<i>Totals for Harris & Associates, Inc.:</i>					\$23,410.00	\$0.00		\$23,410.00
Hyde Printing Inc								
Hyde Printing Inc	3/19/2019	3/19/2019	79888	Concert in the Grove Flyers	\$1,302.83	\$0.00		\$1,302.83
<i>Totals for Hyde Printing Inc:</i>					\$1,302.83	\$0.00		\$1,302.83
Innovative Impressions								
Innovative Impressions	3/19/2019	3/19/2019	1245	Concerts in The Grove hats	\$1,375.65	\$0.00		\$1,375.65
<i>Totals for Innovative Impressions:</i>					\$1,375.65	\$0.00		\$1,375.65
LarryLogic Productions								
LarryLogic Productions	3/19/2019	3/19/2019	1790	City council meeting production 3/5/19	\$510.00	\$0.00		\$510.00

City of Clayton

Open Invoice Report

Check Payments

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
<i>Totals for LarryLogic Productions:</i>					\$510.00	\$0.00		\$510.00
Matrix Association Management								
Matrix Association Management	3/19/2019	3/19/2019	9463	Diablo Estates management for March	\$4,532.50	\$0.00		\$4,532.50
<i>Totals for Matrix Association Management:</i>					\$4,532.50	\$0.00		\$4,532.50
McNeil Arboriculture Consultants, Inc								
McNeil Arboriculture Consultants, Inc	3/19/2019	3/19/2019	5243	Inspection of eucalyptus tree on Clayton Rd	\$472.50	\$0.00		\$472.50
<i>Totals for McNeil Arboriculture Consultants, Inc:</i>					\$472.50	\$0.00		\$472.50
MPA								
MPA	3/19/2019	3/19/2019	Mar2019	Life/LTD for March	\$2,285.08	\$0.00		\$2,285.08
<i>Totals for MPA:</i>					\$2,285.08	\$0.00		\$2,285.08
Pacific Telemangement Svc								
Pacific Telemangement Svc	3/19/2019	3/19/2019	2013926	Courtyard payphone for March	\$73.00	\$0.00		\$73.00
<i>Totals for Pacific Telemangement Svc:</i>					\$73.00	\$0.00		\$73.00
Painting by Ken								
Painting by Ken	3/19/2019	3/19/2019	PD	Paint interior PD	\$7,395.00	\$0.00		\$7,395.00
<i>Totals for Painting by Ken:</i>					\$7,395.00	\$0.00		\$7,395.00
Riso Products of Sacramento								
Riso Products of Sacramento	3/19/2019	3/19/2019	192920	Copier lease pmt 24 of 60	\$106.09	\$0.00		\$106.09
<i>Totals for Riso Products of Sacramento:</i>					\$106.09	\$0.00		\$106.09
Sprint Comm (PD)								
Sprint Comm (PD)	3/19/2019	3/19/2019	703335311-207	Cell phones 1/26/19-2/25/19	\$646.22	\$0.00		\$646.22
<i>Totals for Sprint Comm (PD):</i>					\$646.22	\$0.00		\$646.22
Staples Business Credit								
Staples Business Credit	3/19/2019	3/19/2019	1623077096	Office supplies for February	\$147.87	\$0.00		\$147.87
<i>Totals for Staples Business Credit:</i>					\$147.87	\$0.00		\$147.87
Melanie Stone								
Melanie Stone	3/19/2019	3/19/2019	BP08-19	C&D Deposit refund for 1158 Gamay Dr	\$2,000.00	\$0.00		\$2,000.00
<i>Totals for Melanie Stone:</i>					\$2,000.00	\$0.00		\$2,000.00
Verizon Wireless								
Verizon Wireless	3/19/2019	3/19/2019	9825245291	Cell phones 2/2/19-3/1/19	\$158.01	\$0.00		\$158.01
<i>Totals for Verizon Wireless:</i>					\$158.01	\$0.00		\$158.01
Warner Brothers Tree Service								
Warner Brothers Tree Service	3/19/2019	3/19/2019	14555	Remove eucalyptus trees at Regency Dr	\$132,500.00	\$0.00		\$132,500.00
<i>Totals for Warner Brothers Tree Service:</i>					\$132,500.00	\$0.00		\$132,500.00

City of Clayton Open Invoice Report Check Payments

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Western Exterminator								
Western Exterminator	3/19/2019	3/19/2019	6808363	Pest control for February	\$409.50	\$0.00		\$409.50
				<i>Totals for Western Exterminator:</i>	<u>\$409.50</u>	<u>\$0.00</u>		<u>\$409.50</u>
Workers.com								
Workers.com	3/19/2019	3/19/2019	124221	Seasonal workers week end 2/24/19	\$701.11	\$0.00		\$701.11
Workers.com	3/19/2019	3/19/2019	124268	Seasonal worker week end 3/3/19	\$528.91	\$0.00		\$528.91
				<i>Totals for Workers.com:</i>	<u>\$1,230.02</u>	<u>\$0.00</u>		<u>\$1,230.02</u>
				GRAND TOTALS:	\$191,554.06	\$0.00		\$191,554.06

City of Clayton

ACH/EFT Activity (Non-City Check Payments)

For the City Council meeting dated: **3/19/2019**

Recurring ACH/EFT payments covering the following timeframe: 3/1/2019 - 3/14/2019

The following is a detailed listing of automatic recurring and other ACH/EFT payments other than checks for the period immediately preceding the City Council meeting dated above.

Payee	Description	Service Period	Payment Date	Amount
American Fidelity	FSA/dependent care contributions	PPE 3/10/19	3/11/2019	\$ 441.90
CalPERS	Pension plan contributions	PPE 3/10/19	3/13/2019	\$ 15,291.14
CalPERS	City Council pension plan contributions	PPE 3/24/19	3/1/2019	\$ 75.62
Nationwide	457b plan contributions	PPE 3/10/19	3/13/2019	\$ 720.00
Paychex	Payroll	PPE 3/10/19	3/13/2019	\$ 62,993.80
Paychex	Payroll taxes	PPE 3/10/19	3/13/2019	\$ 14,851.66
Paychex	Payroll processing fee	PPE 3/10/19	3/13/2019	\$ 198.99
Authorize.net	Online payment gateway	February 2019	3/1/2019	\$ 27.15
CalPERS *	Employee health premiums	March 2019	3/4/2019	\$ 29,918.74
Comcast	Internet service	3/10/19-4/9/19	3/1/2019	\$ 386.08
Paysafe	Merchant services City Hall	February 2019	3/1/2019	\$ 84.81
Paysafe	Merchant services online	February 2019	3/1/2019	\$ 70.86
PG&E *	Gas and electricity	1/15/19-2/13/19	3/7/2019	\$ 18,232.52
US Bank	Employee procurement cards	Stmt end 2/22/19	3/11/2019	\$ 9,661.91
Wells Fargo Bank *	Interest Lydia Ln Sewer Bonds	3/2/19 debt svc	2/5/2019	\$ 4,530.02
Total ACH/EFT Activity (other than checks)				<u>\$157,485.20</u>

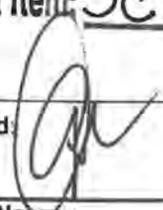
* This obligation was included in the prior ACH/EFT report approved at the 3/5/19 City Council Meeting. It is included here for informational purposes only since it pertains to the timeframe specified above.



Agenda Date: 3-19-2019

Agenda Item: 3c

Approved:


Gary A. Napper
City Manager

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: SCOTT ALMAN, CITY ENGINEER

DATE: MARCH 19, 2019

SUBJECT: APPROVE THE AWARD OF A LOW-BID CONTRACT TO CRATUS, INC. IN THE AMOUNT OF \$ 453,810.00 FOR THE EL MOLINO SANITARY SEWER IMPROVEMENTS PROJECT – CIP #10422

RECOMMENDATION

It is recommended the City Council adopt a Resolution to approve the award of a low-bid contract to Cratus, Inc. in the amount of \$ 453,810.00 for the El Molino Sanitary Sewer Improvements Project – CIP #10422.

BACKGROUND

The El Molino Sanitary Sewer Improvements Project prevents the existing potential for sewerage overflows along Donner Creek between Bloching Circle and El Molino Drive at Meredith Court. The project accomplishes this objective by constructing an intertie between the existing sanitary sewer main running from Barcelona Way in an easement between the back yards of homes at 26 Weatherly Drive and 70 El Molino and the existing sanitary sewer main in El Molino Drive. This intertie allows the diversion of the existing sewerage flow from the sewer main crossing through an easement behind the backyards of the homes on Weatherly Drive and Bloching Circle. This Weatherly/Bloching sewer main is subject to possible sewerage overflow. Diversion of the sewerage flow away from the Weatherly/Bloching sewer main allows it to be demolished, eliminating the existing overflow potential. The flow diversion from the Weatherly/Bloching sewer main into the existing El Molino sewer main requires increased flow capacity in the El Molino sewer main. This increased flow capacity is accomplished by increasing the diameter of the existing main by performing pipe bursting and pulling a new, larger diameter, main pipe through the burst shell of the existing main pipe.

This project bid in 2018 but the City received no bids. The City Council authorized the City Engineer to attempt to negotiate a fair contract amount with a reputable contractor to perform the work. Due to the construction environment at that time, a fair and reasonable contract amount was unobtainable. The City Engineer, in conference with the City Manager, determined the best course of action was to re-bid the project later when the bid environment was more favorable. In the time prior to being re bid the project was value engineered and several revisions were incorporated that improved the efficiency of the project and provided an opportunity for favorable bids and potential project savings. The

largest revision was increasing the quantity of pipe bursting and decreasing open cut trenching making the project more cost effective.

DISCUSSION

Following advertisement to the construction industry, the City Clerk received and opened five sealed bids on February 28, 2019 for this sanitary sewer improvement project. The five bids ranged in price from the low of \$453,810 to the high of \$599,567. All bids were below the Engineer's estimate of \$605,000.00. The apparent low bidder at \$453,810.00 is Cratus, Inc. Cratus meets all of the contract requirements, possesses both an 'A' General Engineering Contractor license and a C34 Pipeline Contractor license and is duly registered with the California Department of Industrial Relations as a public works contractor. Cratus was recommended to the City Engineer by the City of Concord's Capital Improvement Program staff as being a contractor the City of Concord had successfully worked with in the past. Cratus has been in business as a licensed contractor for 5 years since its California incorporation in 2013.

Cratus has completed seven (7) pipeline projects over the past three years with a total value in excess of \$12M. Cratus' current project backlog includes six (6) pipeline projects with total value in excess of \$19M. The contractor's proposed Construction Superintendent, Fernando Reyes, has over 20 years of experience in the pipeline construction industry. 100% of Reyes' time will be allocated to this project. The project specifications require the contractor to recycle demolished materials to the greatest extent practicable in order to assist the City in meeting its state mandates for recycling.

The contractor Notice to Proceed is scheduled to be issued by the City Engineer on April 24th with a presumed construction start date of May 8th.

FISCAL IMPACT

There are adequate funds available in the City's Capital Improvement Budget (CIP No. 10422 – El Molino Sanitary Sewer Improvements Project Account) to advance the funds to underwrite the cost of this construction contract. As City Council likely knows, funding for the overall sewer improvement project (design, construction, construction management, contingency, inspection and close-out) will be reimbursed through a Cooperative Agreement between Clayton and City of Concord. The Cooperative Agreement utilizes Clayton's sanitary sewer capital improvement funds that are levied on real property owners in Clayton each year, and collected and then administered by Concord under an historic agreement with Clayton.

The Cooperative Agreement is being amended to include \$250,000.00 in additional funds to cover the entire project including historical costs for previous design work undertaken by the former city engineer, value engineering and re-design costs, construction management and inspection costs, project construction contingency, and \$25,000.00 in projected staff costs by the City of Concord. The amended Cooperative Agreement is scheduled to be before the Clayton City Council for approval and adoption at the April 16th meeting, and is scheduled before the Concord City Council for approval and adoption at its April 23rd meeting. Concord public works staff is supportive of the amendments to the Cooperative Agreement.

RESOLUTION NO. - 2019

**A RESOLUTION APPROVING THE AWARD OF A LOW BID CONTRACT
TO CRATUS, INC., IN THE AMOUNT OF \$453,810.00
FOR THE EL MOLINO SANITARY SEWER IMPROVEMENTS PROJECT**

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

WHEREAS, the City Engineer recently designed and bid the El Molino Sanitary Sewer Improvements Project and the City received five sealed bids ranging in price from the apparent low of \$453,810.00 to a high of \$599,567.00; and

WHEREAS, the apparent low bidder, Cratus, Inc., with the apparent low bid of \$453,810.00, has been determined by the City Engineer to be a responsible bidder based on submitted bid documents, a personal recommendation from City of Concord staff, and the contractor's experience within the construction industry; and

WHEREAS, there are sufficient monies in the City's Capital Improvement Budget, CIP No. 10422 to fully fund this construction contract as bid; and

WHEREAS, the proposed sanitary sewer improvements contemplated by this project are exempt under Section 15302(c) of the CEQA guidelines; and

WHEREAS, in its accompanying report City staff has recommended the City Council adopt this Resolution approving the award of a contract to Cratus, Inc., in the amount of \$453,810.00 for the El Molino Sanitary Sewer Improvements Project CIP #10422:

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Clayton, California does hereby adopt this Resolution approving the award of a low-bid contract to Cratus, Inc. in the amount of \$453,810.00 for the El Molino Sanitary Sewer Improvements Project (CIP No. 10422), does hereby authorize its City Manager to execute the contract on behalf of the City, and does herewith determine and find the contemplated works are categorically exempt under CEQA Section 15302(c).

PASSED, APPROVED and ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 19th day of March 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Tuija Catalano, Mayor

ATTEST:

Janet Calderon, City Clerk



Agenda Date: 3-19-2019

Agenda Item: 3d

Approved:

Gary A. Napper
City Manager

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: CITY MANAGER
DATE: 19 MARCH 2019
SUBJECT: RESOLUTION RECOGNIZING IMPORTANCE OF THE 2020 U.S. CENSUS

RECOMMENDATION

It is recommended the City Council adopt the Resolution.

BACKGROUND

The national, state and local governments are each in preparation mode to facilitate the upcoming census [population] count and to ensure a full and complete accounting of all persons residing within each jurisdiction. A comprehensive census count is fundamental to many consequences including the primary implication of a miscount resulting in the loss of annual federal and state funds for local governments as well as determination of the number of Congressional seats given to California. Philanthropic subsidies for social programs and services are also implicated by census undercounts.

Obtaining an accurate and complete census count poses challenges due to several factors. The housing affordability predicament has forced many Californians to move into hard-to-count unconventional housing and overcrowded dwellings, or to merely become homeless. For the first time, the 2020 Census is a digital census and more than 75% of California households will be receiving an invitation to complete their census form online, even though many individuals and households may lack broadband or digital literacy.

DISCUSSION

The California Census Office is hosting a kick-off event on 02 April 2019 at the State Capitol in Sacramento to jump-start the populace awareness of the 2020 Census. It has requested the League of California Cities encourage its member cities to adopt a Resolution recognizing the importance of the 2020 U.S. Census.

FISCAL IMPACT

There is no fiscal impact resulting from the City Council's adoption of this Resolution.

RESOLUTION NO. - 2019

A RESOLUTION RECOGNIZING THE IMPORTANCE OF THE 2020 U.S. CENSUS

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

WHEREAS, the U.S. Census Bureau is required by Article I, Section 2 of the U.S. Constitution to conduct an accurate count of the population every ten years; and

WHEREAS, the next enumeration will be April 1, 2020 and will be the first Census to rely heavily on online form responses; and

WHEREAS, the primary and perpetual challenge facing the U.S. Census Bureau is the undercount of certain population groups; and

WHEREAS, that challenge is amplified in California given the size of the state and its diversity of communities; and

WHEREAS, California has a large percentage of individuals that are considered traditionally hard to count; and

WHEREAS, these diverse communities and demographic populations are at risk of being missed in the 2020 Census; and

WHEREAS, California receives nearly \$77 billion in federal funding that relies, in part, on census data; and

WHEREAS, a complete and accurate count of California's population is essential; and

WHEREAS, the data collected by the decennial census determines the number of seats each state has in the U.S. House of Representatives and is used to distribute billions of dollars in federal funds to state and local governments; and

WHEREAS, the data is also used in the redistricting of state legislatures, county boards of supervisors and city councils; and

WHEREAS, the decennial census is a massive undertaking that requires cross-sector collaboration and partnership in order to achieve a complete and accurate count; and

WHEREAS, California's leaders have dedicated a historic amount of funding and resources to ensure every Californian is counted once, only once, and in the right place; and

WHEREAS, this includes coordination between tribal, city, county, state governments, community-based organizations, education, and many more; and

WHEREAS, the U.S. Census Bureau is facing several challenges with Census 2020, including constrained fiscal environment, rapidly changing use of technology, declining response rates, increasingly diverse and mobile population; thus, support from partners and stakeholders is critical; and

WHEREAS, the California Census Bureau is kicking-off its outreach and engagement efforts in April 2019 for the 2020 Census; and

WHEREAS, the City of Clayton, in partnership with other local governments, the state, businesses, schools, and community organizations, is committed to robust outreach and communication strategies, focusing on reaching the hardest-to-count individuals.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California, does hereby recognize the importance of the 2020 U.S. Census and supports helping to ensure a complete, fair, and accurate count of all Californians.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held the 19th day of March 2019 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

Tuija Catalano, Mayor

ATTEST:

Janet Calderon, City Clerk



Agenda Date: 3-19-2019

Agenda Item: 8a

Approved

Gary A. Napper
City Manager

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: CHIEF WARREN
DATE: March 19, 2019
SUBJECT: Regency Drive and Rialto Drive Preferential Permit Parking Pilot Program.

RECOMMENDATION

It is recommended the City Council review and then provide policy direction regarding the attached Regency Drive Residential Preferential Permit Parking Pilot Program.

BACKGROUND

This issue was first brought to the City's attention at the 15 May 2018 City Council meeting during public comment. At that meeting residents brought a petition to the City Council requesting residential permit parking in their neighborhood, Regency and Rialto Drives. Residents stated that visitors are using their streets to park while hiking to the waterfalls in nearby Mt. Diablo State Park. Residents stated that on weekends and holidays these visitors take up all available street parking, block their driveways, leave trash and generally create a diminished quality of life for this neighborhood.

Since that meeting, City staff has met with residents, installed driveway blockage citation and Be Courteous to Neighborhood signs, and increased parking enforcement in the area. According to the residents, these actions have not abated the issues raised by residents.

At its regular public meeting held on 15 January 2019, the City Council held and received public input concerning the impacts to the Regency and Rialto Drives' neighborhoods associated with visitors and hikers using public streets to park vehicles and access the nearby Mt. Diablo State Park.

After public testimony, the City Council formed an ad-hoc committee comprised of Council Members Wan and Wolfe, and invited representatives of the Regency/Rialto Drives petition, and other stakeholders, to meet, consider and recommend mitigating measures to address the on-street parking and private property impacts.

The Council ad-hoc committee met on 30 January 2019, and prepared its findings, which were submitted to the City Council at its regular public meeting on 5 February 2019. At that meeting the City Council voted to direct staff to develop a possible Residential Preferential Permit Parking Pilot Program based upon the written findings of the Council ad-hoc committee.

ADDITIONAL RESEARCH

In March 2019, City staff conducted an inventory of available parking spots on Regency and Rialto Drives. The results are as follows:

Parking spaces available within the defined permit area of Option 1:

Option 1 designated area:

Regency Drive – the entire street; from Marsh Creek Road to the End, excluding the following areas that are not in front of any residence which are:

- The end of Regency Drive; and
- From the corner of Rialto Drive to the property line of 44 Regency Drive

Rialto Drive – the entire street; from Regency Drive to the End, excluding the following areas that are not in front of any residence, which is:

- From Seminary Ridge to Regency Drive

Parking Space Inventory:

Regency Drive – parking spaces available on residential properties: **230**

- There are 50 homes in this area; garage and tandem driveway parking counted along with any clear on-site pavement improvement for additional private parking.

Regency Drive – parking spaces available on the street: **115**

Rialto Drive – parking spaces available on residential properties: **64**

- There are 13 homes in this area (same assumptions noted above).

Rialto Drive – parking spaces available on the street: **30**

There are a total of approximately **145** parking spaces on the street in the defined permit area.

Parking spaces available within the defined permit area of Option 2:

Option 2 designated area:

Only designated portions of Regency Drive and Rialto Drive as defined below:

Regency Drive, North side of the street:

- From the corner of El Molino Drive to end of the property line of 157 Regency Drive

Regency Drive, South side of the street:

- From the corner of Rialto Drive to end of the property line of 176 Regency Drive

Rialto Drive, South side of the street:

- From the intersection of Seminary Ridge to the end of the street

Rialto Drive, North side of the street:

- The entire span of the street, from the corner of Regency Drive to the end of the street

Parking Space Inventory:

Regency Drive – parking spaces available on residential properties: **156**

- There are 34 homes in this area; garage and tandem driveway parking counted along with any clear on-site pavement improvement for additional private parking.

Regency Drive – parking spaces available on the street: **75**

Rialto Drive – parking spaces available on residential properties: **64**

- There are 13 homes in this area (same assumptions noted above).

Rialto Drive – parking spaces available on the street: **30**

There are a total of approximately **105** parking spaces on the street in the defined permit area.

Parking spaces available outside of the designated permitted areas on Regency and Rialto Drives, which will not require a parking permit:

End of Regency Drive beyond the restricted area – parking spaces available: **16**

Regency Drive from Rialto to the El Molino intersection on the south-side of the street (no homes face this stretch of the street) – parking spaces available: **29**

Rialto Drive, from the corner of Seminary Ridge to Regency Drive on the south-side of the street (no homes face this stretch of the street) – parking spaces available: 13

There are a total of approximately 58 parking spaces outside the permitted areas on Regency and Rialto Drives, **which will not require a parking permit.**

DISCUSSION

A pilot program has been developed by staff using the written findings of the Council ad-hoc committee as the guideline. Staff also researched other similar residential preferential permit parking programs from other cities. Based on that research and further considerations by staff, Options have been included in the attachment for the City Council's deliberation.

Should the City Council decide to establish a Pilot Program for this defined neighborhood by adopting the attached City Resolution, depending upon which Options are selected it will take approximately 90-120 days to implement. Staff will need time to generate internal policies and forms, order and receive supplies, and order and install signs. Once supplies have been secured staff will then be able to accept resident applications for permits, and begin processing and issuing those.

Once preferential parking permit signs have been installed on Regency and Rialto Drives, it is envisioned there be a 14 day warning period before any violation citations are issued. Warning-only citations would be issued during this time along with providing written information about alternative and preferred parking locations such as the Mt. Diablo State Park's parking lot located at the end of So. Mitchell Canyon Road.

FISCAL IMPACT

The probable fiscal impact is as follows:

1. Processing and issuing parking permits, along with developing internal processes and record keeping will cost around 1 to 1.5 hours of administrative [civilian] staff time per residence (\$46.64). Supplies and materials would cost approximately (\$5.00 per permit, plus office supply costs of approximately \$5.00 per permit.)
2. The cost of signage will be approximately: \$60,000, materials and labor. This estimate is based upon: Up to eighty (80) signs being required, placed at approximately 100 foot intervals in the defined permit area. Each sign is estimated to cost \$750.00 per sign installed.
3. If one-day online permits are approved, the cost of developing that software is: \$1,800.00

Attachment:

City Resolution [2 pages]
May 15, 2018 City Council Meeting Minutes
Petition for Parking Permits
Ad-Hoc Committee findings
Pilot Program
Map of the permit area [option 1 and option 2]
Sample signage

CITY RESOLUTION NO. - 2019

**A RESOLUTION ESTABLISHING A PREFERENTIAL PARKING PERMIT
PILOT PROGRAM FOR A RESTRICTED PARKING DISTRICT ALONG
PORTIONS OF REGENCY DRIVE AND RIALTO DRIVE**

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

WHEREAS, California Vehicle Code Section 22507 provides that local authorities may resolve to prohibit or restrict the stopping, parking, or standing of vehicles on certain streets or highways, or portions thereof, during all or certain hours of the day; and

WHEREAS, such resolution may include a designation of certain streets upon which preferential parking privileges are given to residents adjacent to the streets for their use and the use of their guests, under which the residents may be issued a permit or permits that exempt them from the prohibition or restriction of the resolution; and

WHEREAS, the City Council desires to establish a pilot program to provide preferential parking permits within a defined restricted parking district along Regency Drive and Rialto Drive in the city of Clayton as necessary to provide reasonably available and convenient parking for the benefit of the residents within the proposed district pursuant to the authority granted in California Vehicle Code, Section 22507.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California does hereby find, determine and approve as follows:

Section 1. That the above Recitals are true and correct facts pertaining to an important matter of public policy to the City.

Section 2. The City Council of the City of Clayton hereby adopts the pilot program for the issuance of Preferential Parking Permits within a restricted parking district along Regency Drive and Rialto Drive as further described and set forth in Exhibit A, attached hereto and incorporated herein by reference. The preferential parking designation shall not apply to any specific street within the district until a sign giving adequate notice thereof has been installed on that street.

Section 3. If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution. The City Council hereby declares that it would have passed this Resolution, and each and every section, subsection, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the Resolution would be subsequently declared invalid or unconstitutional.

Section 4. This Resolution shall and does take immediate effect from and after its passage and adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Clayton, California at a duly-noticed public meeting thereof held on the 19th day of March 2019 by the following recorded vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

Tuija Catalano, Mayor

ATTEST:

Janet Calderon, City Clerk

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

TUESDAY, May 15, 2018

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:00 p.m. by Mayor Haydon in Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Haydon and Councilmembers Catalano, Diaz and Pierce. Councilmembers absent: Vice Mayor Shuey. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, and City Clerk/HR Manager Janet Brown.

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

3. **CONSENT CALENDAR**

It was moved by Councilmember Catalano, seconded by Councilmember Pierce, to approve the Consent Calendar as submitted. (Passed; 4-0 vote).

- (b) Approved the minutes of the City Council's regular meeting of May 1, 2018.
- (c) Approved the Financial Demands and Obligations of the City.
- (d) Adopted Resolution No. 14-2018 approving the Engineer's Report and declaring intent to levy and collect real property tax assessments in FY 2018-19 for the Diablo Estates at Clayton Benefit District (BAD), and setting July 19, 2018 at or about 7:00 p.m. as the date and time for a noticed Public Hearing on the proposed fiscal year tax assessment levies.
- (e) Accepted the City's Investment Portfolio Report for Third Quarter of FY 2017-18 ending March 31, 2018.
- (f) Adopted Resolution No. 15-2018 approving the award of low-bid contract to Sierra Nevada Construction in the amount of \$ 784,007.00, for the City's 2018 Neighborhood Street Repave Project (CIP No. 10436).
- (g) Adopted Resolution No. 16-2018 authorizing City staff to negotiate an agreeable construction price with a qualified contractor to construct the El Molino Drive Sanitary Sewer Improvements Project (CIP No. 10422), pursuant to Public Contract Code Section 20166 and given no construction bids were received for this advertised project.

4. **RECOGNITIONS AND PRESENTATIONS**

- (a) Recognition of retiring Maintenance Supervisor Mark Janney in appreciation for his 28 years of leadership and service to Clayton community from April 1990 to May 2018.

Mayor Haydon presented Mr. Janney a plaque in recognition of his service to the Clayton community for 28 years. Mayor Haydon also shared highlights of Mr. Janney's career with the City of Clayton, starting in April 1990 as a Maintenance Worker II, where in 1994 the position was reclassified to Maintenance Leader and in October 2001 Mr.

Janney was promoted to Maintenance Supervisor. Mayor Haydon advised the Maintenance Department is responsible for maintaining Clayton's city buildings and landscape around the community.

Councilmember Pierce thanked Mark for his many years of service to the Clayton community; he ensured everything is operable in the various City facilities including light bulbs, stairs at City Hall, air conditioning systems, and maintenance at the various parks, including many, many irrigation pipe repairs at Clayton Community Park.

Councilmember Diaz also thanked Mr. Janney for his assistance during many community events especially during the Concert season, Clayton Community and Business Association annual Art and Wine Festival and the Clayton Business and Community Association annual Christmas Tree Lighting.

Councilmember Catalano thanked Mr. Janney for his professional and knowledgably demeanor.

Mayor Haydon also thanked Mr. Janney for his service as the Trails and Landscaping Committee liaison.

Mr. Janney thanked the City Council and staff noting the City of Clayton was a great place to work.

5. REPORTS

- (a) Planning Commission – No meeting held.
- (b) Trails and Landscaping Committee – No meeting held.
- (c) City Manager/Staff –

City Manager Napper thanked Mr. Janney for his infamous solution in Clayton to fix the public restrooms not working properly during Concerts in The Grove. He noted Mr. Janney suggested the installation of larger aboveground water tanks to accommodate the larger water usage of the restrooms during the annual concert season; this suggestion solved the problem. Mr. Napper added whenever Mr. Janney was contacted after Maintenance Department hours, he was always polite and made sure the problem reported would be taken care of. Mr. Napper congratulated Mr. Janney on a stellar career and wished him the best in retirement.

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

Councilmember Catalano indicated "no report".

Councilmember Diaz attended the Saturday Concert in The Grove.

Councilmember Pierce attended the Contra Costa Transportation Authority Board administrative planning meeting, the Contra Costa County Mayors' Conference hosted by the City of Martinez, six (6) Metropolitan Transportation Committee meetings, the Pacific Coast Farmers Market Association opening day in Clayton, the opening of the Pittsburg E-Bart, and the first Saturday Concert in The Grove.

Mayor Haydon attended the Contra Costa County Mayors' Conference, announced the VFW upcoming Memorial Day event taking place on May 28th, and invited the Council and community to the Black Diamond Mine tour. Mayor Haydon also attended the

Clayton Community and Business Association BBQ planning meeting, the County Connection Finance Committee meeting, the Pacific Coast Farmers Market Association opening day in Clayton including the cabbage In-lieu nectarine toss, the Clayton Garden Club annual plant sale, and the first Concert in The Grove. He thanked Councilmember Pierce and Councilmember Diaz for their efforts in assisting with this event.

- (e) Other – None.

6. PUBLIC COMMENT ON NON - AGENDA ITEMS

Kathy Benge, 139 Regency Drive, advised approximately ten years ago area walkers/hikers decided to start their walk or hike on Mount Diablo from Regency Drive, resulting in homeowners' inability to provide parking near her home for her guests, as they now must park further away due to the congestion. Ms. Benge advised several years ago she called the City for assistance, however didn't receive any useful suggestions to address the parking issues, garbage, and animal waste left from horses and dogs. Ms. Benge also expressed concerns of safety in the neighborhood as she is unable to leave her garage door open for any period of time as there are several people coming and going to the trail or possibly casing their homes.

Jeffery Weiner, 133 Regency Drive, advised he relocated to Regency Drive thirty years ago for its quietness, scenery and ability to raise his sons in an area where they could ride their bikes and play in a safe environment. Mr. Weiner presented the City Council a petition signed by a majority of the residents on Regency Drive and Rialto Drive to establish resident-only parking along with visitor parking passes from 8:00 a.m. to 6:00 p.m. Mr. Weiner advised Regency Drive does not currently provide the quality of life it once did, as it has become a parking lot for Mt. Diablo hikers, leaving no guest or residential street parking, speeding, litter, unsafe driving, rudeness and no regard for their properties. Mr. Weiner noted people are parking on their street to avoid paid parking at the State Park lot on Mitchell Canyon; these problems are due to social print media establishing Regency Drive as free Mt. Diablo parking. Mr. Weiner stated one of his neighbors had to delay a child's birthday party to 6:00 p.m. due to the parking issue on their street. Mr. Weiner advised what really bothers him is Zipcars, rental cars, out-of-state cars, and vehicles displaying resident only stickers from other cities taking up the parking on his street. Mr. Weiner shared quotes from a Google site that directs Mt. Diablo parking to Regency Drive: *"Parking can be a little challenging during peak hours, weekend, mornings and afternoons the main road is packed."* Another quoted *"Get here early for free parking"*; yet another, *"I got here at 9:00 o'clock in December and didn't have problems getting a parking spot, this area was much more crowded getting back."* Mr. Weiner advised this issue is occurring on weekends, holidays and during the week ten to eleven months per year. Mr. Weiner advised the residents expect action to these issues since the problems on their streets were caused by the area being promoted as a parking lot, and would like it to returned for the reasons they moved here. Mr. Weiner then quoted the current Police Chief: *"Clayton is a beautiful safe city, and our Police Department strives to keep it that way. We are focused on addressing quality of life issues such as traffic, speeding and safety."* We urge you to allow the Police Chief to focus on these issues by limiting parking to residents and their guests for the reasons stated in the petition.

Lori Rehn, 176 Regency Drive, noted additional concerns stating there are no sanitary facilities, no ADA access, no trash receptacles, and no parking to support the guest volume. Ms. Rehn noted there is damage to driveways, parking violations, and speeding violations, and said a neighbor watched her cat get hit and killed because of speeding on Regency Drive. She expressed concerns of not only pedestrian violations with residents

afraid of backing out of there driveway and hitting a hiker who is not paying attention or walking in the middle of the street. The Clayton Police has been great in assisting with this situation the last few weeks. Ms. Rehn used to host three or four hiking events in the spring and fall for her friends and family, yet no longer can do so unless she plans the hike to start at 8:00 a.m.; any later and they would have to park on Marsh Creek Road.

Dr. Mark Montijo, 127 Regency Drive, noticed in April 2017 there was an article in *Diablo Magazine* directing hikers to the end of Regency Drive; after publication of that article, parking became a noticeable problem. Dr. Montijo had a wreath stolen off his front door; his family must strategize the street parking of their vehicles, when one vehicle leaves another one is waiting to use it. Dr. Montijo has found various items including trash, bags, hiking shoes, and water bottles on the sidewalk in front of his house. Vehicles have also parked two to three feet into his driveway approach which is a pretty common occurrence. Dr. Montijo feels this issue would have to be reported to any potential buyers of their homes if they decide to sell.

Beth Walsh, 152 Regency Drive, advised she was asked to represent one of her neighbors on Rialto Drive quoting, *"In the last six to twelve months hikers are sleeping overnight in vehicles, leaving their vehicles for multiple days and nights while on the Mountain, hikers urinating frequently in our yards, dumping portable commode waste in the street, excessive litter on homeowners and State properties consisting of bottles, wrappers, beer cans, etc., blocking fire access gates to park and double park at the end of the street, cleaning off muddy shoes on driveways, curbs and kids basketball hoops. Taking multiple bags of fruit off of our trees without permission and leaving them bare. We thank you for considering our concerns on Rialto Drive."* Ms. Walsh also added there is street parking available at the end of Regency Drive between Rialto and El Molino that is not blocking residential homes; there is also parking between Petar Court and El Portal Drive; perhaps those areas could be designated for hiker parking. Ms. Walsh continued if a resident wanted to host a function for their child or family members it is logistically almost impossible without the help of your neighbors to allow them to be anywhere near or close to your home on a weekend. Ms. Walsh concluded her concerns noting there is a desire to hike Mt. Diablo by residents and visitors but South Mitchell Canyon Road has a state park parking lot that is available for that use.

Daniel Walsh, 152 Regency Drive, advised there have been many issues with hikers blocking driveways, including blocking residents' vehicles so tightly they were unable to leave. He noted on one occasion a hiker parked his car behind his son's vehicle driving his front bumper under his son's car; then the hiker walked down to go on a hike. Mr. Walsh added there are problems with vehicles parking in the red zone and in front of fire hydrants. He remarked several times groups of hikers will sit in front of residential houses, including their sidewalks and on lawns underneath their trees; the residents would like the City to work with them on these issues.

Ann Stanaway, 1553 Haviland Place, expressed her continued concern of public safety and blights in the City not being addressed. Ms. Stanaway voiced her objection to the political patronage that allows this situation to exist.

7. **PUBLIC HEARINGS** – None.

8. **ACTION ITEMS** – None.

9. **COUNCIL ITEMS** – limited to requests and directives for future meetings.
None.

10. **CLOSED SESSION**

Mayor Haydon announced the City Council will adjourn into Closed Session for the following noticed items (7:38 p.m.):

- (a) *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 of Closed Session (8:30 p.m.)

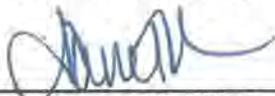
Mayor Haydon reported the City Council received information from and provided policy directions to its labor negotiator. There is no public action to report.

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

The next regularly scheduled meeting of the City Council will be June 5, 2018.

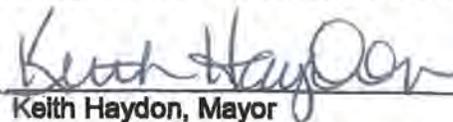
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Respectfully submitted,



Janet Brown, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL


Keith Haydon, Mayor

#

Mr mayor and council members

My name is Jeffrey Weiner. I moved to Clayton In 1979 and been at my current Regency address for 30 years. I moved to regency Dr because of its quietness, scenery and the ability of my sons to grow up riding their bikes, playing ball in a safe environment.

I am here today to present to the city, a petition signed by an overwhelming majority of residents, to establish resident only parking (along with visitor parking) on regency and rialto from 8am-6 Pm.

Currently, regency Dr does not offer the same quality of life as when I moved here. The street, along with rialto dr has become THE parking lot for Mt Diablo. We experience NO parking, speeding, litter, unsafe driving, rudeness, disregard for personal property mainly due to out of towners who use our blocks as a parking lot instead of paying for parking at Mitchel Canyon. The State is losing \$1000s of lost parking revenue. These problems are Due to social and print media publicizing our blocks as free Mt Diablo parking, our beautiful, quiet block is now a destination for park visitors. We are not against hikers use of the beautiful trails. We are against hikers negatively impacting our enjoyment of our homes and neighborhood.

What used to be a minor inconvenience is now a Major deterrent to our peaceful enjoyment of the neighborhood we chose to move to. I feel bad for new families who want their children to have the same experiences as did mine

We must delay visitors, play musical cars, put up with speeders and related unsafe driving. We cannot safely leave our driveways without the potential of being hit by a driver who is looking for parking. We see drivers on the wrong side of the street ,distracted while looking for parking. What really bothers me is seeing Zip cars, rental cars , cars from out of state and cars displaying resident only stickers from other area cities taking up our parking. We cannot park on their streets, yet they clog ours. How ironic is it that on a Google site, it directs people to Regency dr to park, and a top user comment is that it is difficult to find parking on weekends. Try living here.

We residents expect action to address these issues. The problem is our streets are THE promoted parking lot for the park. We want to return to enjoying our neighborhood for the reasons we moved here.

To quote the new Police chief:

"Clayton is a beautiful, safe city and our police department strives to keep it that way..We are focused on addressing quality of life issues such as traffic, speeding and safety"

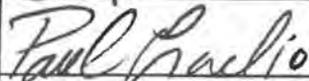
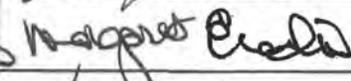
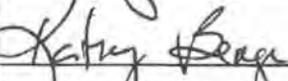
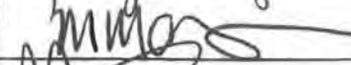
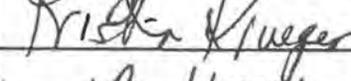
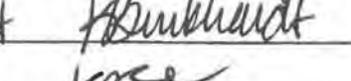
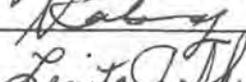
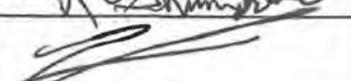
We urge you to allow the police chief to focus on these issues by limiting parking to residents and their guests for the reason stated in this petition. It's a quality of life issue that can no longer be ignored

Petition to Establish Resident only Parking on Regency Dr, Clayton CA

AD

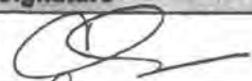
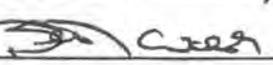
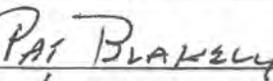
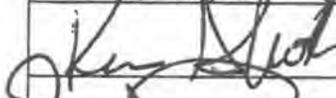
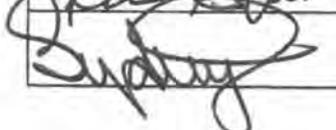
Petition summary and background	<p>We, the residents of Regency Dr , Clayton Ca, petition the City of Clayton to establish a resident only parking zone on this street. We are severely impacted by non residents who park their car in front of our homes for the purpose of using Mt Diablo State Park and and the Clayton community Park. Both in print and social media, Regency Dr is now recommended as a free parking lot for the state Park. Residential parking on Regency Dr has become impossible, as the impact from visitors to Mt Diablo State Park and the Clayton Park displaces all residential parking This has negatively impacted our neighborhood in many ways, including but not limited to:</p> <ul style="list-style-type: none"> -We are unable to leave our home in the morning or afternoon and return to a parking space in front of, or near our home. -We cannot have visitors, contractors or deliveries during these times because they cannot park on Regency Dr. -There is a unacceptable increase in car traffic, noise, pollution, and garbage due to 100s of extra cars and people parking in our neighborhood. This has lowered our property values and upset our enjoyment of our home and neighborhood. -Park visitors drive over the speed limit, park in our driveways, back up the wrong way down the street and many are rude and walk on our lawns
Action petitioned for	<p>We, the undersigned, are concerned citizens who urge our leaders to act now to establish a resident only parking zone on Regency Dr from 8am to 6pm.</p>

Printed Name	Signature	Address	Comment	Date
Judy Moran	<i>Judy Moran</i>	121 Regency Dr	would like speed bumps too	5/4/18
Marc Lewis	<i>Marc Lewis</i>	164 Regency Dr		5/4/18
Louis Simpson	<i>Louis Simpson</i>	157 Regency Dr.		5/4/18
Judy Hunt	<i>Judy Hunt</i>	145 Regency Dr	the curb needs to be painted Red ^{fire} _{hydrant}	5/4/18
Jeff Weiner	<i>Jeff Weiner</i>	133 Regency Dr		5/4/18
Rick Lewis	<i>Rick Lewis</i>	170 Regency Dr		5/4/18

Printed Name	Signature	Address	Comment	Date
BROOKE ADAMS		134 Regency Dr		5/4/18
JONATHAN ADAMS		134 REGENCY DR		5.5.18
PAUL ERACLIO		151 REGENCY DR		5/5/18
MARGARET ERACLIO		151 Regency Dr		5/5/18
KATY BERGE		135 Regency Dr.		5/5/18
MARK MONTI		127 REGENCY		5/5/18
MARY BOGNO		26 Regency Dr.		5/5/18
SHERYL NIXON		3 Waverly Dr		5/8/18
BEHNAZ ATHA		92 Regency		5/5/18
KRISTIN KUEGER		44 Regency		5/5/18
KRISTEN BURKHARDT		20 Regency Dr.		5/5/18
KAYLA PRICE		14 Regency Dr.		5/5/18
TOM RANASINGHE		15 Regency Dr.		5/5/18
LENITA SHUMAKER		55 Regency Dr.		5/5/18
RICHARD SHUMAKER		55 Regency Dr.		5/5/18
TOMMY FANNIN		61 " "		5/5/18

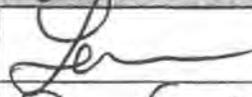
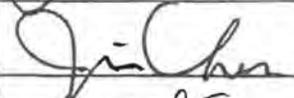
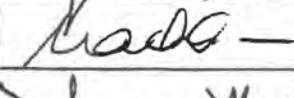
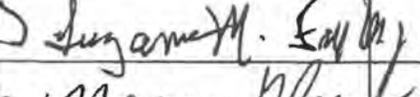
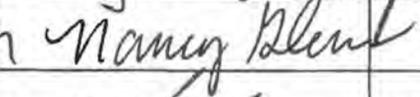
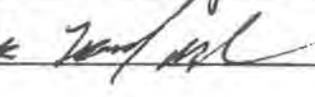
Petition to Establish Resident only Parking on Regency Dr, Clayton CA

Petition summary and background	<p>We, the residents of Regency Dr , Clayton Ca, petition the City of Clayton to establish a resident only parking zone on this street. We are severely impacted by non residents who park their car in front of our homes for the purpose of using Mt Diablo State Park and and the Clayton community Park. Both in print and social media, Regency Dr is now recommended as a free parking lot for the state Park. Residential parking on Regency Dr has become impossible, as the impact from visitors to Mt Diablo State Park and the Clayton Park displaces all residential parking This has negatively impacted our neighborhood in many ways, including but not limited to:</p> <ul style="list-style-type: none"> -We are unable to leave our home in the morning or afternoon and return to a parking space in front of, or near our home. -We cannot have visitors, contractors or deliveries during these times because they cannot park on Regency Dr. -There is a unacceptable increase in car traffic, noise, pollution, and garbage due to 100s of extra cars and people parking in our neighborhood. This has lowered our property values and upset our enjoyment of our home and neighborhood. -Park visitors drive over the speed limit, park in our driveways, back up the wrong way down the street and many are rude and walk on our lawns
Action petitioned for	<p>We, the undersigned, are concerned citizens who urge our leaders to act now to establish a resident only parking zone on Regency Dr from 8am to 6pm.</p>

Printed Name	Signature	Address	Comment	Date
Carolyn Stanoff		140 Regency Dr.		5/5/18
GARY STANDOFF		140 REGENCY DR.		5/05/18
Beth Wash		152 Regency Dr		5/5/18
Pat Blakely		116 Regency		5/5/18
	KEN ALCOCK	110 Regency		5/5/18
	Sydney Alcock	" "		5/5/18

Petition to Establish Resident only Parking on Regency Dr, Clayton CA

Petition summary and background	<p>We, the residents of Regency Dr , Clayton Ca, petition the City of Clayton to establish a resident only parking zone on this street. We are severely impacted by non residents who park their car in front of our homes for the purpose of using Mt Diablo State Park and and the Clayton community Park. Both in print and social media, Regency Dr is now recommended as a free parking lot for the state Park. Residential parking on Regency Dr has become impossible, as the impact from visitors to Mt Diablo State Park and the Clayton Park displaces all residential parking This has negatively impacted our neighborhood in many ways, including but not limited to:</p> <ul style="list-style-type: none"> -We are unable to leave our home in the morning or afternoon and return to a parking space in front of, or near our home. -We cannot have visitors, contractors or deliveries during these times because they cannot park on Regency Dr. -There is a unacceptable increase in car traffic, noise, pollution, and garbage due to 100s of extra cars and people parking in our neighborhood. This has lowered our property values and upset our enjoyment of our home and neighborhood. -Park visitors drive over the speed limit, park in our driveways, back up the wrong way down the street and many are rude and walk on our lawns
Action petitioned for	<p>We, the undersigned, are concerned citizens who urge our leaders to act now to establish a resident only parking zone on Regency Dr from 8am to 6pm.</p>

Printed Name	Signature	Address	Comment	Date
Lo Fi Penn		176 Regency Dr		5/6/18
Jin Chan		146 Regency Dr.		5/6/18
Victoria Chan		146 Regency Dr.		5/6/18
Suzanne Frieber		128 Regency		5/6/18
Nancy Glenn		38 Regency Dr.		5/6/18
MICHAEL DEBACE		19 R.		

Printed Name	Signature	Address	Comment	Date
Maureen DeBaek	Maureen DeBaek	19 Regency Drive Wayton	Address the parking & speeding	5/6/18
M. Toanasevski	M. Toanasevski	1 REGENCY DR		5/6/18
Allen Fong	Allen Fong	7 Regency Dr		5/6/18

Petition to Establish Resident only Parking on Regency Dr, Clayton CA

Petition summary and background	<p>We, the residents of Regency Dr , Clayton Ca, petition the City of Clayton to establish a resident only parking zone on this street. We are severely impacted by non residents who park their car in front of our homes for the purpose of using Mt Diablo State Park and and the Clayton community Park. Both in print and social media, Regency Dr is now recommended as a free parking lot for the state Park. Residential parking on Regency Dr has become impossible, as the impact from visitors to Mt Diablo State Park and the Clayton Park displaces all residential parking This has negatively impacted our neighborhood in many ways, including but not limited to:</p> <ul style="list-style-type: none"> -We are unable to leave our home in the morning or afternoon and return to a parking space in front of, or near our home. -We cannot have visitors, contractors or deliveries during these times because they cannot park on Regency Dr. -There is a unacceptable increase in car traffic, noise, pollution, and garbage due to 100s of extra cars and people parking in our neighborhood. This has lowered our property values and upset our enjoyment of our home and neighborhood. -Park visitors drive over the speed limit, park in our driveways, back up the wrong way down the street and many are rude and walk on our lawns
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to establish a resident only parking zone on Regency Dr from 8am to 6pm.

Printed Name	Signature	Address	Comment	Date
Susan Lloyd	<i>Susan Lloyd</i>	158 Regency Drive Clayton		5/5/18
NATHANIE MONTIJO	<i>N. Montijo</i>	127 REGENCY DR. CLAYTON		5/6/18
MARK MONTIJO	<i>M. Montijo</i>	127 REGENCY DR. CLAYTON		5/6/18
Kayla Luttrell	<i>K. Luttrell</i>	121 Regency Dr Clayton		5/6/18
Chris Luttrell	<i>Chris Luttrell</i>	121 Regency Dr. Clayton		5/6/18
Don Kaneko	<i>Don Kaneko</i>	109 Regency Dr. Clayton		5/6/18

Printed Name	Signature	Address	Comment	Date
Cheryl Randa	Cheryl Randa	109 Regency Dr		5/6/18
RAM GRIMMOND	R. Grimmond	79 Regency Dr		5/6/18
SUE GRIMMOND	Sue Grimmond	79 REGENCY DR		5/6/18
JoAnn Beren	JoAnn Beren	67 Regency Dr		5/6/18
Bob Beren	Bob Beren	67 Regency Dr		5/6/18
Cathy Glenn	Cathy Glenn	31 Regency Dr		5/6/18
Daniel Esquivra	Daniel Esquivra	139 Regency Dr.		5/6/18

These are some issues with hikers parking on Rialto Drive in the last 6-12 months that we have witnessed and experienced. These are in addition to the summary and background on the petition:

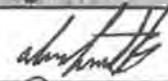
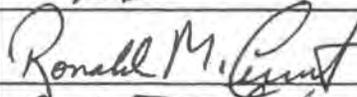
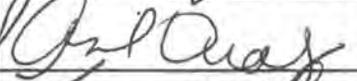
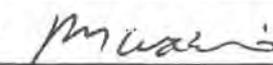
- **Hikers sleeping overnight in vehicles in front of our homes**
- **Hikers leaving cars for multiple days/ nights on our street while on the mountain**
- **Hikers urinating frequently in our front yards**
- **Dumping portable commode waste in the street**
- **Excessive litter on homeowner's property and state property (water bottles, wrappers, beer cans, etc.)**
- **Blocking fire access gate to park and double parking at end of street**
- **Cleaning off muddy shoes on driveways, curbs, and kid's basketball hoop**
- **Taking multiple bags of fruit from our trees without permission leaving them bare**

Thank you for considering our concerns on Rialto Drive.

Shirley and Jeff
Weiner

Petition to Establish Resident only Parking on Regency & Rialto Dr, Clayton CA

Petition summary and background	<p>We, the residents of Regency and Rialto Dr , Clayton Ca, petition the City of Clayton to establish a resident only parking zone on this street. We are severely impacted by non residents who park their car in front of our homes for the purpose of using Mt Diablo State Park and and the Clayton community Park. Both in print and social media, Regency Dr is now recommended as a free parking lot for the state Park. Residential parking on Regency Dr has become impossible, as the impact from visitors to Mt Diablo State Park and the Clayton Park displaces all residential parking This has negatively impacted our neighborhood in many ways, including but not limited to:</p> <ul style="list-style-type: none">-We are unable to leave our home in the morning or afternoon and return to a parking space in front of, or near our home.-We cannot have visitors, contractors or deliveries during these times because they cannot park on Regency Dr.-There is a unacceptable increase in car traffic, noise, pollution, and garbage due to 100s of extra cars and people parking in our neighborhood. This has lowered our property values and upset our enjoyment of our home and neighborhood.-Park visitors drive over the speed limit, park in our driveways, back up the wrong way down the street and many are rude and walk on our lawns
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to establish a resident only parking zone on Regency and Rialto Dr from 8am to 6pm.

Printed Name	Signature	Address	Comment	Date
Alexander E. Swietho		2 Rialto Dr.		5/16/18
Ron Cerruti		20 Rialto Dr.		5/15/18
John Antaki		32 Rialto Dr		5/15/18
April Dudley		21 Rialto Dr.		5/15/18
Bruce MacLean		43 Rialto DR		5/15/18
Michael WATSON		14 Rialto Dr.		5/15/18

Goals:

- Alleviate parking congestion in certain residential areas near the Mt. Diablo Regency Gate trailhead.
- Protect neighborhoods from polluted air, excessive noise, trash, and refuse caused by the entry and exit of non-resident vehicles.
- Protect the residents from unreasonable burdens in finding parking near their homes and gaining access to their residence.
- Promote traffic safety and the peace, good order, comfort, convenience, and general welfare of the residents.
- Preserve a neighborhood's quality of life by ensuring adequate parking for neighborhood residents.
- Encourage visitors of Mt. Diablo State Park to use designated staging area at Mitchell Canyon.
- Provide some reasonable parking for both short-term parking for visitors to the area, and to the residents displaying residential permits, but not assign or guarantee parking spaces for permit holders or visitors and guests.
- Regulate parking within a designated area in the least restrictive manner that best minimizes the spillover parking problem.
- Require vehicles parked during restricted hours to properly display a valid parking permit issued by the City, even if the vehicle is owned by a resident, or be subject to citation.
- Residential parking permits shall be subject to all other parking restrictions, i.e., the permit holders will not be able to park in yellow, green, red, and blue zones as well as other restricted parking areas outside of the neighborhood for which the permit is issued.

Resolved – The Council should direct staff to create a preferential parking program near the Regency Gate with the following characteristics:

- Designate certain impacted streets and potential substitution streets as permit only parking during certain hours, suggest 8am – 5pm on weekends and holidays. Have a certain number of guest passes per residence as well.
- Exclude areas at on Regency Dr. that is not in front of anyone's property. There is room to park approximately 20-25 cars there without permit at the end of Regency Dr., as well as 20 or more additional spaces on Regency near the old Seminary.
- For all other areas in front of or adjacent to people's residences, require permits.
- Make permits a periodic renewal. Have nominal fees to cover increased administrative burden with the overall goal of having the program be expense neutral to the City.
- Allow any city resident to obtain a temporary use permit
- Create a process that contemplates future permit zones, create criteria for additions to such a program:
 - Petition required with greater than a certain percentages of households in favor, suggest 80% with each household getting one vote
 - Upon receipt of petition, a survey should be conducted
 - Survey must demonstrate a certain number of parking spaces occupied over a certain time period
 - Should establish minimum radius of parking permit zone to avoid the issue of spillover

Other actions to pursue:

- Staff should work with Mt. Diablo State Park to pursue trash receptacles near trailhead in state park land
- Improve signage consistent with preferential parking program of sufficient size, visibility, and that directs visitors to Mitchell Canyon staging area

City of Clayton Preferential Residential Permit Parking Pilot Program

Proposal: 12 month pilot program

The City Council's stated purpose of this Program is to:

- Alleviate parking congestion in designated residential areas near the Mt. Diablo State Park Regency Gate trailhead.
- Protect neighborhoods from polluted air, excessive noise, trash, and refuse caused by entry, on-street parking, and exit of non-resident vehicles.
- Promote traffic safety and the peace, good order, comfort, convenience, and general welfare of the residents.
- Preserve a neighborhood's quality of life by ensuring adequate on-street parking for neighborhood residents.
- Encourage visitors of Mt. Diablo State Park to use its designated staging area at the terminus of So. Mitchell Canyon Road.
- Provide some reasonable parking for both short-term parking for visitors to the area and to the residents displaying residential permits, but not assign or guarantee on-street parking spaces for permit holders, visitors or guests.
- Regulate vehicles within a designated area in the least restrictive manner that best minimizes the spillover on-street parking problem.
- Require vehicles parked during restricted hours to display a valid parking permit issued by the City, even if a resident owns the vehicle, or be subject to citation and fine.
- Residential parking permits shall be subject to all other parking restrictions, e.g.: the permit holder shall not be able to park in yellow, green, red, and blue zones as well as other restricted parking areas outside of the neighborhood for which the permit is issued.

Regency Drive & Rialto Drive Preferential Parking Permit Program areas:

Option 1:

Regency Drive & Rialto Drive Preferential Parking Permit Program areas:

Regency Drive – the entire street; from Marsh Creek Road to the End, excluding the following areas that are not in front of any residence:

- The end of Regency Drive; and
- From the corner of Rialto Drive to the property line of 44 Regency Drive

Rialto Drive – the entire street; from Regency Drive to the End, excluding the following areas that are not in front of any residence:

- From Seminary Ridge to Regency Drive

Option 2:

Regency Drive & Rialto Drive Preferential Parking Permit Program areas:

Designate portions of Regency Drive and Rialto Drive as defined below as permit only on-street parking on designated days:

Regency Drive, North side of the street:

- From the corner of El Molino Drive to end of the property line of 157 Regency Drive

Regency Drive, South side of the street:

- From the corner of Rialto Drive to end of the property line of 176 Regency Drive

Rialto Drive, South side of the street:

- From the intersection of Seminary Ridge to the end of the street

Rialto Drive, North side of the street:

- The entire span of the street, from the corner of Regency Drive to the end of the street

Base Pilot program – similar to other jurisdiction programs

Duration of the Pilot Program: 12 months from the time of implementation.

- The Pilot Program will commence once all administrative actions are complete along with proper signage installed in the permitted area.

Permits to be required during the following days and times:

Days: Saturdays, Sundays and all City and Federal Holidays: New Year's Day, Birthday of Martin Luther King, Jr., Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, Day after Thanksgiving, Christmas Day.

Permit Time: Starts at 0800 hours (8:00 a.m.) and ends at 1700 hours (5:00 p.m.)

Vehicles parking in the permitted area during the restricted days and times must properly display a parking permit, or they will be subject to a fine.

Who is eligible:

- Residents living on Regency Drive and Rialto Drive whose dwelling faces the defined preferential permit areas.

Number of permits allowed:

(Note: Issuance of on-street parking permits implies no City or Program guaranty that on-street parking is available)

- The number of annual residential permits allowable to any eligible resident shall not exceed 2 (two)*. Permits will only be issued for vehicles that are legally registered in California to the resident at the resident's Regency Drive/Rialto Drive, Clayton address. Recreational Vehicles, trailers, boat trailers and Planned Non-Operational (PNO) registered vehicles are not eligible for inclusion in the City of Clayton Preferential Residential Permit Parking Program.
- No guest permits**, or;
- Limited guest permits – 2 (two) per dwelling.
 - Each dwelling within the preferential residential parking permit area which is the holder of one (1) or more valid permits shall be eligible to receive two (2) guest permits per dwelling unit. Guest permits will be valid for the duration of the permit program. Guest permits may not be used on vehicles registered to the residence of the residential permit holder. Guest permits are to be used by the resident's guest to whom they were issued, and cannot be sold. Any guest permit found to be used in violation of this will be revoked in the sole judgment of the City.

- Special event permits - Residents in the preferential residential parking permitted area will be eligible for a maximum of ten (10) free one-day, temporary, guest permits per special event. Special event permits are limited to a maximum of 4 times per calendar year, per eligible residence, and can be obtained by the residents of the permitted area by requesting them in person from the Clayton Police Department during regular business hours. Permits must be requested no later than 2 business days prior to the special event. No additional fee applies. Issuance of special event permits implies no City or Program guaranty that on-street parking is available on the day of the special event.

Staff considerations:

**The larger the number of permits allowed per resident the more of an impact there will be to available street parking for permit holders. It is recommended this number be limited to 2 (two) permits per dwelling. If City Council approves a number greater than 2 (two), it is recommended the maximum number of permits allowed shall not exceed the number of California registered vehicles to the specific dwelling.*

***Guest permits: it is recommended that no guest permits be issued as residents will have the option to purchase a permit for at least two of their legally registered vehicles, thus enabling them to park their vehicles on the street. This will allow space on their private property for their guests. The special events permits will allow for residents to host events and try to accommodate their guests parking needs.*

If the City Council approves guest permits, it is recommended these be limited in number, no more than 2 (two) per dwelling, as it will impact the available on-street parking spaces for regular permit holders.

Cost of permit:

- \$75 for the first annual resident permit, plus 2 annual guest permits (if allowed by Council) per dwelling;
- \$55 for any additional residential permit (as allowed by Council), no additional guest permits;
- \$25 Replacement fee.
- Fees are not prorated.
- Fee may be adjusted annually by Council Resolution in the City Master Fee Schedule.

Fines for permit parking violations:

- **\$45.00 per violation. Violations are defined as: Not properly displaying a valid permit while parked in the designated areas.**

Staff Considerations:

The suggested fees were derived from assessing staff time costs and materials costs. It is estimated that the time involved in processing and distributing a permit, along with procuring supplies and other related administrative tasks, will be one hour of staff time per permit. This time estimate will be reviewed during the pilot program and can/will be adjusted at the conclusion of the pilot program to reflect actual time incurred by the City.

Administrative staff time is approximately \$45 per hour, and permit supplies are estimated at approximately \$4-\$6 per permit. Other costs include street signage, sign installation and maintenance. The reduced fee of \$55 for a second permit (or any other subsequent permit the council allows) reflects the subtracted cost of guest permits, as it is suggested that no additional guest permits will be allowed.

The suggested fine for violations of \$45.00 is to discourage drivers from disobeying the restriction. The fine amount will be prominently displayed on the posted signage. When looking at other cities in California, the average fee for this type of violation is between \$40-\$50; Walnut Creek's fine is \$45.00, Concord's fine is \$40.00 and Pittsburg's fine is \$41.00. Currently, the highest fine for a parking violation in the city of Clayton is \$319 for Bus Zone, Blocking Wheelchair Access, or Parking in a Handicap space without a permit.

Staff explored setting a fine higher than \$45.00 but in consultation with the city attorney the following information was received resulting in the suggested fine of \$45.00:

The amount of the parking fine depends on whether the violation is an infraction or an administrative offense subject to a civil penalty. The CVC designates certain parking violations as infractions, which may be subject to a \$250 penalty. (CVC §§ 42001.5 [specified parking infractions]; 42001.6 [EV parking space infractions], 42001.13 [disabled parking provisions]; see also §42001 [default penalties for infractions].) All other parking violations are generally subject to a civil penalty. (CVC §40200(a).)

The authority to adopt a preferential parking permit program for residents is set forth in CVC §22507. Section 22507 does not indicate that it may be charged as an infraction, and therefore would be subject to civil penalties as set forth in Cal. Veh. Code (CVC) Section 40200 et seq.

State law allows local jurisdictions to set their own civil parking penalties. However, CVC Section 40203.5(a) requires issuing agencies within the same county to standardize parking penalties "to the extent possible."

Staff also explored a deterrent for violations by “towing” a vehicle, but does not recommend this option. The California Vehicle Code does allow for local authorities, by resolution or ordinance, to authorize the removal of vehicles if the signage posted gives notice of the removal, but this option would be time consuming to implement and very costly to each violator, including resident owners who might park an unpermitted on the streets during restricted times.

The vehicle code does not allow for officer discretion, and if adopted this punishment will apply to any vehicle found in violation. Additionally, the time involved to tow a vehicle is minimally 30 minutes per vehicle, and more likely up to an hour. In researching other cities’ preferential parking programs staff has not found one that uses “towing” as the punishment for these violations. It is the recommendation of staff to set a fine, as we believe a fine is sufficient to ensure the majority of people will abide by the restrictions.

Permits will be available by application:

- Residents must provide all requested information on the application form.
- Residents must provide evidence of residency and vehicle ownership, with the vehicle currently registered at the resident’s address. The vehicle must be currently insured, and registered with the California Department of Motor Vehicles, and not as a PNO vehicle. Appropriate evidence of residency shall include, but is not limited to, a current vehicle registration, current vehicle insurance, and a current bill providing proof of residency (mortgage statement, utility bill, property tax, etc.)

Revocation of permit:

- Permits may be revoked by the Clayton Police Department upon a determination that:
 - The permit holder has violated the terms of the pilot program.
 - The permit holder has falsified information on the application.

Exemptions:

- The following vehicles are exempt from having to display a permit:
 - Emergency Vehicles
 - Vehicles with disabled placards
 - Public Utility vehicles
 - Government vehicles being used in the course of business
 - Service delivery vehicles

Staff considerations

The California Vehicle Code exempts certain vehicles from having to comply with the restrictions set forth in this preferential parking permit program.

Optional Components to the Pilot Program

Option A

City of Clayton non-adjacent Resident permits:

Who would be eligible:

- City of Clayton residents who do not reside on Regency/Rialto Drive in the designated permitted areas.
- Limited to one per Clayton dwelling unit.
- Cost: \$75.00 per year. Costs are not prorated.
- Holders of this permit would not be guaranteed an available on-street parking space in the permitted areas.

Staff Considerations:

Staff does not recommend that non-adjacent City of Clayton resident permits be issued as we believe this is outside the scope of the law governing Preferential Residential Permit Parking, California Vehicle Code 22507.

California Vehicle Code 22507 is the governing authority on Preferential Parking Privileges and in part states:

*Local authorities may, by ordinance or resolution, prohibit or restrict the stopping, parking, or standing of vehicles....on certain streets.... The ordinance or resolution may include designation of certain streets upon which preferential parking privileges **are given to residents and merchants adjacent to the streets for their use and the use of their guests....***

Additionally:

A court has interpreted "adjacent to the streets" to require "general adjacency". (Bocato v. City of Hermosa Beach (1984) 158 Cal.App.3d 804, 811.) For example, a city may issue permits for a permit holder to park "around the corner or down one block" from the permit holder's residence or business. (Id. at 810-811.) Furthermore, the trial court in this case, "found an apparent conflict between Vehicle Code section 22507, permitting preferential parking for

residents and merchants “adjacent to” restrict streets, and the resolution’s authorization for preferential parking permits for all residents in the city, including those residences or businesses outside the restricted area. Thus the city was enjoined from issuing further permits for parking inside the preferential area to those outside the area.” (Id. at 807.) Therefore, we do not believe there is legal authority to issue permits to all City residents.

Furthermore, the more permits that are issued the greater impact it will have on available on-street parking spaces for permit holders who reside in the permitted area.

Option B

Temporary One Day Permits available to anyone who wants to purchase which would allow them to park in the permitted areas:

- Available to anyone, regardless of residency.
- Maximum number of daily permits is limited to 50 per day.
- Permits shall be pre-purchased online and self-printed.
- Permits must be displayed on the driver’s side dash board in a visible manner while parked in the permitted area.
- Cost: \$15.00

Staff Considerations:

Staff does not recommend that one day permits be issued as we believe this is outside the scope of the law governing Preferential Residential Permit Parking, California Vehicle Code 22507.

Additionally, this option would have a negative impact on the residents of the permitted area. It would reduce the number of available street parking spots and would allow for increased vehicle and foot traffic.

Also, this City does not currently have an online pay program and would have to invest in this resource. Our IT vendor (Digital Services) has quoted \$1,800 to develop a web-based system that will allow the public purchase and print out of temporary one-day permits, with cost recovery practices in place for this user-benefit component.

Criteria for future Preferential Parking Permit Areas

An area shall be evaluated for preferential residential permit parking eligibility, if, after meeting with City staff and being informed of the criteria used to determine eligibility, residents of the area submit an application meeting the following requirements:

1. The application must contain a statement outlining the ongoing, recurring draw or magnet that is impacting the available street parking in the residential area under consideration for residential permit parking. Seasonal, singular or periodic attraction is insufficient to cause a need for a preferential residential parking permit.
2. The application shall contain a description or a map showing the proposed residential permit parking area.
3. The application shall include a petition containing the signature, printed name, and address of the residents of at least sixty-seven percent (67%) of the dwelling units in the proposed area supporting the application.
4. At the top of each page of the petition shall appear the following statement, with the amounts of the residential and guest permit fees and proposed time restriction including:

"We, the undersigned, are residents of the proposed residential permit parking area described in this application. We request the proposed area be designated a preferential residential permit parking area by the City of Clayton, and if it is, understand that the following restrictions will be placed upon on-street parking within the area: _____; that residents of the area will pay for and be eligible to obtain permits exempting them and their visitors from such parking restrictions; that the annual fee for residential parking permits shall be _____ per permit. The fee may be adjusted annually by Council Resolution.

An area for which an application meeting the above criteria requirements has been received shall have its eligibility for permit parking determined on the basis of criteria listed below, as determined by a traffic engineer:

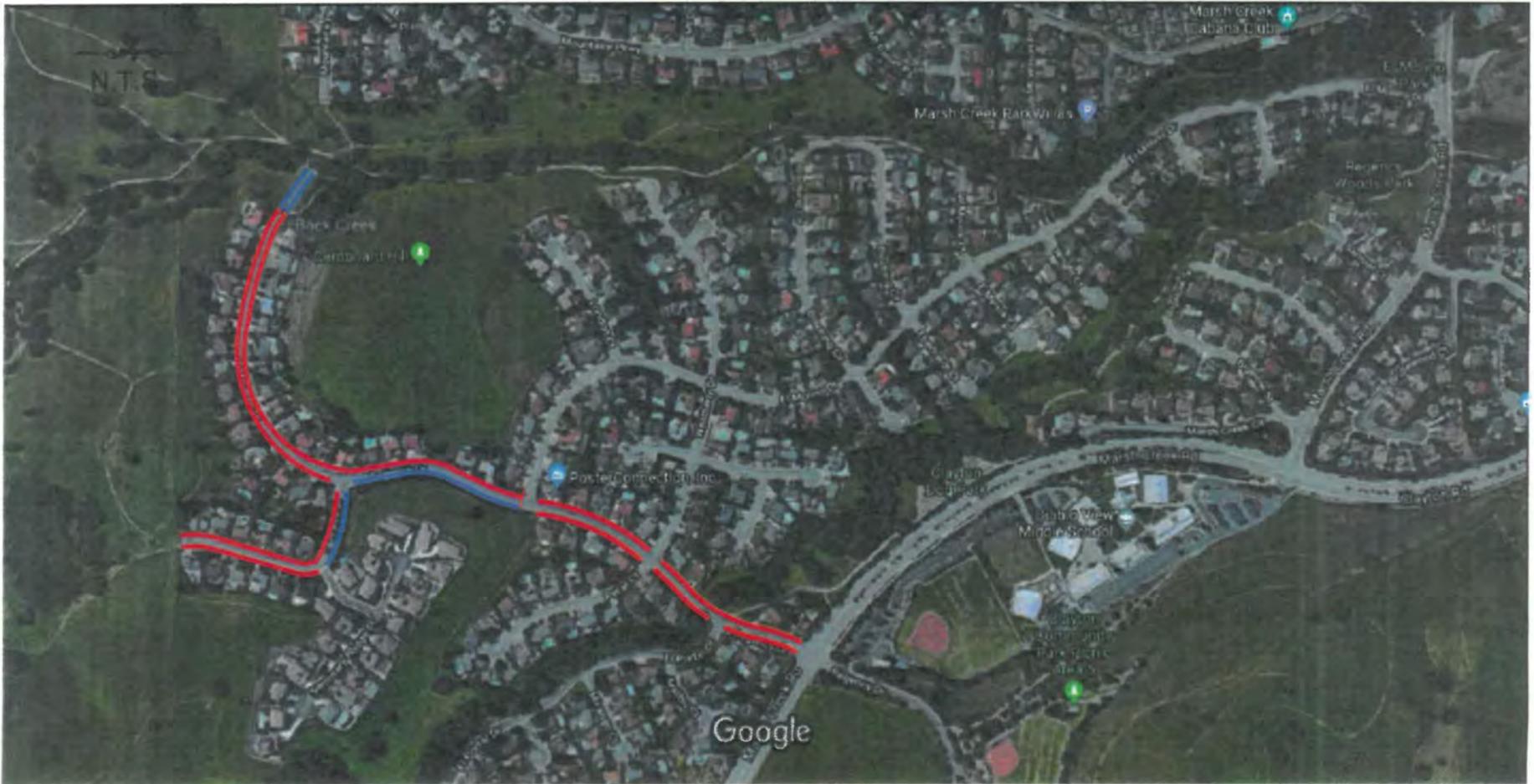
1. A minimum of eighty percent (80%) of all on-street parking spaces within the area must be occupied during any two (2) peak parking hours on at least fifty percent (50%) of proposed days, during a consecutive two (2) week period; and
2. A minimum of twenty-five percent (25%) of the vehicles parked on the street during the aforementioned time period must be registered to nonresidents of the area.
3. All fees and costs associated with the request for preferential parking will be borne by the applicant. A deposit of \$2,500 to process the application will be required of the applicants with the City's receipt of the application.

Discussion points

This mirrors much of what the City of Walnut Creek requires for consideration of preferential permit parking requests, and applies well to the City of Clayton. The City of Clayton must have a Traffic Engineer conduct the required surveys and data collection. This work should be reimbursable to the City by the group requesting the parking permits.



Preferential Permit Parking Pilot Program: Regency Drive and Rialto Drive



Preferential Permit Parking Locations: 

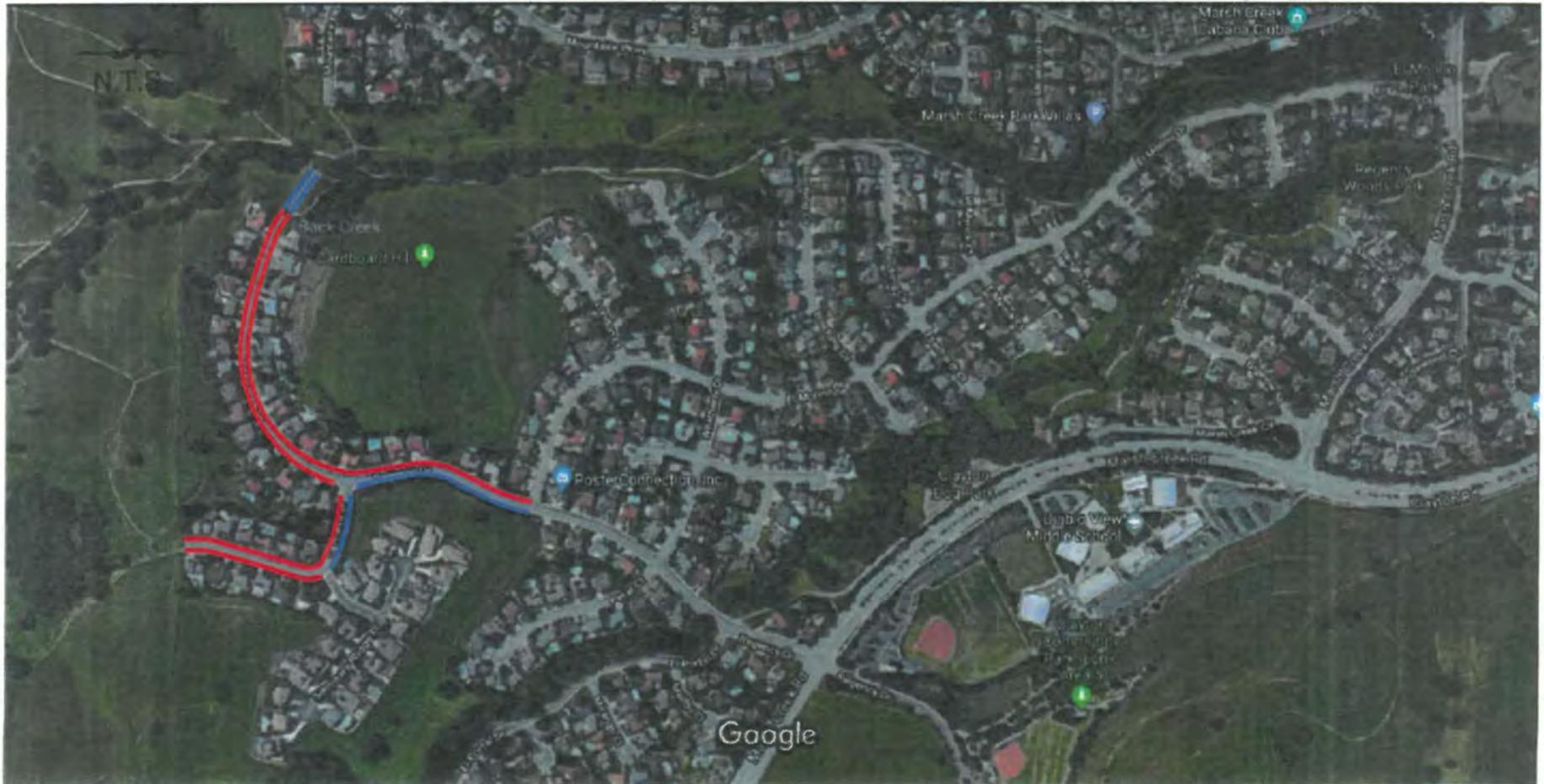
Non-Permit Parking Locations: 

Permit Parking Signs to be Placed at Approximately 100 foot Intervals.

Imagery ©2019 Google, Map data ©2019 Google 200 ft 



Preferential Permit Parking Pilot Program: Regency Drive and Rialto Drive



Preferential Permit Parking Locations: 

Non-Permit Parking Locations: 

Permit Parking Signs to be Placed at Approximately 100 foot Intervals.



18" x 12" – Standard Size

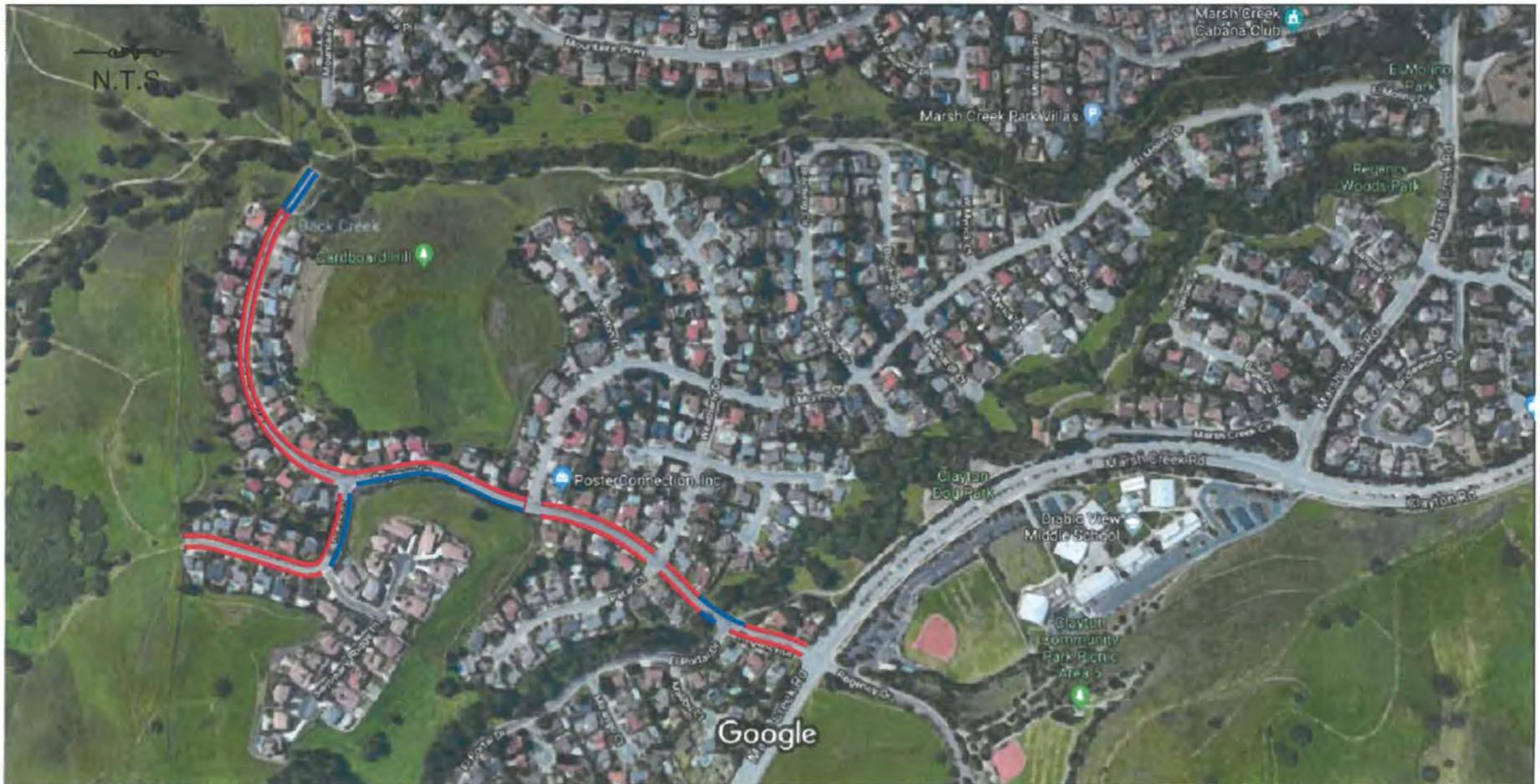
ADDENDUM NO. 1

Item 8(a)

March 19, 2019



Preferential Permit Parking Pilot Program: Regency Drive and Rialto Drive



Imagery ©2019 Google, Map data ©2019 Google 200 ft

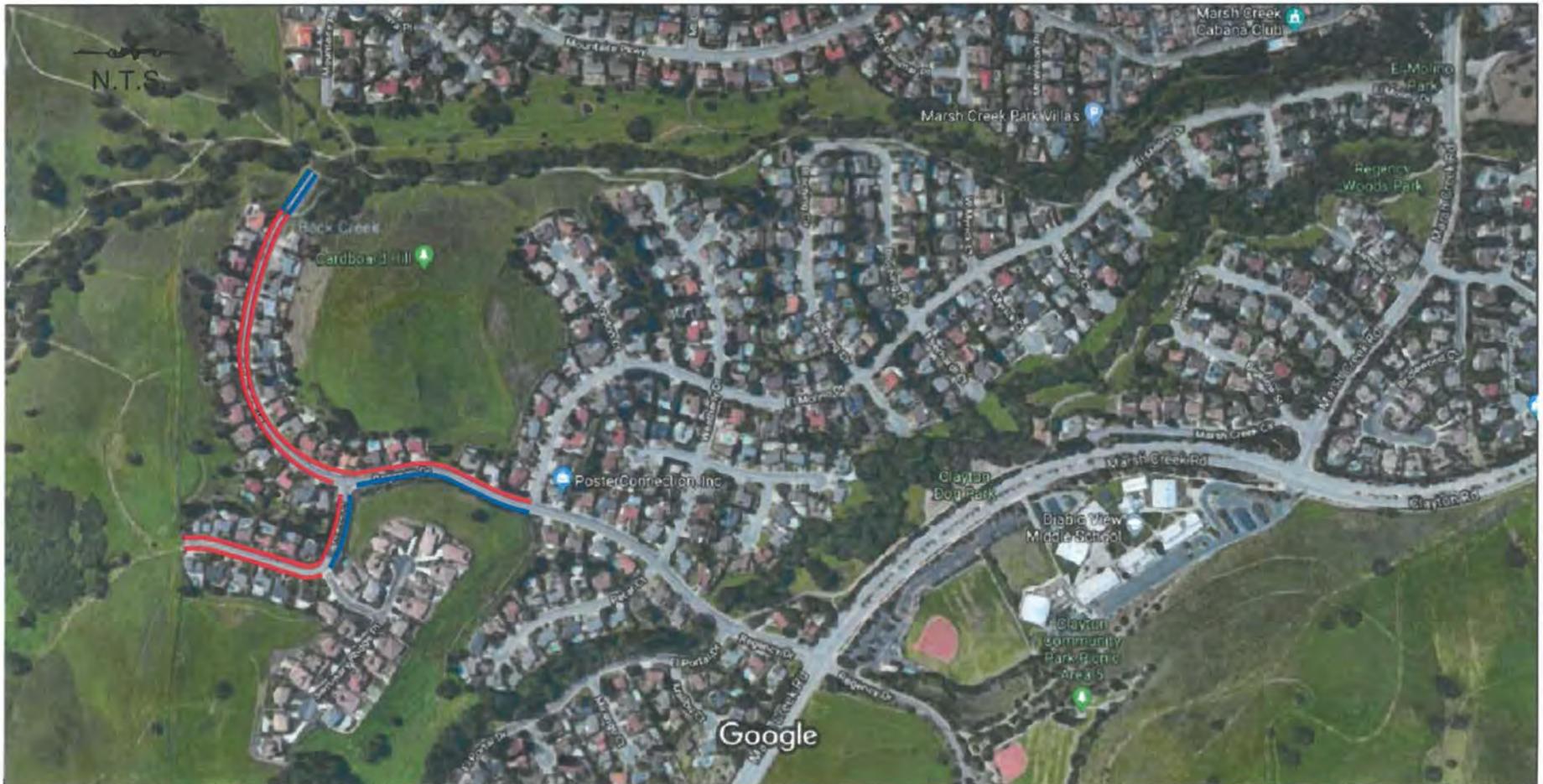
Preferential Permit Parking Locations: 

Non-Permit Parking Locations: 

Permit Parking Signs to be Placed at Approximately 100 foot Intervals.



Preferential Permit Parking Pilot Program: Regency Drive and Rialto Drive



Preferential Permit Parking Locations: 

Non-Permit Parking Locations: 

Permit Parking Signs to be Placed at Approximately 100 foot Intervals.

Regency Drive and Rialto Drive Preferential Parking Permit Pilot Program (RD ² P ⁵)				
	Option 1		Option 2	
Designated Area:	<p>Regency Drive - the entire street; from MCR to the barricade, excluding the following areas that are not in front of any residence which are:</p> <p>---From westerly PL of 157 Regency to barricade and westerly PL of 176 Regency to barricade.</p> <p>---From curb return at Rialto Drive to the westerly PL of 44 Regency.</p> <p>---From southerly PL of 7 Regency Drive to northerly PL of 15 Regency Drive (Dog Park)</p> <p>---From northerly PL of 20 Regency Drive to curb return at El Portal.</p> <p>Rialto Drive - the entire street; from Regency Drive to the end, excluding the following areas that are not in front of any residence which are:</p> <p>---Curb return at Seminary Ridge to curb return at Regency.</p>		<p>Regency Drive-North side of street: From curb return at El Molino Drive to westerly PL of 157 Regency Dr.</p> <p>Regency Drive-South side of street: From curb return at Rialto Dr. to westerly PL of 176 Regency Dr.</p> <p>Rialto Drive - the entire street; from Regency Drive to the end, excluding the following areas that are not in front of any residence which are:</p> <p>---Curb return at Seminary Ridge to curb return at Regency.</p>	
Parking Space Inventory:	<u>Regency Drive:</u>	<u>Rialto Drive:</u>	<u>Regency Drive:</u>	<u>Rialto Drive:</u>
Parking Spaces available on residential properties:	230	64	156	64
Parking spaces available on the street:	104	30	75	30
Parking spaces outside of the designated permitted area - No Permit Required:				
---From westerly PL of 157 Regency to barricade and westerly PL of 176 Regency to barricade.	16	N/A	16	N/A
---From curb return at Rialto to the westerly PL of 44 Regency Dr. (El Molino)	29	N/A	29	N/A
---From curb return at Seminary Ridge to curb return at Regency.	N/A	12	N/A	12
---From southerly PL of 7 Regency Drive to northerly PL of 15 Regency Drive (Dog Park)	0	N/A	N/A	N/A
---From northerly PL of 20 Regency Drive to curb return at El Portal.	0	N/A	N/A	N/A